LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Fifth Session - Sixteenth Legislature
39th Day

Thursday, April 8, 1971

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

MOTIONS
HOUSE ADJOURNMENT

HON. D. V. HEALD (Attorney General) moved, seconded by the Hon. Mr. McIsaac (Minister of Education:

> That when this House adjourns on Thursday, April 8, 1971, it do stand adjourned until Monday, April 12, 1971.

Motion agreed to.

QUESTIONS
ENQUIRY RE PROGRESS PAYMENTS TO CONTRACTORS

MR. A. E. BLAKENEY (Leader of the Opposition): — I should like to ask a question of the Government. In view of the allegations of the former Minister, Mr. Gardiner, that among others, that progress payments to contractors were withheld if the contractor had not made his contributions to the Liberal Party. In view of the fact that we haven't heard any comment from the Government for the last couple of weeks on those charges, I wonder if the Premier would advise whether the Government is prepared to establish a judicial enquiry to examine into these charges and remove any suggestions which may exist that the charges are true.

HON. W. R. THATCHER (Premier): — Mr. Speaker, the charges of the former Minister are as unfounded, as the charges that Mr. Mitchell makes about Hon. friends opposite. We shall not comment on Mr. Gardiner's allegations at present. But perhaps at an appropriate time an answer will be forthcoming.

This Government invariably takes low tenders for contracts unless it is for some out-of-province contract or for some other extenuating circumstance.

SOME HON. MEMBERS: Hear, hear!

ANNOUNCEMENTS
ROSETOWN WESTERN CANADA INTERMEDIATE HOCKEY CHAMPIONSHIP

MR. G. F. LOKEN (Rosetown): — Mr. Speaker, before the Orders of the Day, I should like to inform this Assembly that the Rosetown Redwing Hockey Team has won the Western Canada Intermediate Championship . . .

SOME HON. MEMBERS: Hear, hear!

MR. LOKEN: — . . . defeating Lloydminster three games out of four in the best of five game series. I know that the Members will join with me in extending congratulations to the Rosetown team and best wishes along the playoff trail.

SOME HON. MEMBERS: Hear, hear!

MR. M. KWASNICA (Cut Knife): — Mr. Speaker, I too wish to add my words to those of the Member for Rosetown in wishing the Redwings good luck in their next level of play. As you are aware, they defeated the Lloydminster Border Kings three games to one. I should like to wish them good luck in their future endeavors.

SOME HON. MEMBERS: Hear, hear!

MOTIONS

INTERSESSIONAL COMMITTEE TO STUDY LIQUOR LAWS

MR. THATCHER: — Mr. Speaker, I think that the purpose of this motion is self-evident and I believe it will be non-controversial. The Resolution proposes that an Intersessional Committee of Legislative Members will be established to study all aspects of our liquor laws. We will suggest that five Government Members be appointed and three Opposition Members, before the end of the Session. It is now 13 years since the last committee of a similar nature made recommendations for change. Even the wording of the Resolution, Mr. Speaker, is similar to the one 13 years ago. Personally I feel that our present liquor laws are generally adequate, I think they serve the needs of the people. However, there are widespread demands for certain changes particularly from the hotel industry. Since the last committee held hearings in 1958, there have been gradual changes in the attitude of our citizens toward our liquor laws. By and large, I should say that the attitudes have changed towards the liberalization of our laws, but certainly not everyone feels that way. In any event over the last few years, and particularly the last year, we have received numerous requests from many groups and individuals. We have therefore decided to establish this committee so that the merits or demerits of the requests may be assessed in a non-political way.

As Minister in charge of the Liquor Board and the Liquor Licensing Commission, I can tell the House that there are many thorny questions which I should hope the committee would consider. For example should liquor be served with meals on Sunday? Should beer parlors be allowed to serve hard liquor as in Manitoba? The hotel industry has made this request time and again. Personally I should be most opposed to that suggestion. Should our advertising regulations for liquor be changed? Some people feel we should enlarge them. Others think we should do like Mr. Bennett and ban liquor advertising altogether. Should the sale of beer or liquor in restaurant outlets be expanded? Should hotel men be considered as liquor vendors? Should beer be sold at football or hockey games as in Manitoba? It is surprising how widespread are the requests for this change. Should the hours of sale in beverage rooms be changed? Should we allow entertainment in these establishments? Should the price of beer be fixed? There is a very widespread request from the hotel industry that we should take the ceiling off the price of beer, and let it be set by supply and demand. That does take place in

other provinces. I am not sure what the answer is. Should beer parlor licenses be allowed on our university campuses? Probably Hon. Members know that student bodies feel rather strongly about this suggestion. Or, on the other hand, should our liquor regulations be left alone or even tightened? These are just a few of the rather complex questions that face the Government at the present time.

As they carry out this work, I should hope that the Committee might perhaps visit other provinces as they did in 1958 to look at the laws in those jurisdictions. Certainly I think they should invite briefs, both verbal and written, from interested persons throughout Saskatchewan. I certainly hope, Mr. Speaker, that the churches and the temperance groups will present briefs as well as those on the other side. Perhaps it would expedite the process if this committee visited various cities throughout our province and heard briefs. In general then, I should expect that the committee on a non-political basis would thoroughly investigate these problems and make recommendations at the next Session of the Legislature.

Then the Legislature can decide whether or not our present laws are adequate, or whether reforms would be in the public interest. In my opinion, the whole approach should be cautious and painstaking, because the matter is vital to the health and to the well-being of many people. I therefore move, seconded by Mr. Steuart (Provincial Treasurer) the following motion:

> That, pending a complete review of the legislation relating to the distribution and sale of alcoholic beverages in Saskatchewan, and the Regulations thereunder, a Special Committee of eight Members, to be named at a later date, be appointed to conduct an inquiry, following Prorogation of the Assembly and during the inter-Sessional period, into all aspects relating to the sale of liquor in the Province;
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> and that such Committee will have power to send for persons, papers and records, and to examine witnesses under oath; to receive representations from interested parties and from members of the general public, and for this purpose to hold meetings away from the seat of Government in order that the fullest representations may be received without unduly inconveniencing those desiring to be heard; and
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> That this Special Committee be further instructed to submit its final report to the Assembly not later than the tenth sitting day of the next ensuing Session.

MR. A. E. BLAKENEY (Leader of the Opposition): — Mr. Speaker, we on this side of the House do not find ourselves in opposition to this motion. We are not convinced that major and over-riding changes are necessary in the distribution and sale of alcoholic beverages in Saskatchewan and in the regulation thereof. But we, like the Premier, think that there are probably areas for some change and there may well be further areas which at least require inquiry in order to ascertain whether there should be changes. The Premier has given a list of problem areas if one might put it that way, at least in some people's minds. I think all of us could add to the list; the position of private clubs, and generally their place in the

distribution and sale of alcoholic beverages; the position of a licensee when he deals with a Liquor Licensing Commission - I have had representations from licensees who feel that they really do not have adequate protection against what they deem to be arbitrary decisions of the Liquor Licensing Commission; I am sure that whether or not the decisions would be arbitrary would depend a great deal on your point of view.

I think that a couple of areas which the Premier has mentioned are areas of particular concern in the sense that we find our practices in Saskatchewan at variance with those in other provinces. All in all, I think that a case has been made out for some additional inquiry. The Premier suggests five Government Members and three Opposition Members. We don't really quarrel with that distribution, since it is obviously clear that the Government will want a majority and it is unlikely that any divisions which appear on the committee will be along party lines. That was not the case in the previous committee, back in the late 1950s and it is unlikely to arise here. Accordingly, since there are areas which might well profit from an inquiry by a Legislative Committee, I find myself in support of the motion.

Motion agreed to.

SECOND READINGS

HON. A. C. CAMERON (Minister of Mineral Resources) moved second reading of Bill No. 62 - An Act to amend The Mineral Taxation Act.

He said: Mr. Speaker, the amendment to the Act is comparatively simple. Members will recall that some five or six years ago we passed an amendment to The Mineral Taxation Act which exempted all individual land owners from payment of the mineral tax. We did this in order that no farmer in Saskatchewan would henceforth lose his minerals through forfeiture because he neglected to pay the tax. No farmer has since done that. We did however insist that the trust companies and large corporations continue to pay the tax which they have done. Members will recall that last session we brought in an amendment raising the taxes considerably on the large corporations holding an excess of so many acres. This was aimed primarily, of course, at the railroad companies. Since then we have found there has been an attempt by some trust companies and corporations to transfer the title of the minerals from the corporation to the names of individuals in order to evade the responsibility of any mineral tax. In essence, all we are doing is to keep one jump ahead of these people by saying that an individual now, be considered to be an individual on any acreages of 3,200 or less. We can't conceive of any farmers or any individual owning more than 3,200 acres of mineral rights not of land, but of mineral rights. So we think this will still exempt the individual and will prevent the trust companies and the corporations from transferring minerals in title to individuals to avoid the obligations under the Act if and when it is proclaimed.

Motion agreed to and Bill read a second time.

HON. G. B. GRANT (Minister of Health) moved second reading of Bill No. 10 - An Act to amend The Tuberculosis Sanatoria Superannuation Act.

He said: Mr. Speaker, The Tuberculosis Sanatoria Superannuation

Act is administered by the Saskatchewan Anti-Tuberculosis League for the benefit of its employees. All the amendments in this Bill were proposed by the League. Some of the amendments that have been proposed are to bring the provisions of this Act in line with The Pension Benefit Act 1967. One of the amendments made for this purpose provides that where a person who leaves the employment of the League before becoming entitled to superannuation is at least 45 years of age and has been employed by the League for at least ten consecutive years shall be entitled to a deferred superannuation allowance at the age of 65 years.

Another amendment related to The Pension Benefit Act 1967, provides that the League may invest superannuation funds in any of the securities specified in the regulations made under the Act. The third amendment made in this regard will require the League to furnish each employee with a copy of The Tuberculosis Sanatoria Superannuation Act and the regulations made thereunder, and any amendments to the Act and regulations made from time to time.

Another amendment refers to a person who has been employed by the league for at least 15 consecutive years and who leaves employment because his position is abolished. This person will become entitled to a deferred superannuation allowance at the age of 65 years if he makes an election in that regard within one year after leaving employment. If he does not make an election or if he changes his mind before he reaches the age of 65 years he will be entitled to a refund of the superannuation contribution made by him with interest.

Another and final amendment, increases the maximum annual salary in respect of which superannuation contributions are paid from $10,000 to $11,500. The provision fixing the maximum superannuation allowance claim as at $4,200 is being repealed.

Mr. Speaker, with that explanation I move that this Bill be now read a second time.

Motion agreed to and Bill read a second time.

HON. D. V. HEALD (Attorney General) moved second reading of Bill No. 53 - An Act to amend The Summary Offences Procedure Act.

He said: Mr. Speaker, Members will recall, I think it was two years ago, that we put provisions in The Summary Offences Procedure Act which enabled the law enforcement people in the province rather than laying charges for intoxication where there was no other offence involved - just a case of somebody getting drunk - we enabled the law enforcement people to lock them up when they were drunk and then to let them out in the morning without charges against them. I think Members might be interested to know that our evaluation of this program is that in a general way it has been working quite well in the province. The police forces like it, I think the public likes it. It has cut down a lot of clutter in the courts. Really it doesn't make sense, I feel, to treat people who in many cases are sick in the sense that they have a drinking problem, maybe it's a medical thing, or a psychological thing more than a criminal thing.

What we were doing to some of these people was giving them a very lengthy record of offences under The Liquor Act of our province so we started this program two years ago and by and

large it has worked very well. However, there are some areas of the province and some situations where they are encountering a lot of repeaters. In other words, a chap is picked up in January and he is let go and not charged and then he is back two or three days later, so you get the situation where you have repeaters. Now there aren't many in this category but there are some and there is absolutely no deterrent at all. The RCMP have recommended to the Government that in these cases where they have these very, very bad repeaters they should have a discretion where, say more than twice a year where somebody has been picked up on this liquor charge more than twice in a 12-month period, a police officer should have a discretion to lay a charge. That's what this amendment is about. We feel that the police are put in a position where in these aggravated cases, these steady customers if you like, there may have to be some deterrent, so they are given some discretion. So that's what Section 3A is about. Where a police officer finds a person who, in the opinion of the peace officer, is intoxicated in a public place and (b) the person has been taken into custody pursuant to Section 3 on two or more previous occasions in the preceding 12-month period, the peace officer may lay a charge under Section 105 of The Liquor Act. It's a bit of a variation from our previous policy to cover certain situations in covering certain individuals who are notorious repeaters.

With that short explanation, Mr. Speaker, I would move second reading.

MR. R. ROMANOW (Saskatoon Riversdale): — Mr. Speaker, we shall not be opposing this Bill on second reading but I should like to make an observation with respect to it. Members will recall, as the Attorney General said, that this legislation, when it was initially introduced, was criticized by ourselves to the extent that there was no question of a right of appeal or some check against what we thought could be arbitrary police powers in the determination of who the person was going to be that suffered the consequences of a 24-hour lockup. Perhaps, in Committee, I might be able to direct further questions as to this particular concern of mine and I know several others on this side who have questions on that aspect of the Bill.

Now the Attorney General's comments, Mr. Speaker, appear to point out some difficulty in the way the Bill has been operating as the Attorney General has said. I am not here to exaggerate the difficulties. I want to say that the concept of treating people who have an alcohol problem from a medical standpoint as opposed to a criminal law-enforcement standpoint, is the more desirable one of the two. I think to that extent, the Bill was a worthwhile step forward. But, nevertheless, the amendment does point out that there are some constant repeaters in some areas, at any rate, who do require prosecution. The point that I wish to make today is that I think that this amendment probably points out the need to have a very meaningful and effective parallel medical program to treat alcoholics or people who have an alcohol problem, parallel to any law enforcement proceedings. That is to say, putting them in overnight on a 24-hour basis without any further medical treatment or any referral to the Alcoholism Commission or people under the Alcoholism Commission, just goes to show that what we are doing is just putting the difficulty out of sight for a 24-hour period or removing the person so that he doesn't clog up a main street or a particular area. But we

are not getting to the root causes of this particular problem. So I don't see any reason for opposing in principle the purpose of this Bill which is, of course, to give the option that the Attorney General talks of. I simply raise for the consideration of the Members this larger problem that I think the amendment points out and that is to say more of a concerted attack is needed by society on a parallel medical program for the treatment of alcoholics and people who have a problem with alcohol concurrent with legislation of this nature.

MR. HEALD: — Mr. Speaker, I am in agreement with the remarks of the Member from Saskatoon Riversdale. I couldn't agree with him more that medical attention and paramedical units are the answer to this problem. I should remind Members that, of course, the Alcoholism Commission is moving along the road indicated by the Member for Riversdale. There is a detoxification unit in existence and in operation in Regina, there is also a detoxification unit in operation and in existence in Estevan. The Minister of Health (Mr. Grant) tells me that hopefully before too long there will also be a unit in the city of Saskatoon. So this is the answer, this is a medical or quasi-medical problem and the Alcoholism Commission are moving along these lines.

Motion agreed to and Bill read a second time.

HON. D. T. McFARLANE (Minister of Agriculture) moved second reading of Bill No. 54 - An Act to amend The Live Stock Loans Guarantee Act.

He said: The purpose of this amendment is to extend this Act to include loans made to Indian Band Councils which because of their unique organizational structure are excluded under the present Act. The Live Stock Loans Guarantee Act has made a notable contribution to the diversification of our agricultural industry. A total of $29 million has been loaned under this program which has assisted 7,883 persons in the purchase of approximately 124,700 beef cows, 4,500 dairy cows and about 16,900 sheep. In 1967 we undertook a joint program with The Agricultural Rehabilitation and Development Act to assist in the development of Indian reserves. One part of the program is to develop community pasture and forage projects that they would operate themselves. The other part is to assist in the development of lands so that individual Indian farmers could develop economic units. The Provincial Agriculture Department provides the supervision and administration of the policy and we are reimbursed by ARDA for the full cost of land development and the cost of extension services.

The program has been an active one and appreciated by Indian people. It has assisted 76 individual farmers on reserves to expand their cultivated acreage. There are 29 reserves with community pasture or fodder projects. So far this project has resulted in the improvement of 10,000 acres plus the fence building, corral construction, water sites, etc., that go with the construction of a community pasture. Contracts are all supervised by Indian people themselves and they have done much of the ancillary work. There appears to be an important gap in sources of credit to Indian Band Councils for livestock purchase. They have asked that the sources of credit open to The Live Stock Loans Guarantee Act be opened to Indian Bands. Then through this means a Band can where it wishes, undertake to operate its own herd. The amendment will offer a 75 per cent guarantee to

banks or credit unions for loans made to Indian Band Councils to buy breeding stock. As with other corporations they could borrow up to $18,000. The guarantee is on the aggregate value of loans made by a chartered bank or a credit union. The amendment before the House will round out the program now offered on Indian reserves toward agricultural development.

With those few remarks, Mr. Speaker, I move second reading of this Bill.

Motion agreed to and Bill read a second time.

HON. D. HEALD (Attorney General) moved second reading of Bill No. 35 - An Act to amend The Companies Winding Up Act.

He said: Mr. Speaker, this amendment was prompted by a resolution of the Law Society passed at their convention last May. At the present time the powers of the liquidator for investment of capital not immediately required in the course of liquidation is in a very limited range of securities of, or guaranteed by, the Federal Government or by a provincial government. The amendment would, subject to the direction of the inspectors under the liquidation or with the approval of the court, allow investment in guaranteed trust or investment certificates or notes of a trust company or in promissory notes, certificates of deposits or deposit receipts of a chartered bank in addition to the investments presently authorized. Now in the first instance, Mr. Speaker, I introduced this as a non-controversial Bill and we had a very good discussion about this in the non-controversial Bills Committee so I withdrew it because I thought I should have another look at it. There was some question raised as to why in the new subsection 5 in (a) it refers to 'at the direction of the inspectors or with the approval of the court', talking about the kinds of securities; and then (b) with the approval of the court for Government securities either Federal or Provincial. The intention of the amendment is to provide for investment in short-term securities without requiring the approval of the court. Now, the approval of the court is required with regard to investment in Government bonds, which although they are a higher type of security do carry a risk of capital loss in a falling market, and a risk that is not present with these term deposits, these other short-term securities. So that is why in the one case it was considered desirable to have court approval and in the other the approval of the inspectors. That's why we have made provision for these short-term investments on the direction of the inspectors in the winding up proceedings or alternatively, with the approval of the court.

Now, of course, Mr. Speaker, the short-term investments provided for in the amendment would all be covered by The Canada Deposit Insurance Act for an amount up to $20,000 in the case of any one financial institution. Reference in that Act is to deposits by a person which under The Interpretation Act would include a corporation and, in particular, monies deposited by a corporation in liquidation. Similar authority for short-term investment is contained in numerous other Acts including The Trustee Act without limitation to $20,000 on the basis that a careful investor would not place more than $20,000 in such securities of any one financial institution and that this same caution could reasonably be expected of an inspector in winding up proceedings who would be responsible for the investment. So that's the reason why I think the amendment is a desirable one

and sort of recapping it again, the reason why in (a) there is an alternative either at the direction of the inspectors or with the approval of the court and why in (b) there has to be court approval is because (b) talks about government bonds which are long-term investments and (a) talks about short-term investments. The difference is, of course, there is a danger in long-term investments, no matter how safe they are there is a danger of loss because some of these long-term investments do go down.

So with that explanation, Mr. Speaker, I would move second reading.

MR. BLAKENEY: — A very brief comment, Mr. Speaker. I agree with the Act and I agree with the distinction drawn by the Attorney General in respect of short-term investments and long-term investments. I should have preferred if the Act had indicated that the investment referred to in 5(a) were to be short-term and the ones in 5 (b), long-term. I am not sure whether there are trust company indebtednesses or bank indebtednesses which are long-term and which might come under (a) and I am sure that at times there have been short-term investments which would come under (b), since I know that the Government of Saskatchewan had, from time to time, put out Treasury Bills which would have been a relatively desirable short-term investment. I am not in any way quarrelling with the thrust of the Bill. It would be my suggestion that the law officers might look at it sometime so that when the next amendment comes around they might attempt to define the distinction between short-term and long-term in a way other than that which has been selected in this particular Bill.

Motion agreed to and Bill read second time.

HON. G. B. GRANT (Minister of Health) moved second reading of Bill No. 55 - An Act to amend The Saskatchewan Medical Care Insurance Act.

He said: Mr. Speaker, all of the amendments contained in this Bill are concerned with Section 45 of the Act. Back in 1965 the basic authority contained in Section 45 was first enacted. It was intended at that time to provide some basis for control over the occasional over-servicing by physicians and patterns of unusual medical practice. One provision authorized the Commission to make payment on certain insured services provided by a physician to one or more beneficiaries at a lower rate than the general rate of payment made by the Commission for such services. This provision would be applied on a current basis whenever accounts came in from physicians relating to the services for which the lower payment was to be made. Actually this provision has never been applied. The other provision contained in this section authorized the Commission or a medical officer of the Commission to re-assess accounts relating to certain services provided by a physician for which payments had already been made by the Commission. The Commission was authorized to recover payments from the physician affected, equal to the difference between the amount as determined by the re-assessment and the amount originally paid. Both kinds of actions or decisions made by the Commission were stated to be subject to the approval of the Council of the College of Physicians and Surgeons of the Province of Saskatchewan. When this section was first enacted the Council of the College reviewed a variety of cases and approved the re-assessment of accounts in several instances. In 1965 the Council

re-assessed accounts and made recoveries from physicians effective on five occasions. Since the year 1965 statistical information has been furnished to the Council of the College by the Commission from time to time concerning various cases. The Council of the College has not approved the re-assessment of accounts in any of these instances and the Commission has taken no action under this section. The Council of the College has occasionally questioned whether its participation in the provision of this section is an appropriate function for the College to be carrying out. It has been concluded by my colleagues and by me that this section should be amended to provide an alternative to the Council's agreement being required. This section is, therefore, being amended to provide that the Commission may take action under this section with the agreement of the Council or on the recommendation of the Committee. This Committee is stated to be a Committee of five persons of whom the majority shall be physicians engaged in the practice of providing insured services. The Council of the College was consulted with respect to this proposed amendment. They expressed some concern as to whether this amendment could authorize the Commission to lower general rates of payments being made for services being provided by all physicians in the province. This would certainly not be the intention of the Commission and a new sub-section has been added to assure the medical profession that this is not intended.

Another item that members opposite have brought to my attention and asked for clarification is sub-section 2 of Section 45. This does not apply in any case where payment for the services in question has been made to the physician directly by the patient. This is so because sections 22 and 23 state, in effect, that where the physician is paid for services rendered directly by his patients he will not be subject to the provisions of the Act except to provide sufficient information to enable them to be paid under the Act for the services received.

Mr. Speaker, with this explanation, I shall now move second reading of this Bill.

MR. BLAKENEY: — My comment is really by way of notice of question. While it is true that Section 45 will not apply to any physician where the reimbursement option is used, is it equally accurate that the amount which a patient might recover by using the reimbursement option cannot be affected by this Section 45?

MR. GRANT: — Yes, Mr. Chairman, there is no doubt according to my officials.

Motion agreed to and Bill read a second time.

HON. J. C. McISAAC (Minister of Education) moved second reading of Bill No. 56 - An Act to amend The School Act.

He said: Mr. Speaker, Bill No. 56 is one that contains a number of amendments to The School Act and I believe that in most respects the amendment to Section 237 is perhaps the most significant change that is being proposed here. The provision which I refer to in Section 237 is one that deals with the question of teachers' tenure on the one hand and the right of a school board to organize its programs and classes in the various schools of their district on the other hand.

Now over the past good many years in this province a good deal of legislation has accumulated bearing on the contractual arrangements between school boards and teachers. In this province, these arrangements are governed mainly by two statutes, The School Act itself and The Teacher Tenure Act. And the latter one, The Teacher Tenure Act, essentially provides for the status of tenure teachers and they are so defined in that Act, as I am sure Members are aware. The School Act, on the other hand, provides for contractual arrangements and for procedures to apply where contractors are to be terminated. Provision is made in The School Act for appeal by a teacher or by a board where either feels there has been any injustice with respect to termination of an agreement. And this appeal is provided for by way of a board of reference which, in actual fact, is what you might call an arbitration board because the findings are binding and the establishment of the board follows the establishment procedures of arbitration boards.

The objective of all of these provisions, Mr. Speaker, is to ensure orderly and reasonable procedures in the contractual arrangements between boards and teachers. The teacher is assured of tenure as long as he's giving satisfactory service, and boards in turn, are assured of that teacher carrying out his contractual undertakings. And I think, Mr. Speaker, it is fair to say that these provisions have served well throughout the years. This isn't to say that everything has been sweetness and light in all cases, but generally speaking, it has. Teachers have as much or more protection with respect to tenure in Saskatchewan as we find in any other province. I believe it is fair to say too, Sir, that over the years boards of reference have certainly demonstrated that they have dealt with these particular disputes in a very fair and objective manner.

Now during the past year, there have been several terminations of contracts which have resulted in disputes or points of law and so on. These disputes turned on the fact that present law is being interpreted in The School Act to mean that a tenure teacher cannot be terminated even where his services are surplus to the requirements of a school. Dismissals under The School Act in respect to tenure teachers are, of course, subject to the provisions of The Teacher Tenure Act. Tenure Act sets out the conditions under which a termination may occur, and it may be an over-simplification to say that these conditions relate almost entirely to the unsuitability of the teacher for the teaching job that he is holding. At least, it has been so interpreted in a recent legal action involving such a case.

Now in The School Act, Section 237 provides that a board may terminate an agreement at June 30th. It also provides where termination is at a time other than June 30th, for an appeal to a board of reference. There is no provision spelled out in the current legislation, The School Act or otherwise, spelled out specifically under which the contract of a tenure teacher may be terminated when his position has been abolished or no longer exists. Theoretically, and if carried to the extreme, Mr. Speaker, the teacher having tenure could insist on holding a position which no longer exists and even in many cases where a school in itself was no longer there.

I am advised by department officials and indeed officials outside of the department that it has always been assumed in all of this legislation dealing with tenure that nothing prevented a board from terminating a teacher contract where his position no

longer existed. Indeed, Mr. Speaker, if that were the case, there would be many teachers of one-room schools in this province today who could still be holding jobs and drawing pay whereas the school itself is no longer in existence. And our amendment to 237 is to provide for this untenable situation, and it provides simply and specifically that a board may terminate an agreement with a teacher where the position held by such teacher is no longer required by that board.

And further to ensure as far as possible that the teacher's rights, on the other hand, are protected, provision is made for the right of appearing before the board and to the remedy of a board of reference if the teacher feels he has been unjustly treated. And I should point out, Mr. Speaker, that the principles involved in this legislation have been discussed with the Teachers' Federation and the Saskatchewan School Trustees' Associations. And the views of both of these groups as well as individuals have been taken into account in the final drafting of these provisions. The Teachers' Federation agrees, and I think properly so, that it is unrealistic to expect boards to keep people in positions when the job or the program for which they have been retained no longer exists at that school. And the Trustees generally, on the other hand, and I think this is a fair summation, feel that they have always had the right to dismiss a teacher in such circumstances. They feel further, and again, I feel this is a correct assessment, that it is the prerogative of school boards to assess staff needs related to program changes and school re-organization moves, and they also feel that board actions in this respect should not be subject to any particular appeal. I suggest, Mr. Speaker, the Government does feel and the reason these provisions are here, that the provision of an appeal procedure to the board or to a board of reference should in no way restrict a board's rights with respect to staffing and program reorganizing.

Now I know that there are many considerations and perhaps many questions which come to mind in legislation of this kind which I believe can be best discussed when this Bill goes to Committee. There may well be, I can tell my hon. friends opposite and indeed the Members on this side, there may well be a minor House amendment or two to a couple of the phrases in that current section dealing with 237. One I can think of, it never was intended that this section which is before us, to apply to non-tenure teachers and the way it presently reads it would appear that it does.

Other features to the 1971 amendments to The School Act, Mr. Speaker, are very simply four or five in number which I'll outline briefly. Firstly, to amend various sections of the Act pertaining to school elections to bring school elections in conformity with the present provisions of The Urban Municipality Act and The Urban Municipal Elections Act of 1968. Secondly, provisions dealing with the provision of a procedure for appeal and investigation by a board of reference in cases of termination of the contract of a secretary-treasurer of a school board. Thirdly, a provision permitting school boards to borrow for current expenditures on the security of legislative grants. Fourthly, the provision for the taking of a vote of ratepayers on borrowing by a school board for capital purposes shall be at the discretion, in essence, of the Local Government Board. And fifthly, and finally, a provision in this Act to provide for the establishment and operation of the provincial correspondence school which as I am sure Members are well aware has been

operating for many, many years. The Provincial Auditor drew it to our attention last year that there is no legislative authority for the department to indeed operate such a school so that provision is here for that reason.

Mr. Speaker, I could go into some detail on these last points, but here again, I believe, Sir, that they can be dealt with a good deal better in a discussion in Committee. Accordingly, I move second reading of this Bill, an Act to amend The School Act.

MR. J. KOWALCHUK (Melville): — Mr. Speaker, I want to make a number of comments regarding this Bill. As it's well known that, I as a school board member, and many other board members across the whole province, have been looking forward to some solution to this very difficult situation. And I know that the other boards have been looking forward to a treatment of this difficult situation in some manner other than has been done till now. The other day, I raised this question of The Teacher Tenure Act and the "bind" that school boards are in. The school boards are caught in a very difficult situation because on the one hand they are being told to get rid of teachers to meet their suggested ration by the Department and on the other hand being hemmed in and having to adhere to The Tenure Act and the findings of the courts in Saskatchewan as already stated by the Minister of Education. The school boards are forced to honour the contracts under which these teachers are hired.

I thought that the Minister dealt with my question rather harshly the other day when I mentioned this complex problem in discussion of another item. The Bill had just been brought down the day before at 4:30 and the next day its contents were expected to be known. A 12-page Bill like this does require study, quite a bit of thinking about and it can't be all done in a very short space of time. I want to repeat, if this amendment hadn't been brought about the school boards would have found themselves in an impossible situation. They would probably have been forced to keep these teachers and pay them. On the other hand, they would have been told also by the Department to lay off a number of teachers. I think that in view of this, there probably will be some teachers who will be forced to leave the employment of a school system. I think that there are going to be some real difficulties for teachers and I am sure that something is going to be said about this in this reading, Mr. Minister and Mr. Speaker, and also in third reading. Because I am sure that the teachers have a great deal of anxiety about the fact that some of them will be forced to retire especially under the new superannuation regulations whereby teachers are being penalized at 4.17 per cent per annum when they retire earlier. It is going to create difficulties in their retirement.

As a school board member, I say that the school boards of Saskatchewan find this amendment very acceptable because of the fact that, we the school boards, found ourselves in a most difficult situation which was not of our own making.

MR. M. KWASNICA (Cut Knife): — Mr. Speaker, I should like to make a few comments about some of the principles involved in the Bill. Regarding the section that said the Minister will set the fees for correspondence courses, that particular item, I am not too pleased with. It seems to me this just gives him authority to set more of the

fees that are already under his jurisdiction. And it seems to me that the practice before was that the principal of the correspondence school, in collaboration with the Associate Deputy and others, recommended a schedule of fees for correspondence courses and it's in the hands of the Minister. And I just wonder whether he has really discussed this matter with the principal of the correspondence school. We'll be pursuing that further in Committee.

Another part of the Act that I should like to make a comment or two on is regarding the section that allows school boards to borrow money on the basis of legislative grants which they have coming to them. I just hope that the Department does not overdo this aspect of the legislation and holding back grants therefore forcing a board to borrow money to keep themselves going a few months and having to pay high interest rates. I hope that this will never be done. The intent is probably otherwise but I just caution the Minister and I hope this would not be the case.

Changing of the spring break rather makes me wonder what this is all about. Because we had a change last year that the spring break in the school year should come in the third Sunday in March and we questioned it then and couldn't see any real reason for setting it then. Now we have a year later, another change for setting it then. Now we have a year later, another change and now it's going to be following the last Sunday in March. And really I don't see where it makes any difference to anybody and I don't know why the Minister wants to keep juggling these dates unless the Minister has what we call calendar fever. It just doesn't seem to make any difference to anybody. Maybe he will explain when he winds up the debate.

The Section 237 the Minister commented in some length about, I personally, and I think some of us on this side of the House, have some reservations about the principle here. The fact that this could be abused by a school board is serious. It lets a school board dismiss a teacher because the position is no longer there. I should like to have seen the section read, "not within a school but within a school jurisdiction," and I should hope that boards will look very seriously at trying to offer a teacher another position in another school in that jurisdiction and I think that this is the intent of the motion because it does read that the school board "may terminate an agreement," but I hope that this will be made very plain. We realize on this side of the House that something like this had to be brought in and I think teachers across the province realize it too and therefore really said, "Well we don't mind termination of contracts as long as the teacher is properly notified." And this has been done in the Act; they are going to get 30 days. Secondly, that there be a method of appeal - a board of reference if you like - and this criterion has been met. So, generally it is quite acceptable. I hope that this principle in the Bill will not be used - the Minister can't really tell boards what to do or not to do, but he has been doing it in certain cases - as a means of merit rating of teachers. I hope that this is not confused. If school boards want to get rid of a teacher because they feel that he is not doing the job, that is one story, but I hope that these two things don't get tangled up and the teachers won't know whether it is merit rating or whether the position is really being got rid of. We have some doubts there.

A situation has arisen in my own area whereby a school board member saw fit to dismiss a teacher because, as he put it, the position was no longer there. The position was supposedly

not there for a month or two, but two months later the position was there again and another teacher was hired in that position. I think the Minister is aware that this case is now being looked into and may cost the unit a lot of money. I hope that this type of thing won't happen. I see this Bill creating some new problems but then any new legislation is bound to create new problems. Those will be the Minister's problems and we shall be questioning, perhaps, some of these things further in Committee and maybe we shall get some of the answers that we are looking for.

We shall not oppose the Bill.

HON. J. C. McISAAC (Minister of Education): — Mr. Speaker, just a very few brief remarks. I am glad to hear my Hon. friend from Melville (Mr. Kowalchuk) welcome the provisions dealing with Section 237 of The School Act. I think he is quite correct, it was a situation that boards found themselves in that certainly doesn't provide for the best operation and the best organization of schools and school programs, reorganizing and so forth.

The remarks of his seatmate, the Member for Cut Knife (Mr. Kwasnica), with respect to the correspondence school, may I point out to him again as I did in my original opening remarks that the authority here has always been in the hands of the Department and has always been considered to be in the hands of the Minister and this present amendment merely formalizes, if you like, procedures that have been carried on since about 1920, I believe, when the correspondence school was first opened. So there are no new powers here, I can certainly tell him that.

Insofar as borrowing on the security of grants, this provision is presently in The Larger School Unit Act so there is not a new concept here as far as school boards are concerned.

The question of the spring break was raised and I didn't refer to it in my introductory remarks here. We have had some complaints from rural areas in particular, that the third week in March was perhaps too early in the school year. I think my hon. friends opposite will recall that when we introduced this particular section to fix a firm time of year for an annual spring vacation break, it was done at the request of school boards generally and the Teachers' Federation, in fact, when I first came into office, it was one of the first things that everybody agreed on and was very happy to recommend and hoped that we would introduce. So the date of the week following the third Sunday in March was what the initial legislation spelled out. Now we have found last year and some comments this year from parents, again particularly in the rural regions, that it was felt that was a bit early in the year but it certainly would not break the intent of the fixed spring vacation break to extend it a little bit later in the year, Mr. Speaker. I would suggest that the present provision of the week following the final Sunday in March will occur where Easter will either be at one end of the week or the other in a good many cases and bring it back a little closer to the Easter break as such without the variation that has normally happened in the past with Easter jumping anywhere from one end of March to practically the other end of April. So I think that this amendment is a good amendment and one that will be welcomed and I believe one that will certainly still keep within the intent of the legislation

to allow for better program planning, and so on.

I think, Mr. Speaker, that is all I need to say at this point in time.

Motion agreed to and Bill read a second time.

HON. D. V. HEALD (Attorney General) moved second reading of Bill No. 58 - An Act to amend The Lord's Day (Saskatchewan) Act.

He said: Mr. Speaker, there are two basic changes proposed by these amendments to The Lord's Day Act. The first changes are contained in Sections 2 and 3 of the Bill. The purpose of that change is to extend the hours in a city or town from half-past one and six o'clock to after the hour of half-past one o'clock in the afternoon of the Lord's Day. Now those sections of the Act, Members will recall deal with public games, contests or sports. I am sure all Hon. Members will recognize and realize that throughout the province, in the summer months particularly, and, of course, in the winter months too with hockey, there has been a practice growing increasingly where public games, contests and sports such as hockey games and baseball games and this type of thing, do take place after six o'clock and it is the feeling of the Government that this amendment will conform more to the usages and practices which seem to be very popular in the province. I think of hockey games being held at 7:30 on Sunday nights, or at 8:00 o'clock, I think of sports' days, picnics throughout the province. When we first passed the Bill I think everybody in the Legislature was anxious to recognize the fact that there are church services, not only in the morning on the Lord's Day, but also in the evening. However, I think now the situation is that there are still some services in the evening but I think the situation is that if we face facts and be realistic about this, that this kind of a law after six o'clock at night is more honored in the breach than in the observance and while that isn't probably a complete argument for changing the law, the fact remains that it seems to be an accepted fact in our province and across the country that hockey games and other sporting contests are held after six o'clock on Sunday. So the purpose of Sections 2 and 3 is to provide that where there has been a by-law passed by a municipality, it is still a local option insofar as these sports are concerned in Sections 3 and 4. Where there has been a by-law passed the city can now allow sports, without further reference to the burgesses in any way or to the electors. They can extend the time from six o'clock. In other words these sports and contests and games can go right through from 1:30 o'clock on. There is still, of course the 1:30 o'clock restriction.

Now another proposed change, Mr. Speaker, is contained in Section 4 of the Bill which changes Section 14 of the Act. The present Section 14 provides for live musical performances - and I quote from the Act - between the hours of half-past one and six o'clock and after half-past eight o'clock. The present Section 15 provides for the showing of moving pictures after half-past eight o'clock. Now the new Section 14 in the Bill, the purpose of it is to provide extended hours for a performance which is defined in subsection (1) of Section 14 and you will note that the definition of performance is extended. It includes the present live musical performances without requiring that the sponsor be a non-profit organization whose objectives include those of a benevolent, artistic, cultural or charitable nature.

I am thinking of performances at the Centre of the Arts here and in Saskatoon. They aren't always sponsored by a non-profit organization and it is the feeling, I think, of the majority of the people in the province that this should be permitted. Sunday evening is a very popular night for these kinds of performances whether they be sponsored by a non-profit or by a profit organization.

Then you will note that there are extensions in Section 14, subsection (1) that weren't covered before. This, again, is as a result of our experience and as a result of requests. We have included rodeos; a mechanical ride at a fair or amusement park; and a moving picture. Hon. Members know that we have these picnics and these fairs in the country and Sunday is a very popular day and again it is a very difficult thing to say to a local community that is having a fair that you have to close up all of the pony rides and everything else at 6:00 o'clock at night. So this, I suggest again, Mr. Speaker, is a section which makes the Bill a more realistic Bill. I think it is a good Bill and I think it is working very well - this Act, The Lord's Day Act - but these amendments that we are submitting at this time, bring the Act more into line with reality of the customs and desires of the majority of the Saskatchewan people.

And so with those short comments I would move second reading.

MR. R. ROMANOW (Saskatoon Riversdale): — Mr. Speaker, the Bill is a very interesting Bill, as the Attorney General (Mr. Heald) has explained. In effect the main thrust of it is to open up more widely the activities that are available for free, if I may use that word, on a Sunday. I just wanted to rise to say that I have found this personally to be a relatively touchy area in the Province of Saskatchewan, in some parts at any rate. I am not so sure that perhaps we are doing the best here with respect to the amendments to The Lord's Day Act.

I suppose a government can only move as fast as it thinks the people want it to move. But I get the feeling sometimes - and I don't mean this as a criticism of the Government opposite, because I don't think there is anything about party lines - that we tend to make amendments to The Lord's Day Act on a basis of hit and miss sometimes. I think this is confusing and a bit unfortunate. But so far as I am concerned, I personally agree with the principle of the Bill. I think it does provide more options to the people of Saskatchewan. I think it is important though that other individual Members, perhaps on that side of the House and even on this side of the House, who don't share, in my view, and in the view of the Attorney General, should be given a chance to express their views on this matter. So far as I am concerned, I think the general thrust of the Bill is a worthwhile one. I should hope that somehow, somewhere, a government someday will work at the question of a comprehensive and consistent Lord's Day Act in the near future.

MR. G. R. BOWERMAN (Shellbrook): — Mr. Speaker, not like my colleague, I rise to oppose the principle of the Bill. I do not think that a Bill of this nature really should be passed with the kind of extensions which it calls for and the resultant effects that I think it will have insofar as our social structure is concerned. I think it would be a sad commentary on our society if someone didn't state

some obligation to the Bill. I have in the past years, since I have been in this Legislature, and since amendments have been made to The Lord's Day Act previously, I have not opposed them. I have not opposed them for a number of reasons. Really while they give some extension to those things which are undertaken on the Lord's Day, nevertheless they were not as extensive as the amendments that are now being proposed. I think that there are a number of people in our province who would, if they were given the opportunity, express some very definite opposition with regard to this. We have heard this morning the presentation of the Premier insofar as The Liquor Act is concerned. Insofar as the use of liquor is concerned he is calling for a legislative committee to study its effects upon society and to get the view of the various groups which are most directly affected by such legislation. I think that church and temperance groups, as the Premier says, will be consulted. They should also be considered in this case. I don't know how we can really commend the kind of extensions that are proposed by this legislation and not have consultation from these groups or not permit them to make some suggestions which I think they would very gratefully do. I expect, Mr. Speaker, that as we move to make these amendments, as the Attorney General has indicated, these amendments will approve extending the activities of Sunday events to such activities as Provincial Exhibitions, take it from whatever city you may wish, Regina, Saskatoon, Prince Albert or other, the city Exhibitions can now start on Sunday and can end on Sunday.

AN HON. MEMBER: — Local option.

MR. BOWERMAN: — Well local option, all right, so be it. But nevertheless this is permissible. Not only that but a rodeo can either begin on Sunday and end on Sunday or it can begin on Sunday and undertake that activity on that day. I think that this is a rather extensive permission for Sunday observance. I say that when we get to this point, we should call for, as the Premier has indicated we are going to do by reviewing the matter of the use of alcoholic beverages - and I am not opposing or proposing in that case - but I say if we are going to the suggested extent insofar as the observance of Sunday is concerned then we should as well go to the people who are not directly concerned with the observance of this day. I don't think the Government has done so at this time. Therefore, I suggest that there should be a committee, a legislative committee if you want to call it such, or some committee at least that would receive briefs or receive whatever undertakings that people who are most directly concerned might make their presentations and express their opinions. I agree with my colleague who says that really the undertakings which have been taken by the Government with respect to amendments to The Lord's Day Act have been to this time on a rather hit and miss basis. I think that if we are really serious about this matter then there should be an undertaking in the province that will set forth the attitude of the province and the people of the province with regard to Sunday observance. I sincerely believe that. I am not opposed, I have my views with regard to Sunday observance which I am not trying to impose upon this Legislature, but I do sincerely believe that people when given an opportunity to express themselves in this regard, would voice objection to what this Legislature is now proposing to do. I believe there would be a fair number of people who would express opposition as I have indicated. Therefore, they should have the right to voice that objection and therefore my objections to the principle of the Bill is not only to the extension of the observances of

Sunday activities but that we are not really allowing the people of this Province to express an opinion. We are passing legislation which, as I say, will give rather large and extended activities, such as, you know anyone could go down to any midway on a Sunday, with all the barkers going and with all the tents open and with all the things that go on in an exhibition, in any of our principal cities of this province, and as you know, all the musical rides, all the ferris wheels and the other things going, I believe that's a major departure. I think it is a major departure from the observance of the Lord's Day.

While I have my opinion with regard to the observance of the Lord's Day, as I said before, I don't propose to inject them on this Legislature but I say that there are people in this province who are concerned with the proposed kind of extensions. Therefore, I don't think that we should be coming to the Legislature simply and quietly passing legislation of this kind.

I have before, when proposed legislation has come to this House that has usually been proposed by the Member for Souris-Estevan (Mr. MacDougall), and they have been minor in nature, I have gone along with this. But I think this is a major departure, Mr. Deputy Speaker, from that kind of an observance and I therefore oppose the principle of the Bill. Not only opposing it, but in due consideration of what the Premier has said in the House this morning, that he will do with regard to studying or reviewing the laws respecting the use of alcoholic beverages, I think there should also be given consideration with regard to the observance of Sunday. I think that the Attorney General (Mr. Heald) has been considerate in many of the laws which he has brought to this House with regard to many of the things, many of the Acts which affect us in a social way, and I can't really understand what the motives are in presenting this kind of legislation without some more direct conversation and communication from those more directly concerned. I think of the churches and the temperance groups of the Province that the Premier mentioned this morning in regard to liquor laws and so on.

Therefore, Mr. Speaker, knowing that there are inconsistencies and I recognize the inconsistencies of The Lord's Day Act, but don't think that these inconsistencies are any more deliberate or any more direct than the inconsistencies that are relevant in most of our laws, be they civil or criminal. The Attorney General will know that better than I.

Therefore, Mr. Speaker, I stand opposed to the principle of the Bill and I suggest that a committee of this Legislature or a committee of some kind be set up whereby a review of the total opinion of the people of the province might be given an opportunity to express either their assent or their criticism of the amendments to The Lord's Day Act or Sunday observance.

Mr. Speaker, I therefore must remain opposed to the principle of the Bill and I will continue to oppose the principle as well in Committee. I will oppose it on that basis.

MR. J. C. McISAAC (Minister of Education): — Mr. Speaker, just a word or two on this particular Bill. I listened with interest to the remarks of the Hon. Member for Riversdale (Mr. Romanow) and the Hon. Member for Shellbrook (Mr. Bowerman). I certainly don't view the Bill before us as bringing in major new principles of the kind referred to by the Member for Shellbrook, and I appreciate the sincerity in which

he put forth, and which undoubtedly he holds, his views in this regard. But surely there are no major new principles here in this sense. There is some extension, yes, the principles were already implicit in the Bill.

I want to join those who support this Bill, Mr. Speaker. I would point out again to the Member for Shellbrook and to the Deputy Leader (Mr. Romanow) that the Bill is at local option as such. The Member for Riversdale mentioned a more prescriptive, more descriptive, more overall kind of Bill to spell out what's permissible and what isn't with respect to The Lord's Day Act, and I certainly couldn't support that and I think if my hon. friend from Riversdale reflects on it, it's going to be a pretty difficult Bill to prescribe, you know, when you or I should go to church and this kind of thing, on Sunday, especially in light of the changes that are coming about at this point in time. At a time, I think, when certain churches - I know the one I attended regularly at least - are changing their views on Sunday observance as such. And I am sure my hon. friend might be aware of this. We are extending the idea of Sunday, you can fulfil any Sunday obligation on Saturday evening as well as Sunday.

MR. ROMANOW: — Progressive!

MR. McISAAC: — I think it is, but this is why I think in the kind of change we are looking at here there is no real infringement upon any individual's right to observe Sunday certainly as he sees fit and as he would wish and it is for this reason, Mr. Speaker, that I certainly do support this Bill that is before us.

MR. J. A. PEPPER (Weyburn): — Mr. Speaker, I rise to make just a few brief comments on second reading of this Bill, and oppose the Bill knowing full well that I will be, I believe, in the minority in doing so. But if one objects to being in the minority in a group of legislative Members, I say it is just no place for them in the Legislature today.

There are various types of Bills that are introduced and debated and passed each year by Members which perhaps fall along more the party line of thinking. But this type of a Bill, Mr. Speaker, is different in my way of thinking and we, as individuals, who feel this way about it are certain that we must voice our disapproval of it because we feel, in principle, it is wrong and guided by our own conscience, we must say so.

I have sat in this Chamber, Mr. Deputy Speaker, since the election of 1964 and during that space of time we have had in other sessions, as well as in this one, Bills introduced to amend The Lord's Day Act. I have spoken on other occasions opposing them as well because in each amendment or Bill that has been introduced, it has always been a move which grants permission, if it is carried out, by the municipalities that has a further tendency to commercialize Sunday and to erode and to take away the true meaning of the Lord's Day, in my opinion; and I venture to say in the opinion of many others, if they had the opportunity to say so as well.

I should like to see, Mr. Deputy Speaker, a Bill introduced for once that would take steps to preserve this day because I think with all the frustrations, strife, hatred, wars and crime, and agony that we find in life today that perhaps a little

closer observance of the Lord's Day might give us a more meaningful and hopeful outlook for the future.

But this Bill, if it is passed, Mr. Speaker, gives the municipalities the right to shorten the hours of observance of the Lord's Day thus giving them an opportunity to make way for more commercialization and the rights for organizations to charge a fee of admission, which they might set, in order to make it profitable for them.

Let me remind you, Mr. Speaker, that there are still, today, many good sports enthusiasts who wish to take part in sports that also wish to observe the Lord's Day. But if they want to participate in these games, they have to make a very difficult choice for them and their family. It puts them on the spot, so to speak. And if they choose to attend and play or participate in their scheduled sporting event, it disrupts the day of the family worship, family unity, for which the Sabbath has been set aside and made possible for all to observe and enjoy.

I am sure, Mr. Speaker, that there is argument the other way also, that many people are in favor of open Sundays, so to speak, and that they should be entitled to do whatever they wish on this day. However, I cannot support a Bill, which if passed, will allow municipalities to hold a vote and if it is supported by a majority will give the green light for organizations to set fees and charge admission for entertainments to make profits on this day which I don't believe was set aside for this purpose.

For these reasons, Mr. Speaker, I feel that I cannot support the Bill.

MR. R. H. WOOFF (Turtleford): — Mr. Speaker, from time to time I have refrained from debating similar Bills because I felt that the House was well aware of my views. However, I think that at this time, which may be my last session, that I must speak and vote against the present Bill.

I am not going to delay the Legislature unduly, Mr. Speaker. My approach to good government has always been a minimum of legislation plus good administration, and I am not going to take time to illustrate that.

I know this sounds presumptuous and in face of the practical side of administration can only be a goal or a measurement against which we appraise legislation. I'll be very frank. I have never been a fanatical supporter of The Lord's Day Act. However, there is still a goodly percentage of the population who are opposed to such broadening of the Act or weakening it if you wish to use that term. I agree with my colleagues from Shellbrook (Mr. Bowerman) and Weyburn (Mr. Pepper) that the broadening of The Liquor Act over the years, plus the weakening of this Act, will doubtless go hand in hand to deteriorate standards of conduct which we simply cannot afford.

It is also true that the Legislature, over the years, has gone a long way in meeting requests of certain sections of the public through broadening of The Lord's Day Act. I feel the next step in all probability will be an all out request that the Act be withdrawn. I feel that for these reasons and for those already presented by my colleagues, that I can take no other stand than to vote against the Bill at the present time. I think

that my colleague from Shellbrook was right when he suggests that there should be a committee to which people may come and present their views on this question.

I will be voting against the Bill.

HON. L. P. CODERRE (Minister of Public Works): — Mr. Speaker, only too long have central governments held sway on local governments. I speak in support of this Bill because it gives, rightfully so, to local government the opportunity to determine for themselves what they should do in this respect.

I have been rather perturbed though when I have noticed that on many occasions the party across have held sports days on Sundays. Now, whether they collected money or not matters not. The point is that it should be left to the local people to decide. I should certainly not like to dictate to anyone what he should do on a Sunday or what he shouldn't do. Insofar as controlling the affairs in the community, I believe it should be left to the local municipality. This is precisely what the Bill is doing. It is leaving the local municipality to make the determination and let the local people, based on their habits, make their own decisions.

For that reason, Mr. Speaker, I do support the Bill.

MR. HEALD: — Mr. Speaker, I won't detain the House long in closing the debate. I want to make a couple of points.

First of all, let me say that I, of course, respect the opinions expressed by the Members, particularly the Members for Shellbrook (Mr. Bowerman), for Weyburn (Mr. Pepper) and for Turtleford (Mr. Wooff), their personal views on this matter.

Let me enlarge just a little bit on what I said when I moved second reading and let me explain or develop my concept of the proper passing of laws and the proper administration of justice. There has been a lot of talk and a lot of protest and a lot dialogue in this country about our abortion laws and many, many people have alleged, and with some substance in fact, that abortion laws of Canada were outdated, were archaic and needed to be changed, and they were changed a couple of years ago by the Parliament of Canada and yet there is still much demand for change so far as our abortion laws are concerned.

I happen to be one who believes that you have to adopt a dynamic approach to law and law reform as opposed to the static approach of some people. In other words what I am saying is that when the usage, the beliefs of a great majority of the people in our society are of the opinion that a law or a series of laws is outmoded, archaic and no longer in touch with current conditions, then if the legislators and the parliamentarians don't move to change those laws in accordance with customs, usages and beliefs, you have disrespect for the law. I don't mean that a Legislature has to move every time that a law proves to be a little unpopular, like our drinking-driving law, it's a good law. It's unpopular in some areas but that's not what I am talking about. I am talking about a general belief followed through by usage and custom in our society and in our province and in our country. I think that is what you have got here.

Let's talk about Sunday sports. In the Saskatchewan or Western Canada Junior Hockey League you have Sunday hockey games and Sunday play-off games both at Estevan and Regina, against this law the way it was. Yet at Saskatoon they didn't have play-off games on Sunday nights because it was against the by-law as it is at the present time. What do you do to the administration of justice in a city or a province when you have hundreds and thousands of people going to a hockey game in Regina on a Sunday night, and thousands of people going to a hockey game in Estevan on a Sunday night, in direct contravention of that law?

So I submit to this Legislature with all of the sincerity of which I am capable, that we have to remain responsive to the general desires of people in society and the customs and usages of society. That is why this amendment has been brought in.

The other thing that I should like to point out in closing debate is that there is a great change amongst theologians and amongst our church leaders so far as the need for and the purpose of a Lord's Day Act is concerned. I have had some discussions in the last few days with some of the church leaders in this province and in Western Canada about this, because they are making submissions to the Federal Government in connection with the Federal Lord's Day Act. There are many church leaders now who have the opinion that really there isn't a need for a Lord's Day Act as such. There is a feeling that when The Lord's Day Act was passed it really was more of a labor Act than anything else to protect people who were involved with having to work on Sunday, or perhaps who had been exploited on Sunday. There is a growing feeling in theological circles that you don't legislate church observance or Sunday observance or observance of the Lord's Day. This is a matter of the individual conscience and for the hearts and minds of man. This is why we have decided to bring in these amendments.

I don't think that you can pass a law and say that someone has to go to church between the hours of 11:00 o'clock and 12:00 o'clock on Sunday, or between the hours of 7:00 o'clock and 8:00 o'clock. And what we are really saying is that we are moving out of this field because we believe that is the kind of thing that you shouldn't be legislating and leave it up to the consciences of the people.

Really this is the rationale, I suppose it's a two-fold rationale so far as the Government is concerned. One, we are making the laws more realistic and to be more in line with the custom and usage in this province. The Member for Shellbrook (Mr. Bowerman) said, "Fairs." We have rodeos all over the country. You have them in your constituency and I have them in mine. They have been in existence for years. Do you think that we should charge these people when they have thousands of people in attendance? Do you think that we should charge the hockey teams in Regina and Estevan?

What we are trying to do is make the law more realistic and more practical. The second point, as I said a minute ago, is this question of whether we should be legislating morality, whether we should be legislating Sunday observance. This is a matter for the consciences of the individual persons.

Motion agreed to on division and read a second time.

HON. A. R. GUY (Minister of Municipal Affairs) moved second reading of Bill No. 60 - An Act to establish an Authority with respect to Clean Environment.

He said: Mr. Speaker, it is with great pleasure that I rise to move second reading of this Bill, to establish a Clean Environment Authority in the Province of Saskatchewan.

This could well be one of the most important pieces of legislation presented to this Legislature during the current Session. This is another measure in a long list of measures over the last few years that the Government has taken to ensure that our Saskatchewan environment remains relatively free of pollution.

Before going into the details of this Bill I should like to review for a few moments some of the legislation and measures that we have taken over the past years to maintain a clean and healthy environment and which lead up to the legislation which we are proposing here today.

I don't believe anyone in this House will deny that pollution must be the concern of all of us. Most authorities today agree that pollution is and will continue to be the number one global problem in the 1970s. There is hardly an area on earth that is not affected by some form of pollution to some degree. It is unfortunate that concern was not shown earlier because if it had been the problems of pollution would be much less today. Some areas of our continent are so befouled with impurities that experts maintain they are past the stage of saving them, or if they can eventually be saved it will cost billions of dollars to do so.

There are many difficulties that governments must face in trying to clean up pollution. The costs are massive and overwhelming, there are inter-provincial or international jurisdictions involved and there are many conflicts of interest which can arise. However, man's continued survival on this earth will be determined by our ability to adapt to, to care for the environment which totally envelopes us and becomes an integral part of our every day existence.

Pollution in the broadest sense is when a harmful change occurs to the three basic resources for life, air, water and soil, and reduces the ability of these elements to support life or destroys life or property or adversely affects health, or detracts from our enjoyment of the environment. Pollution may occur naturally or be man-made and it is in the area of man-made pollution that governments must act decisively.

The basic philosophy of the Government is that the ultimate responsibility for protection of our environment lies with each and every one of us. Individually or collectively, all citizens of our province have an important role to play in the protection of our environment. And until that day when this responsibility is fully met on a voluntary basis it is the responsibility of governments to provide the legislative and administrative framework to ensure that everyone meets their obligations in this regard.

It is towards this end that the government, over the past few years, implemented a variety of measures aimed at the control

of various types of pollution in our environment. When we became the Government in 1964 there did not appear to be any well defined provincial pollution policy. There was little co-ordination between the agencies and the departments that existed and legislation in most cases was non-existent or too weak to enforce the few regulations that did exist. Although other forms of pollution are causing increased concern to our people, water pollution has been, and still is, the major pollution problem in our province. With our limited supplies of water and our multiple use approach we must continue to protect available supplies to the best of our ability.

The main sources of water pollution can be municipal waterworks and industrial plants. The first step the Government took in 1964, when the Saskatchewan Water Resources Commission was established, was to make them the responsible agency for water pollution control. This was followed in 1968 by the establishment of a specific Water Pollution Control Branch, under The Water Resources Commission to co-ordinate and to deal with all water pollution problems.

Under the Commission the legislation and administration has been gradually strengthened to provide adequate control over our water resources. It is difficult to believe that in 1964, five towns and two of our major cities, the cities of Saskatoon and Prince Albert, were putting untreated sewage directly into our water system. What was particularly serious about the two cities was that they were on an inter-provincial water system. The Government of the day did not appear to be concerned or desirous of taking any action to stop this from happening.

One of the first steps that was taken was to sit down with the city of Saskatoon and Prince Albert and the other five towns that did not have treatment facilities, and advise them that this could not continue and through discussions established the year 1971 as the date by which they must have a minimum of primary treatment.

I am pleased to report that the sewage plants in these municipalities are well under way and are expected to meet the deadline by the end of this year. In 1969, as you recall, we recognized that to install new sewage treatment facilities or the extension or the upgrading of the present systems was an expensive proposition for cities. Therefore, we introduced The Water Pollution Control Assistance Act which provides a grant of 10 per cent of the capital costs to a maximum of $500,000. By the end of this fiscal year more than $860,000 will have been paid out under this Act.

As you know The Municipal Water Assistance Act provides similar assistance to towns and villages and more than $4.2 million has been provided to 328 municipalities to improve their sewer and water systems in the last few years.

The second major polluter of our provincial waters is industrial plants and again, strong action must be taken by the government through legislation and the enforcement of the regulations to ensure that pollution does not occur from this source. We do not subscribe to the idea that if you have industry you must necessarily have pollution. Again, it was surprising to us when we became the Government that there was no system of granting approvals or licenses for industry before they started production. Industries and companies like Canadian Pacific Railway, Gulf Oil at Moose Jaw, Husky Oil at Moose Jaw, the

Chemical Plant at Saskatoon and Interprovincial Co-operatives at Saskatoon, to name a few, were not required to receive Government approval regarding their plans for disposal of waste and effluent before being issued a license to operate.

Since we became the Government, as you are well aware, we have advised various companies which were creating pollution problems of steps that they must take to overcome these problems. And, again, our relationship and co-operation with industry has been very good. If they will not co-operate we shall have the authority particularly after passing amendments this Session to The Water Resources Commission Act to take immediate, effective action to stop an industry or an individual from polluting our water systems.

Today no new industry can go into production without submitting for approval to The Water Resources Commission their plans for pollution abatement controls. Before an industry or a municipal government may build or extend sewage works, the Commission must approve the design and location. The quality of the effluent to be discharged is fixed by the Commission and will depend on the ability of the receiving stream to assimilate the waste. To ensure that the standards are being met the Commission inspects the works and analyzes the effluent and the receiving stream.

Today, with our legislation, the Government has complete control over our water resources through a system of approval governing the construction, the operation of municipal and industrial sewage treatment facilities.

The second major pollution problem in our province is air pollution. And, again, when we became the Government there were no regulations for air quality control. In 1967 comprehensive air pollution regulations were passed to protect our environment. In 1968 monitoring stations were established and an air sampling program started. This program is administered by the Occupational Health Branch of the Provincial Department of Public Health.

For the control of soil pollution there is no one Act that deals solely with this matter. Since 1964 several Acts have been amended to assist in controlling soil pollution. Medical health officers and public health inspectors have the responsibility to see that solid wastes are collected, transported, treated and disposed of in a manner that will not only protect health but will preserve the environment.

The Air Pollution Control Act which I just mentioned was designed to prevent the broadcasting of particular matter which could cause soil pollution. The prevention of soil pollution is one of the objectives of the pollution preventive regulations for the mining industry. As you will recall in 1970 Mining Pollution Preventive regulations were passed to control wastes from the mining industry.

As you are aware, at this Session of the Legislature strict regulations to control pollution from the intensive livestock operations have been approved and before the Session concludes, a Litter Act will be presented which hopefully will improve the aesthetics of our environment, particularly along highways and in public areas.

I might add that in our fight to maintain a clean environment we worked closely with the Federal Government in their administration of the Canada Water Act and their proposed Clean Air Bill and their regulations regarding phosphates, detergents, automobile exhausts and so on. We were pleased to support and, in fact, we recommended most strongly that the Federal Government show more concern and provide more stringent regulations than in the past in the areas where they have complete or participatory responsibilities.

With so many agencies becoming involved it was essential that a system of co-ordination would be established to prevent overlapping, inefficiency and the waste of time and money. It is for this reason, you will recall, that the Interdepartmental Committee was established following the last session to co-ordinate all our programs and agencies. This committee was also charged with making an in-depth study and analysis of all our anti-pollution legislation. They were asked to look into the programs operating in other provinces and finally they were asked to provide recommendations as to how our province could best meet the needs of today regarding environmental control. The end result of this study and their recommendations is a Clean Environment Authority Act which I am introducing for second reading today.

One of the main disadvantages of the Interdepartmental Committee was that it was entirely a government agency and there was no way that the public could be represented or involved. This legislation will provide for an authority made up of members from both the public and the government sector. While the present control agencies will remain intact and responsible in their own fields, the authority will have complete control and co-ordination over these existing pollution control agencies to insure that their responsibilities are carried out. The authority will have a small secretariat to assist in carrying out its function and responsibilities.

In order to ensure that the authority is kept advised of what other control agencies are doing and to promote efficiency, there will be an advisory committee made up of persons from the Department of Public Health, Agriculture, Mineral Resources, Natural Resources and the Saskatchewan Water Resources Commission. In other words, the members of the present Interdepartmental Committee will provide advisory services to the Clean Environment authority. The authority will have the widest responsibilities and functions. These will include the conducting and a continuing review of policies and programs on all aspects of environmental control within the province. They will have the power to hold public inquiries when it is deemed in the best interests of the province to do so. They may engage specialists, technical people, or establish task forces to look into specific problems. They will be responsible for the co-ordination of all our present programs. This will be carried out, through the most part, through the advisors to the Authority. They will have the right to make grants for research, they will have the powers to carry out public education programs concerning the environment that is deemed necessary.

Finally, and probably the most important function of all, will be the authority's responsibility to approve all permits, approvals, licenses, or other authorization that might be issued by any of the other environmental control agencies. The authority will operate on funds appropriated by the Legislative Assembly and will be required to submit an annual report to this

Legislature.

Mr. Speaker, we believe that when this Authority is established that we shall have the legislative authority, the administrative framework and the co-ordination required to keep Saskatchewan a clean, healthy and beautiful province for ourselves and for generations still to come. When astronaut Walter Cunningham was in Saskatoon last year to discuss the environment he remarked that the residents of Saskatchewan have a first class seat on space-ship earth. Your Government intends to keep it that way.

SOME HON. MEMBERS: Hear, hear!

MR. W. S. LLOYD (Biggar): — Mr. Speaker, I rise to welcome and to support the idea of the Saskatchewan Clean Environment Authority; at least we welcome the idea of it, but it is still not too clear to me as to the structure and the methods and the complete objectives proposed with respect to the idea. However, these we can get at in Committee or in Estimates.

But while welcoming the idea I want to make some other comments or raise some questions which perhaps the Minister can answer when closing the debate or again we can get at in Committee or in Estimates. It is true that this Bill and the companion Bill with respect to The Water Resources Commission does extend and expand the power of the Government quite considerably. To this we do not take objection because as the Minister has indicated, in the world in which we live it is necessary if we are going to keep that seat on our space ship, for the Government to exercise on behalf of the people authority in matters of this kind. I think it is also a rather necessary principle of government that as we expand the authority of government or public agencies, we should at the same time make easier the opportunity for those who may be aggrieved or who may feel aggrieved to get redress or at least to appeal against the decisions. I am not really satisfied that this Bill provides a satisfactory avenue of easy and accessible satisfactory appeal from the decisions. I notice, for example, as I understand it, the only appeal which a person who is affected by and dissatisfied with the decision of authority is to the Lieutenant-Governor-in-Council. If I am correct in that interpretation I suggest that this is not a good enough avenue of appeal; this is not adequate and this ought to be taken into consideration by the Government before the Bill is finally passed.

I want to raise also the question of whether or not the Bill provides an opportunity for another kind of appeal. I think here of an appeal by interested groups who may feel that the authority has acted too leniently or without adequate consideration of the long-term effects. I am not sure that the Bill does make that kind of provision. It seems to me that it is particularly important in this matter of environment control and protection that we encourage the activities of non-government, non-industrial groups. I think of groups like PROBE; I think of groups longer established like the Wildlife Association, like the Fish and Game League, of conservationist efforts like those of the Natural History Association and so on. These become very important in this context. I think there should be an opportunity whereby a group of this kind, acting on behalf of the section of the public that is not immediately involved, may indeed have the right to appeal against the granting of a license under conditions which they think are too lenient or which may be destructive so far as the environment is concerned. If that

be destructive so far as the environment is concerned. If that authority is not specifically contained in the legislation then again I should ask the Minister to consider whether or not it should be and could be.

Thirdly, I want to make this point, that as I read the Bill, and indeed as I listen to the Minister, it seems to me that the function of authority is to be largely regulatory and largely of a licensing nature. I know it does make some provision whereby it may undertake some research and so on. But I want to urge that these activities other than just licensing or regulatory be given a very considerable emphasis. Because again I think that our only hope in this battle of keeping our environment is going to depend to a very considerable extent upon an enlightened public opinion. Government needs an enlightened public opinion in order to have people support the laws and support the sometimes stringent measures they are going to have to take to see that the laws are observed. So I urge the Government to see that there is an emphasis on what we might call, for want perhaps of a better word, Mr. Speaker, public education. I noted a while ago just to indicate the importance of this in my opinion, newspaper reports on a panel discussion which was held in Calgary and reported in one of their papers on October 7. They were dealing with this matter of pollution control and one of the members, a Dr. Anderson, who is a biologist put this point in this way according to the newspaper.

> If ecologic problems can be solved short of a revolution the answers must come from you and me who must examine our life style and make our convictions felt. Finding the alternatives begin personally. You look at your own file.

He goes on to say:

> Sometime I look at the map and wonder where I would establish an ecological bomb shelter.

I urge the Minister and I urge the Government to see that there is an adequate emphasis on what I have called public information or public education. I think we have been guilty for a long time in not making enough of the facts available to the public generally with respect to this. I think again a lot of the answer depends upon whether or not we do that adequately.

I was glad to hear the Minister make the point that there was going to be an opportunity for organizations other than the Government to be involved in directing the activities of this authority. Although again I don't see that this is specifically pointed out in the legislation. I think it is important that on the authority itself there be representation which is non-Government and non-industry. Because whether we like it or not if we face the facts, I think we shall have to agree that both government and industry have a kind of vested interest in the idea of development and the idea of industrialization. I don't say that in a derogatory way, Mr. Speaker, but I think it is a very natural thing that governments and industry and the people who work for governments and the people who work for industry are not in this kind of an activity, the best or at least the only kind of watchdogs that we need. I want to encourage the idea of appointing to the authority, persons who have no connections whatsoever with government or persons who have no connection whatsoever with industry, the kind of person who is interested in the organizations, which I have already mentioned, the kind

of person who is qualified, the kind of person who has the concern for environment and for conservation of our resources.

Mr. Speaker, it seems to me that an authority of this kind needs a creed as it begins what I hope will be a long and important activity. A number of years ago I read some remarks by one Dr. W. C. Lowdermilk, who was at that time Assistant Chief of the United States Conservation Service. Dr. Lowdermilk stated what I think would be a useful creed with regard to this authority. He called it the Eleventh Commandment. I know the first Ten Commandments, Mr. Speaker, have a kind of a rough time on occasion but I don't think that should deter us from adding an eleventh one to the list. Because this so well, it seemed to me, emphasizes the basic hopes, the basic purpose of this, I wanted to read that Eleventh Commandment to the Legislature in connection with the establishment of this authority. Here are Dr. Lowdermilk's words:

> Thou shalt inherit the holy earth as a faithful steward conserving its resources and productivity from generation to generation. Thou shalt safeguard thy fields from soil erosion, thy living waters from drying up, thy forests from desolation and protect thy hills from over-grazing by herds that thy descendants may have abundance forever. If thou shouldst fail in this stewardship of the land, thy fruitful fields shall become sterile stony ground or wasting gullies and thy descendants shall decrease and live in poverty or perish from off the face of the earth.

Mr. Speaker, history is replete with the examples of people who have ignored that Eleventh Commandment. There are some people who say that we in our day are violating it to the extent that our society too may perish from off the face of the earth. I welcome very much the idea of this authority with respect to clean environment. All of us on this side will wish it well in tackling an extremely difficult and an extremely important task.

SOME HON. MEMBERS: Hear, hear!

MR. W. A. FORSYTH (Saskatoon Nutana South): — Mr. Speaker, my opinion has been expressed already by other Members, that this Bill to establish a Clean Environment Authority is one of the most important pieces of legislation to come before this Session of the Legislature. Though I appreciate the remarks and the concern shown by the Member who has just taken his seat, I do not really feel any concern at the lack of specific guidelines for representation on the Authority. I am glad that there are very few restrictions in the clauses of this Bill because I feel that it should have an unrestricted field in which to work and I think that the terms of the present Bill starts off in that direction. As its terms of reference change during the years, it has the opportunity of changing with the times and I believe that the Bill as it stands offers very few restrictions. I am very pleased to note that it represents a turning point in our thinking about the responsibilities of government for the maintenance of high standards of environmental control in our province. May I point out to the Hon. Members the number of times that the words, "pollution, environment and ecology" have been used in the debates of the past few weeks.

During the session of 1970 the concern which this indicates was expressed in only three speeches, those of the Minister-in-

Charge of the Water Resource Commission, the Member for Biggar, and myself. I don't know the experience of Mr. Guy and Mr. Lloyd but following the sketchy remarks which I made at that time, I received a remarkable number of comments from interested citizens. Frankly, I was apprehensive that this Legislature was trailing behind public opinion in regard to action in the area of environmental control. The Bill which is before us today dispels any such apprehension for it does indicate a real sensitivity on the part of the Government to the wishes and to the needs of the people of Saskatchewan, both now and in the future. They say that confession is good for the soul and if that is true then my soul is due for a good shot of goodness. Because I must confess that it wasn't until I dug around a bit that I realized how much protection against pollution is built into our present legislation and our departmental regulations. The Water Resources Commission, the Departments of Public Health, Natural Resources, Mineral Resources, Agriculture and Municipal Affairs, all have legislative authority designed to safeguard our environment.

Nothing that I say in this debate should leave the impression that our Government has not in the past taken major steps to protect the citizens of Saskatchewan against pollution. We already have most of the tools at our disposal but co-ordinating their use has required a somewhat involved and cumbersome procedure. The authority which this Bill proposes to establish will provide a focal point for discussion, for research and for action.

There seems to be two major schools of thought when it comes to finding ways of ensuring man's continued meaningful existence on this earth. To differentiate between their proponents I think of them as the nature boys and the gimmick guys. By and large the nature boys are recruited from people with a background in the biological sciences. They seem to be telling us that man must learn to exist in harmony with nature's laws and that continued increases in population are in flagrant violation of those laws. They question the validity of the principle of continued and continual physical growth, a principle which has come to be accepted as the basis of much of our economic and social development. The gimmick guys tend to be recruited from the disciplines of the physical sciences. They suggest that since technology got us into this mess then technology can get us out of it. Their answer to the problems which technology has created is more technology. There are learned men who have turned their thoughts to the question of how much more technological change the human race can stand without losing its ability to remain human.

Rene Dubois, a distinguished bacteriologist at Rockefeller University dealt with this question in a paper which was published originally by the Centre for the Study of Democratic Institutions in 1967 and which was reprinted in the last issue of the Centre magazine. With the indulgence of the House I should like to quote two paragraphs from this paper by Dr. Dubois. He says:

> Through technological developments the earth could probably be capable of feeding and clothing and battery-keeping many billions of persons, but then nobody would be able to move without impediment and irritating interference. Eventually half the population would have to be doctors, nurses, psychiatrists tending to the physical ailments and the neuroses of the other half. To this future

> population the bomb may no longer be a threat but a temptation. It may appear as a salvation from all evil.
>
> In other words, technological factors, such as supplies of food, power or natural resources and other factors involved in the operation of the body machine and of the industrial establishment are not the only ones to be considered in determining the optimum number of people that can live on earth. Just as important for maintaining human life is an environment in which it is possible to satisfy the longing for quiet, for privacy, independence, initiative and some open space. These are not frills or luxuries but real biological necessities. They will be in short supply long before there is a critical shortage of the materials and the forces that keep the human machine going and industry expanding.

I have touched briefly on the differing emphases that are being placed on the relevant factors of environmental control. I have done so with a purpose, and that purpose is to point out the great need for, and the tremendous potential of, the Clean Environment Authority which we are considering. The Bill before us contains clauses which not only set up the authority per se, but which allows it to name advisors in any area of concern. Through this mechanism I envisage the establishment of a forum which will be available to all who are concerned with the living space that we occupy during our brief stay on this earth. In its structure there will be room for philosophers, economists, and social scientists, as well as physical scientists and biologists. Of course, there will also be room for those who are devoted to finding a solution for immediate practical problems such as the prevention of litter and the elimination of unsightly roadside dumps.

We need to hear from people who are concerned with the folly of burning up our hydro carbons in 200 horsepower cars occupied by one person as we see every morning out here on Albert Street. We also need to hear from planners who have ideas about making public transport more attractive, and engineers who can devise means of reducing toxicity of exhaust fumes from the vehicles which we presently use. We should hear from those who are interested in what Nobel Prize Winner, Albert Szent-Gyorgi calls our third environment. This is the ethical, moral and spiritual environment. Men like Dr. Szent-Gyorgi make us face up to the question as to why we should bother to clean up the house if we are only going to use it as a place in which to play dirty games.

You may have gathered by now that I am really excited about this Bill, because I am excited about the future possibilities of a Clean Environment Authority. It has tremendous potential. The calibre of men who are selected to serve on it must be high. Those entrusted with their selection will be faced with a great responsibility.

In the next decade I predict that we, who live in Saskatchewan, will come to realize more fully the blessings which are ours. Because of the very geographical and climatic difficulties that we have all complained about, we have been left with one of the few uncrowded and relatively unspoiled regions of this continent. It is a heritage that we may not deserve, but it is ours to nourish and to protect.

The Clean Environment Authority will be the instrument through which we can discharge that sacred trust. I know that

all Members of this House will want to join me in congratulating the Government for bringing such an outstanding piece of legislation before us. As time goes on it may require some changes and amendments but it is basically good legislation for the present and for the future. I ask all Members to give it their unanimous support.

SOME HON. MEMBERS: Hear, hear!

MR. R. ROMANOW (Saskatoon Riversdale): — Mr. Speaker, I commend the Government for the introduction of the legislation but I do have two or three observations which I wish to commend to the consideration of the Government which, in my view, would strengthen this type of a Bill. I notice that throughout the Bill, particularly in Section 14 where the powers of the authority are set out, there is the repeated clause of: "the authority may with the approval of the Minister." This appears particularly in sub-clause (e) which says, "The authority may with the approval of the Minister engage the services," in sub (g) where with "the approval the Minister may establish a task force of persons," again in (h) "with the approval of the Minister undertake public educational programs." And as I read the Bill, what concerns me a bit about it, is there appears to me to be a much stronger wedding between the Clean Environment Authority and the Minister responsible than I think is really desirable. I think that we ought to look to giving perhaps a little more independence and freedom with respect to this authority. If it decides that it should engage the services of persons who, having technical knowledge, look into a certain matter, I don't think that ought to be necessarily dependent upon the approval of the Minister. The same thing with the task force. The same thing with the public education program. I think that the way the legislation is written many of the actions that the authority may determine are wise, can be, and I am not saying they will be, and I don't mean this in any political sense, can be scuttled by the Minister of the day. And although I appreciate the need for responsibility in government in the political science sense, I do feel that one of the real values of any pollution control body is independence.

Now secondly, I want to re-emphasize the point made by the Member for Biggar (Mr. Lloyd). Reading the Bill strictly from a legal standpoint, I am concerned about the question of whether or not there is a legal mechanism in the Bill that affords an opportunity to the public really to be involved. Frankly, I don't think that mechanism exists there. I think there is a need for this authority to regularly publish reports, not just to the Session once a year. I think that it is important that the reports of the authority respecting a conduct of a polluter be made public so that the public can be aroused about this matter and can take appropriate action. I think there has to be expressed legislative authority giving the right to individual citizens, and pollution groups, citizens groups to make representations to the authority. I don't think that particularly exists now. I think that an educational program may start with the approval of the Minister. If the Minister doesn't give his approval, no education program. I don't think that should be the case. The authority should have this unfettered right to start on the education program immediately. And finally in this second area about the involvement of the public, I want to share my concern, like my friend from Biggar did, about the need in Section 15, the Advisers, to include representation from the

public at large such representation not to be from government or from the industrial sector.

Now the third observation that I should like to make relates to Section 16. Section 16 is the power given to the authority to not grant certain licences. I will not elaborate further on the point made by my colleague from Biggar about the need for appeal to someone other than the Government, other than to say this. There is a great danger when you have an appeal to the Government in this particular area in my view. Suppose that the authority decides that a pulp mill, for example, ought not to get a licence or whatever other authorizations are needed for operation, assuming the authority to be a truly independent body. Supposing the industry, using my hypothetical example, being a pulp mill, decides it is affected by the decision and it is dissatisfied and it appeals to the Cabinet, any Cabinet. Suppose, using my hypothetical example, the Cabinet is very pro industry minded, feels that the need for job employment in a particular area outweigh the need to preserve and protect the environment. In that example Government is caught in a conflict or may be caught in a conflict. The political needs and desires to industrialize the province on the one hand as opposed to the needs to keep the province's environment clean. Where is the government going to come down? On what side? I don't think the Government should be put necessarily in that type of position. Now the former Leader of the Opposition talked about that and he also raised the question of the legal appeal, the civil rights aspect of it. That is something that I would concur in. But the point that I wish to make here is that in this regard, as far as I am concerned, where there is a choice between preserving the environment and promoting industry, I'll come down on the side of preserving the environment. But, there may not be this type of a decision taken by a particular Government on a particular occasion.

Now, one final point with respect to Section 16 that I feel is very important and the Bill is deficient on, that is the way I read Section 16. The authority has power, after the proclamation of the Bill, to prevent a licence being granted to a particular industry or group. And that is fine as far as it goes. But because of the recent increase in knowledge about the effect of pollutants, because of the recent increase about pollution and it's an ever-growing field of knowledge, I think there is a need in this Act to allow the authority to go back into past licences and authorities that have been granted under the former administration and under the present administration, to make sure that the pollution standards that may have been approved two years ago, and that may now be outdated, are brought into conformity with the standards that will be developing in the future. In other words, I think the important thing here is to say that we are giving this authority the right to look at the past pollution practices. And we are going to tell industry, you've got to clean up, if for example it is deemed that way, and if you don't, your license is going to be revoked. And the way the Bill reads now, that doesn't apply. I generally speak against retroactivity. I agree like the Member from Nutana South (Mr. Forsyth), that this question of the control of environment is so important that in this area we have to incorporate it. If I may just beg the indulgence of the House, Mr. Speaker, I'll conclude my remarks before 12:30. I want to say this. The need for appeal has to be better defined. I share my concern for the control of the environment to make sure that it is a clean and healthy one as has been expressed by the Member for

Biggar, the Minister and the Member from Nutana South. We have a very high duty indeed to keep our province clean and beautiful. I would hope that the Government starts looking at the question of priorities, like the Federal Government has done, apparently. Where, the Government has said, there is a conflict of interest between keeping the environment clean and promoting industry, they'll opt for the former. Now with those few words, I'll be consenting to and approving the principle of this Bill subject to three reservations that I raised.

SOME HON. MEMBERS: Hear, hear!

WELCOME TO STUDENTS

MR. SPEAKER: — Before the Orders of the Day I should like to introduce the following groups of students situated in the galleries: from the constituency of Prince Albert represented by Mr. Steuart, 24 students from St. Anne's School, under the direction of their teacher Mr. Bergen; from the constituency of Nutana South represented by Dr. Forsyth, 38 students from the Hugh Cairns School, under the direction of their teacher Miss Mills; from the constituency of Regina South East, represented by Mr. Baker, 42 students from the Thompson School, under the direction of their teachers Miss L. Gayton and Mr. B. Seller: from the constituency of Arm River represented by Mr. McIvor, 12 students from the upgrading adult class and special vocational centre, under the direction of their teacher Mrs. Tranter: from the constituency of Regina South West, represented by Mr. McPherson, 60 students from the Connaught School, under the direction of their teacher, Mrs. Gerard.

I am sure all Hon. Members will wish to extend to the pupils, teachers, their bus drivers, the warmest of all possible welcomes to the Legislative Assembly in the Province of Saskatchewan to express the very sincere wish that they will find their stay here enjoyable and educational and wish to all of them a safe trip home.

HON. MEMBERS: Hear, hear!

The Assembly resumed the interrupted debate on Bill No. 60 - An Act to establish an Authority with respect to Clean Environment.

MR. GUY: — Mr. Speaker, I have just one or two comments to make. I think most of the questions raised by Members opposite can be best answered in Committee.

I should like to say, first of all, that certainly we on this side are pleased that the Opposition will support this legislation. I think we all agree that the control of our environment is serious enough to make its support in an unanimous way highly desirable.

The Member for Saskatoon Riversdale (Mr. Romanow) raised a question about the approval by the Minister being used so many times. I would remind the Member, and I am sure that he is aware of it, that when you are dealing with taxpayer's money and expenditures, someone must be held responsible for that legislation both to the public of the province and to this Legislature. When you have an Authority which is partly made up of members from the public or could be completely made up of members from

the public, that there has to be a liaison with that responsibility and in this particular case it will be the Minister to which that authority reports. So I think that there are many cases where the approval of the Minister when public funds are involved is needed. But we can discuss this further in Committee.

I would remind the Member for Biggar - I think in some of his comments he suggested that this was to be a licensing agency. It is not a licensing agency in the full sense of that word. The Licenses for the most part will be issued by agencies which are already involved. Licenses for new sewage disposal works will still be issued by the Water Resources Commission. However, it will be the authority who have the approval of these licenses before they go out, and that is why those agencies particularly will want an appeal to the Lieutenant-Governor-in-Council, but again this can be added to and discussed further in Committee.

The question - I think it was the member for Riversdale (Mr. Romanow) raised the question - that might arise where the preservation of the environment conflicts with the promotion or the desire for industry. Again I suggest that in the final analysis that has to be a Government decision. The public, of course, will have the opportunity to judge the Government in this regard in the usual way through debates here in the Legislature and, of course, through election proceedings.

So with those comments, as I said, I think we can better discuss the other terms and references in the Act so I would move second reading of this Bill.

Motion agreed to and Bill read a second time.

HON. A. R. GUY (Minister of Municipal Affairs) moved second reading of Bill No. 59 - An Act to amend The Water Resources Commission Act.

He said: Mr. Speaker, prior to moving second reading of Bill No. 59 I should like to provide some general background on the reasons for these proposed amendments to The Water Resources Commission Act.

For the most part these amendments are designed to provide the Commission and the Minister responsible with greater powers to control water pollution. Since the establishment of the Water Pollution Control Branch and the Water Resources Commission, the Government has had an opportunity to assess the adequacy of our water pollution control legislation. For the most part the Act has served the control agency well but there is a need, I think, to anticipate future requirements if our precious water resources are to be protected. I do not intend to go into a detailed explanation of the proposed amendments since this can better be done in the Committee stage, but I should like to advise of some of the reasons for the changes that are being proposed in this Bill.

It is proposed to increase the size of the Saskatchewan Water Resources Commission by up to four persons. As presently constituted the only member from outside the Government is the present chairman. By expanding the possible number of members on the Commission it will be possible to appoint members of the public generally to participate on that body which advises the

Government on policy respecting water.

The Bill proposes to rescind Section 34A and to substitute therefore a section which would clearly spell out that any person who would build, extend or operate a sewage works or water works, must have the written approval of the Commission to do so unless the class of works are exempted by the Act or regulation. In reality, what we are doing here, I think, is inserting in the appropriate sections the word, "operate" which was not included in the original legislation. For administrative purposes certain classes of works may be exempted from these provisions where the Commission is satisfied that such exclusions will not be harmful probably because other agencies have jurisdiction in this particular area. The amendment to subsection (c) provides that these exclusions may be defined in the regulations.

The Bill, Mr. Speaker, also proposes to add to the regulatory making powers of the Commission in order that when necessary the Commission may control the discharge of waste from boats or other forms of water craft. The use of our provincial waters by pleasure craft is ever-increasing and as boats become larger it is not uncommon to find that they have toilet facilities on the craft. There can be no doubt that in the very near future it will be necessary to regulate how these wastes would be treated or otherwise disposed.

The proposed new Sections 41 (a) to 41 (j), are the most important amendments to this Act, and it would be most desirable if the Water Resources Commission would provide for absolute control of water pollution. As presently drafted the Act is deficient in that neither the Minister nor the Commission may act quickly or decisively in cases of severe water pollution. The offender can only be taken to court which could take a substantial period of time before a judgment is finally made. In an emergency someone should be able immediately to stop pollution if the offender is unwilling to do so.

Sections 41 (2) to 41 (h) anticipate the most serious of events. They provide the Minister with full power to act decisively should this ever be necessary. In summary, these Sections provide that when necessary the Minister responsible for the administration of the Act may order a person to stop effluent discharge. The order would suspend any existing approval to operate works and cannot be set aside until properly dealt with by the court. Should the person fail to comply with the Minister's orders, the Minister or his agent may enter the premises and do whatever is required to enforce compliance. The Bill would provide appeal procedures for a person affected by an order of the Minister. It is important to note, however, that while these appeals are proceeding the order of the Minister will still be in effect unless the Minister is satisfied that the situation has been remedied in the interim.

The Bill would also provide the Commission with the power to require that a person remove substances that are being placed in or near water that could cause or are causing water pollution. This provision anticipates a wide range of possible sources. Heavy metals may be discharged into a stream and become bound up in the bottom sediments to be released over a long period of time. Often waste is piled upon the river bank and it will usually find its way into the water. The Bill would also provide that where the polluter responsible fails or refuses to carry out an order of the Commission to remove this substance that the

Commission can carry out the work and recover the cost of such work.

Mr. Speaker, the amendments contained in this Bill, we are well aware, provide for severe and arbitrary powers to control water pollution. We hope that these powers would never have to be used but we feel that should an emergency arise that we must have the legislation to control the problem immediately. In an area where water is truly a scarce resource it is imperative that we provide the means by which the Government can ensure that our water will be protected.

With these comments, Mr. Speaker, I would move second reading of this Bill.

MR. W. S. LLOYD (Biggar): — Mr. Speaker, let me rise on this Bill also to indicate approval of the Bill. Let me ask also and again that we recognize something of what is going on. As the Minister has just indicated shortly before he took his seat, the Bill does provide a considerable extension of authority and to use his words, in some case "arbitrary" authority with respect to taking measures considered necessary to control pollution. We are not going to quarrel or to oppose the fact that this authority is taken by the Government, or by the Minister on behalf of the Government. We agree that the situation is one that has to be dealt with promptly and with considerable authority and that's okay. I think it is, indeed, a part of the responsibility of the Government to see that it has that kind of authority which it can use. At the same time, however, I think there is another responsibility which the Government ought to take on, and in this Bill as in the previous one, I am not convinced that the Government has done that well enough. Again, as Government increases its authority, I think good government requires an increase also in the opportunity and the ease by means of which people can get recourse or can get appeal. I am afraid that while we have increased the authority of the Government nothing has been done to make it simpler for people to take recourse if they feel aggrieved or if they are actually aggrieved. I should hope that the Government would not lose sight of that other responsibility which I think is as important.

I note another point also that while this increases the power of the Government it seems to me to decrease the liability of the Government. In the amending Section 6, the Government, it seems to me, seeks to remove from itself any liability for its action, even it seems to me, in a case in which the Government has been wrong. I should hope he may comment on that in closing the debate.

Again, Mr. Speaker, these are matters we can get at in Committee perhaps easier than we can on the debate on second reading. So while we admit the necessity of seeing that the Government has competent authority, while we approve the idea of them taking it on in this way, we do want to raise again this question of providing avenues by means of which people can have access to some correction of grievance or some right to argue, to have their day in court, without perhaps actually going to an expensive court. I do raise the question of the Government's withdrawing, or at least limiting, the liability which it faces, or so it seems to me, on account of actions taken.

SOME HON. MEMBERS: Hear, hear!

MR. GUY: — Well, Mr. Speaker, I don't have anything additional that I would wish to add at this time. I think that as the Member for Biggar says, these are questions and problems that can be discussed better in Committee than on second reading, so I move second reading.

Motion agreed to and Bill read a second time.

HON. D. G. STEUART (Provincial Treasurer) moved second reading of Bill No. 63 - An Act to amend The Industrial Development Act.

He said: Mr. Speaker, this amendment to The Industrial Development Act will raise the limit the Saskatchewan Economic Development Corporation is allowed to borrow from $55 million to $100 million. This has been raised from time to time since the Saskatchewan Economic Development Corporation was first brought into being. One of the reasons for requesting such a large increase this year is that the Corporation will be involved in the financing of part of the roads and possibly part of the railroad for the Athabasca Pulp Mill. We also anticipate a very busy year for SEDCO in their other activities for the industrial development of the province. As well, we don't think it should be necessary to come back every year to the Legislature for an increase in the limit for future development.

I move second reading of this Bill.

Motion agreed to and Bill read a second time.

HON. G. B. GRANT (Minister of Health) moved second reading of Bill No. 64 - An Act to amend The Public Health Act (No. 2).

He said: Mr. Speaker, this amendment is related to changes about to be made at the Saskatchewan Hospital in Weyburn. I announced some months ago that the Government intended to convert most of the main hospital building at Weyburn into an extended care hospital for persons with mental or physical disabilities. The type of care given is what is generally called Level IV. This will be a hospital where some of the patients may still require the attention of a psychiatrist and other medical attention as well as psychiatric nursing and other hospital services but where it will be understood that the services will be required for a prolonged period rather than for a much shorter period now required for most patients in an acute or an active psychiatric hospital setting.

It is intended that the Saskatchewan Hospital at Weyburn will disappear as a facility within the meaning of the Mental Health Act. On the day that that happens the extended care hospital will officially commence operation under Section 83 of The Public Health Act.

It is also my intention formally to establish a psychiatric centre on the grounds of the Mental Hospital at Weyburn. This centre will be established at the same time as the new extended care hospital commences operation. This centre will be utilized exclusively for the care of patients requiring active psychiatric attention. It will officially become a Regional Psychiatric Centre performing a function much like the psychiatric centres at Yorkton and at Prince Albert.

There are now approximately 400 patients in the Saskatchewan Hospital at Weyburn. It is believed that about 350 to 360 of these patients will be suitable for admission to the new extended care hospital when it commences operation. Most of these patients are mentally incompetent and there are a substantial number who do have near relatives or who could consent to them being admitted to the new extended care hospital.

Some reconstruction and renovation is now taking place in the main hospital building so as to permit the conversion of the building from a psychiatric facility to an extended care hospital for use to better advantage. It is believed that this reconstruction and renovation will be completed later this summer. The conversion will take place when the reconstruction is completed.

There will be no problem about transferring patients from the mental hospital to the new extended care hospital if they are mentally competent or if they have a near relative. However, there are probably close to 100 patients who are incompetent and who do not have any near relatives. The Administrator of Estates does not have the legal authority to authorize the admission of these persons to an extended care hospital. It is, therefore, proposed that statutory authorization be enacted to authorize the admission of these persons.

Wherever the patient is competent and objects or where the nearest relative, if any, objects, the patient will not be transferred and some disposition will be made of him in accordance with his wishes or that of his nearest relative.

It is my intention to operate this extended care hospital as a hospital under the Saskatchewan Hospital Services Plan. The patients admitted to the hospital will, therefore, not be required to pay for services received except on the same basis as now applies in general hospitals. The only exception will be that where a patient is transferred from the mental hospital to the extended care hospital on the day the new hospital commences operation, the time spent in the Mental hospital will be taken into account in determining whether utilization fees are payable. In most cases there will be, therefore, no utilization fees payable by the patients being transferred since almost all of them are long-stay hospital cases. However, the mental hospital charges that have accrued to the date of transfer will be applied against the estates of these persons upon their death.

It is my belief that this new kind of hospital will constitute a more practical kind of service for the patients in question than the mental hospital. This amendment, Mr. Speaker, will assist in bringing about this conversion by clarifying the status of the patients eligible to be admitted to this new kind of hospital.

With that explanation, Mr. Speaker, I move the Bill be read a second time.

MR. A. E. BLAKENEY (Leader of the Opposition): — Mr. Speaker, the Minister touched on a couple of points which I wish to raise in the debate on second reading of this Bill, more particularly those with respect to the position, in

financial terms that the patients will find themselves in when being transferred from the mental institution to this extended care hospital which the Minister is establishing. I understood the Minister to say that the patient will find himself in a hospital which is a hospital within the meaning of the Saskatchewan Hospital Services Plan and accordingly the patient will not have to pay anything other than that which he would have to pay if he were in the Regina General Hospital, subject to some adjustment for deterrent fees, which is not my prime concern since these fees are of relatively short duration. If this is so then it would be inappropriate, I suggest, for the Minister to transfer patients from an institution where they were receiving care at public expense to one where the patient himself or his relatives or estates had responsibility for payment, without consent other than this statutory consent. But he advises us, as I understand it, that such is not the case, that there will not, in fact, be a financial penalty built into this proposal and I am gratified to receive that assurance.

I wonder, from another point of view, whether he might indicate what he thinks the position of the province will be with respect to obtaining cost-sharing from the Federal Government with respect to these patients transferred to the extended care hospital. I understand he made a comment on that during Estimates and I should like to refresh my memory on what he said in that regard.

With those comments, Mr. Speaker, I will not oppose the Bill.

MR. GRANT: — Mr. Speaker, in reply to the Hon. Member, I would say that we have no reservations about the possibilities of cost-sharing, particularly on what we know of categories 4b and 4c, those are the normal geriatric type chronic-care level for patients. With regard to level 4a, this may be somewhat more difficult but this is a category of patient that will actually disappear from that institution and their places will be taken by conventional level 4 patients. To summarize my remarks we are confident that we shall qualify for cost-sharing.

Motion agreed to and Bill read a second time.

HON. D. V. HEALD (Attorney General) moved second reading of Bill No. 65 - An Act to amend The Mechanics' Lien Act.

He said: Mr. Speaker, this Bill contains five sections by way of amendment to the existing Mechanics Lien Act. Hon. Members will perhaps recall that in 1963 The Hon. Mr. H. F. Thompson, retired judge of the Queen's Bench, was appointed Commissioner to review the Act at that time and to make recommendations for amendments and to draft a new Act if it was thought advisable. Judge Thompson's report along with the draft Act was filed with the Government about May of 1965. Since that time this report has been widely circulated among persons who might be interested in the building and construction trades and was also carefully studied by officials of my Department. While a number of new sections in that draft Bill were acceptable, there was also a large number of sections that the industry and others suggested should be further considered. This was done and as a result Bill No. 78 was given first reading of the 1970 session of this

Assembly. When this Bill was again circulated and considered by those interested, it was recommended that it should receive further study along with further recommendations to be made, and as a result last year we decided to drop the Bill from the paper for further discussion and consultation.

Now that Bill, Bill 78 of last year, has again been carefully studied by the industry and also by my Department and we have a new Bill, the Bill that I am introducing here today for second reading. It should be realized, Mr. Speaker, that since the Thompson Report was received in May of 1965, numerous changes have taken place in the construction industry. One of the Sections, Section 3 of the Bill provided, that's Bill 78, that the Act should apply to the Crown or in other words that Crown property should be made subject to the lien under the Act. Now although this was recommended by the Thompson Commission, the views of the Government apparently at that time were not submitted to the Commission, and the law officers of my Department have made a number of important recommendations in this connection which will have to be given careful consideration, along with further recommendations or representations made by industry. For these and other reasons, Mr. Speaker, the Government is not prepared to submit to the Assembly, at this Session, a revised new Mechanics' Lien Act. It is felt, however, that several sections of the Act could and should be amended at this Session and the Bill now before the House incorporates such amendments.

Briefly, the import of these proposed amendments is as follows: First of all, dealing with rental equipment. Within the last decade or so, contractors, as most of you know, instead of purchasing large implements or machinery required in connection with construction, have rented such equipment and an operator in some cases to operate it. The legal point as to whether or not the cost of such rental equipment could be protected by a lien under the present Act came before the Supreme Court of Canada and it was held that such rental was not lienable under the Act. Ontario and several other provinces have amended their Acts to provide that the cost of rental, etc., shall be lienable and it is my opinion, in the interest of all parties concerned, that our Act should be similarly amended. Section 1 of the Bill before you provides that the cost of such rental equipment and the costs of operating it, while on the building site, shall be included in the term, 'services'. The Act contains a number of sections in which the word 'services' is used and by so defining that word, the right to a lien shall be provided.

Secondly, we have changed the percentage to be deducted and retained from the contract price. The Bill before the House provides for the repeal of Sections 11 and 12 of the present Act and for the substitution of new Sections 11 and 12. These new proposed sections are, with one or two slight amendments, similar to Section 12 and 13 of Bill 78 that was put on the table last year. The present Section 11 calls for a holdback of 20 per cent of whatever may be the total contract price. The industry feels, and we have had much consultation with them, the industry feels that the amount of 20 per cent, particularly where the contract price involves a large amount, creates financial problems and increases the cost of the building. If a contract of $1 million is taken as an example, the present Act requires the owner to hold back 20 per cent or $200,000, but this amount must be available at all times. The owner must either borrow that amount

and pay interest on it or set aside his own money and lose interest on it. Similarly a contractor is also required to deduct 20 per cent from all payments payable to subcontractors and hold it on similar terms. In result, the cost of the construction is increased by reason of such interest charges and, of course, that cost is added on and is paid by the purchaser or the homeowner. One of the purposes of new Section 11 in the Bill is to provide for a 20 per cent holdback where the contract price does not exceed $25,000 and for a reduction of that holdback to 15 per cent where the contract price exceeds $25,000, but in no case may the holdback be less than 20 per cent on a $25,000 contract. The new Section 11 then creates a charge upon that holdback in favor of the subcontractor or material man, as well as a charge upon the land involved. But if, perchance, a subcontractor or material man has for some reason lost his lien against the land, the lien or charge or holdback continues. Furthermore, there have been cases where an owner contracts with a contractor to construct a building without fixing a contract price, but accepts by way of payment other property in exchange or partly in cash and partly by other property. In such cases, there appears to be considerable doubt if a contractor or subcontractor or material man is entitled to a lien on the property improved. The new Section 11 makes special provision for such cases by providing that the value of the property accepted by the property owner as payment of the whole or portion of the contract price must be valued and the holdback based on that valuation.

Finally, as to Section 11, special provision is made that as against lien claimants the holdback required to be retained may not be applied by the owner or contractor receiving the money in payment of any other claim.

Coming to Section 12 of the Bill. This involves reduction of holdback and this is a very important section of the Bill, Mr. Speaker. It's a new Section, no similar section appears in the present Act. The effect of this Section is to make it possible for a subcontractor who has completed his contract to receive payment upon completion, provided the contract is under the supervision of an architect or engineer or other persons, and that person issues a certificate of completion. If he does so and the owner or contractor pays out the subcontractor the holdback is computed on the balance of the contract price. Now under existing law a subcontractor is required to wait for payment of the holdback portion of his contract until the whole contract has been completed. He may have to wait several months or even several years, and I am sure the Leader and Deputy Leader of the Opposition have run into this, and you have subcontractors tumbling like ten pins - going bankrupt because they can't operate during this period of time because there is no cash flow. The 20 per cent or 15 per cent holdback on an excavator's contract, for example, the first man that starts the job, may be of great importance to him and make it impossible to finance other similar contracts. Under the proposed Section, and I submit that this is a great improvement, under the proposed Section he will be entitled to be paid if the architect certifies that he has completed his contract. However, in some cases architects, even when the contractor claims that he has completed the whole contract and in such event the only remedy available to the contractor or subcontractor is to bring an action to enforce his lien under the present law, then have the court decide whether or not he has so completed. If the court should find that he has not, then the action may be dismissed and the contractor would then have to complete the contract according to the finding of the court. It is felt, Mr. Speaker, that there should be

a summary remedy given to the parties interested to have a judge of the court determine the dispute as to the completion. If the court finds that the contractor or subcontractor has completed then payment should follow as a matter of course without action having to be brought. Provision has, therefore, been made in Section 12 that where the owner, or contractor, or subcontractor requires a completion certificate from an architect or an engineer he may serve a notice demanding it and the architect must within a specified time either issue the certificate or serve notice setting forth reasons why he refused to do so. If the owner, or contractor or subcontractor is not satisfied with the terms of the refusal, he may apply to a judge to determine the dispute with the results already mentioned.

Another important point involved here is that a contractor or subcontractor is required under Section 23 of the Act to register his lien within a fixed period of time after completion. Special provision is made for a period of time where an architect refused upon application to issue a certificate. In order to bring Section 23, sub-section 5 into accord with Section 12, it has to be amended to provide that where a judge has found the contract has been completed the person affected must file his lien within a specified period of time thereafter to maintain that lien.

The next point that is dealt with in this Bill has to do with actions to enforce liens. Section 5 and 6 of the Bill have to do with the place where an action to enforce a lien may or must be brought. Section 33 of the Act requires such action to be brought at the judicial centre nearest to the land involved. If it is brought at another judicial centre the court must transfer that action to the proper judicial centre. Mr. Speaker, experience has shown that the interests of all parties concerned in such action are not necessarily protected by a strict observance of the rule that I have mentioned. The jurisdiction of the district court under The Mechanics' Lien Act is limited to determining the right of parties to a lien under the Act for an amount to be determined. If the owner or other person has a claim for damages or imperfect or improper performance of a building contract or other grounds exist for rescission or other relief, such action must be brought in the Court of Queen's Bench unless the amount actually claimed is $5,000 or less. In the result it has happened that two actions are pending between substantially the same parties, one in the district court to enforce the liens, the other in the Queen's Bench for damages or other relief. The purpose of amending Section 33, as we have in this Bill, is to confer jurisdiction upon the judge of the Court of Queen's Bench upon application by any party to a district court action to order the transfer of the action from one judicial centre to another or, if seen fit, to transfer the district court action to the Queen's Bench so that one trial will decide all matters in dispute between the contesting parties. The Queen's Bench will then not only determine the rights of each lien claimant but also declare such claimant to have a lien and otherwise carry out the provisions of the Act. And finally, Mr. Speaker, it is felt that this Section should be made applicable to actions now pending in the district court so that transfer may be made of them if ordered by a Queen's Bench judge.

Mr. Speaker, it is expected by the time the next session is held, a complete revision of The Mechanics' Lien Act will have been prepared and will be submitted to this Assembly. In the meantime the Government feels that the proposed amendments as set forth in this Bill will tend to encourage building, reduce

the cost of construction by the saving of interest charges on capital required to be borrowed, and thereby, indirectly create new jobs in the construction industry.

So, Mr. Speaker, with that explanation I would move second reading of this Bill.

MR. A. E. BLAKENEY (Leader of the Opposition): — Mr. Speaker, I shall make a few comments. I commend the Attorney General for this Bill. I think it is a good Bill and I think that the changes it makes are worthwhile changes. This is a very complex area of the law and no one, I think, treads with a sense of complete conviction in this area. I know that if anyone made a check list of all the problems in the area of Mechanic's Liens, the list would be very long but I know that this particular Bill checks off seven or eight of them fairly effectively.

More or less starting from the tail end of the Attorney General's remarks and going forward, the idea of providing for alternate courts and giving the Queen's Bench jurisdiction is excellent. I remember perhaps the most complicated case I was involved in, was a case where there was doubt whether in fact there was a lien because the property of a Crown corporation was involved. The contractor had, in the interim, gone bankrupt and the trustee in bankruptcy took the view that perhaps the bankruptcy court was the appropriate place. There were claims by the Federal Government and their solicitor suggested that the Exchequer Court might be appropriate. There were assignments under the Treasury Department Act and there were other claims which led me to bring the matter to the Court of Queen's Bench on the grounds that when in doubt that's the place to start. The matter got excessively complicated. This particular provision, it seems to me, would have solved a fair number of the problems and, in particular, would solve the knottiest of the problems of whether or not, because a lien is involved, one should be in the district court.

The provision for reducing the holdback to 15 per cent on amounts over $25,000 is sound. The 20 per cent is too high and generally, across Canada, is not enforced with respect to large construction contracts. I think that is sound. All of the comments which the Attorney General made with respect to financing contracts are sound and have got sounder everyday in the last few years as interest rates have soared and as available bank credit has become more restricted.

What I might call the interim clearance arrangements, subcontractor by subcontractor, is a very excellent improvement and will be greeted with warm favor by people who put in basements and people generally who do subcontracts at the early part of major construction projects.

The proposal to include a summary way of ascertaining whether or not the contract is completed is a good idea. I wonder whether or not it will be effective to make architects and engineers issue certificates. That will have to work itself out. I know that the provisions which provide for costs to be assessed as the judge may allow. If a judge charges against an architect or an engineer some costs when the architect or engineer has, without proper cause, withheld a certificate that action by the judge may build up a pattern where these certificates can be expedited.

The idea of rental equipment is, I think, a sound one. I recall another occasion when I attempted to take the view that telephone services rented to a contractor on site were lienable. The court didn't see it that way. I don't blame the court for that but the argument now has a little more merit. Whether or not it would be successful this time or not I don't know.

The provision that the lien pool is not available to the owner to complete the contract, that clear statement of the law in the Bill is going to be helpful. I had been of the view that that was the law before but I haven't always been able to convince bonding companies of that point of view. And, I think, that this statement of the law will be useful in that regard.

It appeared to me as I read one section that it will, in effect, make the Act apply to the Crown in a partial way. While it will not be possible to get a lien against any property of the Crown, as I read the Act, the Crown will now be required to hold back the funds that they would have done if they were a private owner. Under those circumstances the lien pool will be available and lienable, if I may put it that way. That is a useful provision. The exemption for the Crown has been a real problem, I know, to Saskatchewan Telephones and Saskatchewan Power Corporation and some of those firms who really didn't want that exemption. They wanted to deal with their contractors and that exemption. They wanted to deal with their contracts and their subcontractors in precisely the same way as any other owner but found themselves unable to take this position as against the bonding companies, who, I suppose very properly, took advantage of every provision of the law that would favor them. It seems to me that problem will be solved at least in part.

In general, I think all of the provisions which I saw and appreciated were good ones. There are probably several provisions in there which I don't appreciate and I make no apology for that. But all in all a very useful Bill which I think will be welcomed by contractors and subcontractors, particularly, and will not be resented by owners. I can't speak for the bonding companies.

Motion agreed to and Bill read a second time.

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