

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Second Session — Seventeenth Legislature
20th Day

Wednesday, March 22, 1972.

The Assembly met at 2:30 o'clock p.m.
On the Orders of the Day.

WELCOME TO STUDENTS

Hon. W.E. Smishek (Regina North East): — Mr. Speaker, on your behalf and on behalf of the Members of the Legislature I should like to welcome a group of 93 students from St. Anne School located in my constituency. They are Grade Seven and Eight students. They are accompanied by their principal, Mr. Zurowski, and by two teachers Mr. Dupuis and Mr. Bernhauser. I hope that their stay this afternoon in the Legislature will be educational, informative and I trust that it will assist them in their future studies.

Hon. Members: Hear, hear!

Mr. G. Lane (Lumsden): — Mr. Speaker, it gives me a great deal of pleasure to introduce to the Members of this Assembly through you 14 students from Vibank High School accompanied by their teacher Sister MaryAnn and they are seated in the Speaker's Gallery. We certainly wish them a very educational day and we wish them especially a very safe journey home.

Hon. Members: Hear, hear!

Hon. J.E. Brockelbank (Saskatoon-Mayfair): — Mr. Speaker, I should like to introduce to you and through you to the Chamber two groups of students from the constituency of Saskatoon-Mayfair. One large group from Estey School, comprising about 74 students and they are accompanied by Mr. DeMaris and Mr. Pierce and another group from St. Edward School of 30 students accompanied by Mr. Fisher and Mr. Hudy. I hope and I know all Members of the Chamber would hope that they find their day in this Legislative Chamber an interesting one and of some value to them during their lifetime. I know that all Members will join me in wishing them a safe journey back to Saskatoon-Mayfair.

Hon. Members: Hear, hear!

Mr. E.L. Tchorzewski (Humboldt): — Mr. Speaker, I should like to introduce to you and through you to Members of this House a group of 26 high school Grade Twelve students from the town of Leroy in Humboldt constituency. They are accompanied by their teachers, Mr. Neufeld and Miss Warder. I believe they are seated in the Speaker's Gallery. They have been in Regina since this morning, they have been at the RCMP Barracks and they are proceeding after their visit to the Legislature to the Auditorium. I am sure all Members of the House will join with me in wishing them an enjoyable stay with us in the Legislature and we hope that their stay here will be of some help to them in their Social Studies

and we wish them a safe trip home.

Hon. Members: Hear, hear!

QUESTIONS

CAPITAL GRANTS FOR SCHOOL CONSTRUCTION

Mr. J.C. McIsaac (Wilkie): — Mr. Speaker, before the Orders of the Day I should like to direct a short question to the Minister of Education with respect to capital grants for school construction. Is it correct that the changes announced by the Minister here last week result in a net reduction from the previous formula? The reason I ask this, two school boards have contacted me on the last day or two on this particular matter.

Hon. G. MacMurchy (Minister of Education): — Mr. Speaker, with respect to the question from the Hon. Member for Wilkie, it is a fact that the amount of money in capital for education is down considerably. There hasn't been a change in the formula in application of the capital grants.

Mr. McIsaac: — Just a supplementary, Mr. Speaker. My question was — I am not concerned about the total grant so much — as the actual amount coming to a board for a given project, that under the proposals and provisions announced last week that the Board will now be receiving less than it otherwise would have. When deductions are made for the local incentives program and some other provision I believe the Minister had mentioned.

Mr. MacMurchy: — Mr. Speaker, I think I answered the question. Probably I was mistaken by a portion of it. I answered the question by saying there hasn't been any change in the formula that applies to capital construction for schools, so far as the Department of Education is concerned.

STARTING DATE OF PROVINCIAL OFFICE BUILDING IN MOOSE JAW

Mr. D.F. MacDonald (Moose Jaw North): — Mr. Speaker, I should like to ask the Minister of Public Works for the approximate starting date of the construction of the Provincial Office Building in Moose Jaw which had previously been announced by the Premier and for which the Government owns the site.

Hon. J.E. Brockelbank (Minister of Public Works): — If the Hon. Member would submit that as a written question I will be pleased to provide the answer for him.

SECOND READINGS

Hon. R. Romanow (Attorney General) moved second reading of Bill No. 35 — **An Act to amend The Automobile Accident Insurance Act.**

He said:

Mr. Speaker, on March 6, 1946 an Act which was cited as The Automobile Accident Insurance Act 1946 was assented to

by the Lieutenant-Governor of the Province of Saskatchewan. The introduction of the first compulsory no-fault Government operated insurance plan in any jurisdiction, certainly in North America if not anywhere in the world, became law in the Province of Saskatchewan.

Some Hon. Members: Hear, hear!

Mr. Romanow: — Probably for many reasons the insurance industry at the time felt that the effect of the Automobile Accident Insurance legislation would be very minimal. I suspect that they probably felt that Saskatchewan, was basically an agricultural province, had something like in the order of 140,000 vehicles with fewer than one million people and that the impact of this legislation would in fact over the course of time be very small.

Mr. Speaker, I believe that you, as probably the only Member of this House who can probably no doubt recall with pride being a Member of the Assembly at that time and recall with pride the introduction by the CCF Government of that most unique plan that changed the entire automobile insurance industry in North America.

Some Hon. Members: Hear, hear!

Mr. Romanow: — A committee formed in September of 1945 at the direction of the Hon. Mr. Valleau was made up of representatives of the Highway Traffic Board and the Saskatchewan Government Insurance Office. Their considerations of studies made in other jurisdictions and the existing financial responsibilities, law and other laws, relating to compensation formed the basis of the report of the committee and the basis of their recommendations. Also in the course of the deliberations the special committee talked about Saskatchewan Government Insurance, the office that was to administer The Automobile Accident Insurance Act.

Let me give you just one quote, Mr. Speaker, from that report in 1945, talking about Saskatchewan Government Insurance, because I think it is a significant quotation. The report says:

Saskatchewan Government Insurance is not just one more competing operation, it is an instrumentality by which some part of the general objective may or should be achieved, namely to give insurance to the people for a price more nearly in line with its proper cost, to invest its reserves and surpluses in further industrial development and growth and to provide additional capital for investment in human beings as such in the form of more adequate social services.

The concepts and the coverages under The Automobile Accident Insurance Act introduced in 1946, 25 years ago, are as valid today as they were back in 1946.

Some Hon. Members: Hear, hear!

Mr. Romanow: — Successive CCF governments concerned themselves with changing economic conditions and the changing needs of those who have been unfortunate enough to be victims of automobile accidents. As an example of this type of continuing concern and

change you will know that death benefits were increased from \$5,000 to \$10,000 in 1947. Dismemberment benefits were broadened and increased to \$4,000 in 1953, then further broadened in 1960. The weekly indemnity increased from an original \$20 to \$25 per week; supplementary allowances for medical and related expenses were increased from \$225 on at least three occasions up to \$2,000. All of these increases reflected the concern of the incumbent government prior to 1964 for the compensation of personal injury to those who have suffered that as a result of automobile accidents.

In the area of comprehensive and liability insurance, collision benefits were added in 1947 with fire and theft coverage being provided in 1949. Public liability and property damage coverage was added in 1948, providing \$5,000 to \$10,000 public liability, and \$1,000 property damage protection. The coverage was increased from \$10,000 to \$20,000 public liability and \$2,000 property damage in 1953 and from \$2,000 to \$5,000 for property damage in 1957. Then in 1963 the public liability and property damage limits were again amended to the \$35,000 inclusive limit coverage as it exists today.

Mr. Speaker, it came as a surprise to some, certainly to me when I found out that at the inception of the plan the most vocal opposition did not come from the insurance industry, but rather came from the garage operators of the day and also by some political opponents of the CCF Government of the day. The lack of opposition by the insurance industry to the CCF Government was related I suppose in part to the small volume of automobile insurance written in Saskatchewan in 1946. The attitude of the industry obviously must have been at the time that the plan would soon meet with an early death, especially since it was administered by all those planners and Socialists who had just finished taking over the government in 1944. Mr. Speaker, such has not been the case, in fact the exact opposite is true with the growth of Saskatchewan Government Insurance and The Automobile Accident Insurance Office.

Some Hon. Members: Hear, hear!

Mr. Romanow: — The continued growth of the plan over the years has created unprecedented interest in the operation of no-fault insurance run on a government basis. In the enviable position of creators of the most stable no-fault compulsory plan today, Members of SGIO, at the political level, and the chairman at the management level have appeared in many jurisdictions in Canada and in the United States of America to explain our concept and to explain our plan. Delegations from other parts of Canada, the United States, as far away as Japan and Europe have personally been here to our office to study the AAIA and our operation. Surely this is a noteworthy matter and a vote of acceptance of compulsory no-fault automobile insurance.

Mr. Speaker, it gives me a great deal of satisfaction to note that no-fault insurance is being accepted in what some may call it to be the most unusual of places. I notice by one of the recent documentations under date of March 11, 1972, that no-fault insurance now appears to be accepted even in the highest bastions of free enterprise — at least it looks as if it is being accepted. I have in front of me here a portion of the publication, The National Observer under date of March 11, 1972. Hon. Members will note that the headline says, "Ford Motor

Company Supports No-fault Automobile Liability Insurance.” It then proceeds to tell in a full page why. This is a very expensive advertisement coming from Ford Company. This is the company with better ideas, Mr. Speaker. The problem is that it is an idea that’s 25 years too late. I suppose if that’s indicative of how long we have to wait for some activity in the free enterprise segment, then indeed we are in trouble in those areas where we are waiting for them to take other action.

Some Hon. Members: Hear, hear!

Mr. Romanow: — But nevertheless the principle of no-fault, our plan is being studied and gradually being accepted. To date as a result of these studies a plan has become operative in Puerto Rico. The Province of Manitoba which as all Members will know has adopted the plan of no-fault insurance very closely paralleling The Saskatchewan Automobile Accident Insurance Act.

Mr. Speaker, it took the insurance industry, and I suppose some of those who opposed it in 1946, nearly 25 years to recognize the no-fault principle. Now they suddenly all claim that it is their own plan and offer it on a universal basis. Without question, Mr. Speaker, no other such plan or piece of legislation has been examined and scrutinized and debated by other jurisdictions to the same extent as our very own Automobile Accident Insurance Act, the Bill that it is my pleasure to move second reading of amendments to it today.

Indeed our plan has gained world-wide prominence. Mr. Speaker, I told you of the improvements that were made to the Act on a regular basis by the CCF Governments from 1946 up to 1963. At this time, Mr. Speaker, I note with deep regret that since 1963 there have been virtually no meaningful improvements to the benefits provided under The Automobile Accident Insurance Act. In fact, Mr. Speaker, while other provinces and other insurance plans sought to improve their coverage and their benefits, for some strange reason in the Province of Saskatchewan for a seven-year period, from 1964-1971 there was virtually nothing done to extend the benefits to The Automobile Accident Insurance Act. With the return of the New Democratic Party, one of the very first considerations undertaken by our Government was to evaluate the adequacy of the provisions of The Automobile Accident Insurance Act to ensure that the benefits are always increased so as to be in line with the economic requirements of our ever changing conditions. To implement changes and benefits to AAIA which would in effect maintain the high degree of public confidence by the people of the Province of Saskatchewan in SGIO and AAIA.

We are entitled to ask: Why were no changes presented in the days of the Liberal Government between 1964 and 1971? We are entitled to ask: Why did not the Liberal Government acknowledge the fact that the economic circumstances changed requiring action and improved coverage? We are entitled to speculate, Mr. Speaker. Was the Liberal Government of the day, between 1964 and 1971, so paralyzed into inactivity in this regard, so paralyzed because of what we disturbingly have heard to be difficult and bitter fights within the Cabinet of the Members opposite, some wanting to sell out SGIO and all aspects of it and those few who are struggling and still manage to retain it for the Province of Saskatchewan.

Some Hon. Members: Hear, hear!

Mr. Romanow: — Mr. Speaker, there is a private Member's motion before you on the blues with respect to automobile insurance rates which I will hopefully have a few words to say about in the course of another debate. I want to say that I will during the course of that debate also be saying something about the attitude and the actions of certain members of the Executive Council of the Government of the day with respect to SGIO and the AAIA and their position in Cabinet and other deliberations. I am confident however that there can be no fault found in providing in a more substantial manner for victims of automobile accidents and even those who oppose this plan in the Province of Saskatchewan in a most partisan and bitter way should be able to stand in support of these proposed amendments.

On the proposed legislation before you, I should like to comment now, Mr. Speaker, to some extent on those that are other than housekeeping changes as they are affected by the indicated changes. First of all Section 2 paragraph (1) we will remove an apparent discrimination providing inclusion of a single woman within the terms of the Act. Section 2(1)(a). The proposed amendment with the necessary restrictions broadens the intent of the Act to include common-law unions and will recognize common-law unions entitling them to the benefits. Section 14 amended ties in with proposed amendment in Section 91 paragraph (1) of The Vehicles Act to recognize expiry dates other than April 30. Section 21 is providing \$4,000 lump sum benefits with a proportionately smaller amount payable for lesser disabilities has been on the books, Mr. Speaker, since 1953. This is not consistent with the present day needs. There is a lack of flexibility under subsection (5)(a) which is restrictive in that the maximum amount of \$4,000. We propose to increase this to \$10,000 and this increase would be more in line with the standards of today. Section 22, Mr. Speaker, deals with weekly indemnity payments. The weekly indemnity payments must be considered to be well below amounts on which an accident victim can sustain himself. The present benefit \$25 per week is well below that provided by other accident schemes now in effect elsewhere. Considering the increase in the cost of living and the minimum wage in Saskatchewan, the implementation of a benefit of \$60 per week for total disability and \$30 per week for partial disability are reasonable and offer a sense of security to the injured party.

The total and permanent disability payable for the duration of the disability will provide total security and insure that a victim will not suffer in a financial way with the present 104 weeks or two year limitation on payments. In other words this will be expanded to make the payments payable for life. This will require an effective claims control but with the anticipated small number of this type of claim careful individual consideration of each claim can be made, my officials inform me.

Under Section 23 the proposed increase in supplementary allowance payments from \$2,000 to \$4,000 is suggested in view of the economic factor for out of pocket expenses resulting from accidents other than those provided by the Saskatchewan Hospital Services Plan and Medical Care Insurance Commission. There are many instances where we recognize \$2,000 may be ample but it is felt that provision should be made for rehabilitation costs that may exceed this figure for long term treatment. The provision under Section 24(1) death benefits of \$5,000 for the death of an insured to a primary dependent and

\$1,000 each to the secondary dependents has not been increased in something like 20 years. This apparent inequity related to today's standards will be somewhat alleviated by increasing the dependent benefits by 50 per cent or to \$7,500 and \$1,500 respectively. This section has a further important amendment by adding subsection (2)(a) to assume that in the event of a man and wife dying in the same accident that the man predeceased the wife. Previously there existed an obvious inequity in the matter of benefits payable had it been determined that the wife was the last survivor. In many cases payment under the existing provision meant a considerably lower payment of benefits to the secondary dependents when they were in greater need of compensation. Section 34(3)(b) proposes an increase of \$1,000 in the event of the death of the wife. This increase to \$3,000 reflects the changing times and the economic outlay necessitated in this event. Section 24 subsection (3)(d) is amended to bring the legislation in line with other housekeeping. Section 32, Mr. Speaker, the proposed amendment extends the time limit under which an action may be commenced and is in line with similar legislated limits under other insurance contracts.

Mr. Speaker, I am also pleased to propose a substitution for the present Section 48 the principal purpose of the amendment is to include within it a remedy for persons whose property is damaged by hit-and-run driving. In essence under the present Section 48 there appears to be no provision for full compensation for damage to a vehicle where the owner or operator of another vehicle cannot be ascertained in a hit-and-run situation. An insured, the victim of hit-and-run, was always faced with the amount of the deductible, \$200 under the Act and even a minimum of \$25, \$50 or \$100 if he had extension coverage. This restrictive benefit is now sought to be amended to provide coverage under the circumstances where the damage exceeds \$200 in which the full uninsured amount of the damage will be paid. This broadened coverage, Mr. Speaker, will remove yet another contentious feature under The Automobile Accident Insurance Act. The balance of the amendments before you and before the House relate to what I would classify as normal housekeeping problems and can be discussed in greater detail in Committee of the Whole.

Mr. Speaker, if adopted the amendments proposed today will ensure that The Automobile Accident Insurance Act will again be the leader in the no-fault insurance field in the Province of Saskatchewan.

Some Hon. Members: Hear, hear!

Mr. Romanow: — This Government is not going to rest simply on introducing what I consider to be one of the major and important pieces of legislation this Session. Much more has to be done with AAIA. We have to ask questions about rehabilitation programs and their effect. Can we institute different types to be of more benefit to those who have been victimized in unfortunate and costly accidents. What about the costs of car repair? Are there new ways to limit the costs to get greater benefits to the people of the province? In other areas, can rates for cars be reduced? There are a variety of problems that this Government is committed to study, a number of questions that should be asked in our continuing search to make this the finest statute of its kind anywhere in North America.

Mr. Speaker, in the debate that goes on about us in North America and elsewhere about compulsory no-fault automobile insurance, let me say that this Government is committed and the Saskatchewan Government Insurance Office and AAIA. We brought it in, we are going to nurture it and we are going to expand it. And I say to the Members of this House that voting approval of these amendments will mean that you too are committed to the principle of SGIO and AAIA. With those few words it gives me great pleasure, Mr. Speaker, to move second reading of an Act to amend The Automobile Accident Insurance Act.

Some Hon. Members: Hear, hear!

Mr. D. Boldt (Rosthern): — Mr. Speaker, we just heard for a few moments again a political speech by the Attorney General where he has accused the former Government of trying to sell the Saskatchewan Government Insurance Office including The Automobile Accident Insurance Act. And here again he knows better. At no time has the former Government considered selling out The Automobile Accident Insurance Act. At no time has the former Government considered selling out the Saskatchewan Government Insurance Office. As I have repeated before and I will repeat again there were a lot of people interest in buying The Automobile Accident Insurance Act and the Saskatchewan Government Insurance Office but they were always turned down. The Attorney General knows very well who these people are and if he doesn't he can find out who the insurance companies are that would like to put their fingers in Saskatchewan in The Automobile Accident Insurance and they will tell him and if he is not satisfied with my word then go ask them and they will tell him that at no time did the former Premier or the Cabinet or the Government indicate that they were interested in selling The Automobile Accident Insurance Act.

Some Hon. Members: Hear, hear!

Mr. Boldt: — Now we are not opposed to these benefits. And the only reason these benefits can be introduced at this time is because we left the corporation in such marvellous, wonderful financial state.

Some Hon. Members: Hear, hear!

Mr. Boldt: — When we took over this fund was practically bankrupt.

Some Hon. Members: Hear, hear!

Mr. Boldt: — In 1966 there was less than \$700,000 in the fund and there were accidents piling up and debts piling up and we had to put some funds in reserve so that whenever there were catastrophic incidents due to nature, hail storms in cities like Saskatoon, Regina that The Automobile Accident Insurance Act would be able to pay the claims. Now to say that The Automobile Accident Insurance Act has shown to the world that this is an Act implemented by the CCF in 1946 and that it has been successful nobody can deny when it is compulsory. You know the Department of Highways can never go broke, it can never go broke. While I was the Minister and the present Minister, if he builds a bridge like they did way back when you were the Government, the South Saskatchewan

Landing bridge fell into the river, they just went and taxed the people another million 'bucks' and they built another bridge.

Some Hon. Members: Hear, hear!

Mr. Boldt: — And this is the same way the Saskatchewan Government Insurance or The Automobile Accident Insurance Act operated. If we should have given Walter M. Logan or you name Wawanesa the same kind of charter that they could insure or that everybody had to insure with the company in Saskatchewan that company would have made money just like The Automobile Accident Insurance Act.

Some Hon. Members: Hear, hear!

Mr. Boldt: — There is no doubt about it. Now let's take a look at the Manitoba Pact, and consider 1946 with 1971. In 1946 only 10 per cent of the automobile drivers owning automobiles thought it necessary to insure their vehicles. So there was really no agent who was completely dependent upon insuring automobiles. But regardless of what province you are in today, regardless of what country you are in today people are insurance minded and so were the people in Manitoba. And in Manitoba there was 100 per cent automobile insurance coverage. And many private agents in the province relied on government or car insurance. 75 per cent of their income came from politicise related to cars and trucks and the government in Manitoba had a very difficult time to deal with these agents and to deal with the public when they were taking away 75 per cent of the business. So all I want to say to this House that compulsory insurance implemented in Manitoba, the Manitoba Auto Pact 1971 is a completely different story than to The Automobile Accident Insurance Act of 1946. The record of this Government, I believe is clear. I had the good fortune of meeting Mr. Ross Paulley in Australia a year ago and he at one time was the NDP leader in Manitoba and these are the words that he said "that if it wasn't for Dave Boldt in Regina and the Liberal Government the Auto Pact in Manitoba would have never gone through".

Some Hon. Members: Hear, hear!

Mr. Boldt: — You go and ask Ross Paulley. These are the words, if it wasn't for me the Auto Pact in Manitoba would have never gone through the House. Oh, they say that they struggled through, that SGIO had to struggle through and The Automobile Accident Insurance Act came through with the finest legislation. Well the Saskatchewan Government Insurance Office is administering The Automobile Accident Insurance Act and let's go back a little bit and see how they fared. Let's look at Saskatchewan Guarantee and Fidelity Company. Millions somewhere between \$4 and \$5 million of Saskatchewan premium money went in there at the expense of the people run by the NDP or the CCF prior to 1964. Saskatchewan Government Insurance Office prior to 1964 had perhaps \$.5 million profits. Where did they come from? They insurance Government Insurance buildings, fire proof buildings and practically all the profits in Saskatchewan Government Insurance Office prior to 1964 came from the Saskatchewan Government, the public.

Some Hon. Members: Hear, hear!

Mr. Boldt: — They were paying the profits. If you will check out and I'm sure you haven't yet, Mr. Attorney General, you might not know that this building is not insured. But they insured all the fire proof buildings and paid the Saskatchewan Government Insurance Office \$5 to \$600,000 in premiums and this is the profit they came up with from year to year. As I said at the beginning of my remarks, in 1964, I haven't checked exact figures, but I doubt very much whether there was more than \$1 million worth of surplus in the Act. And some of the reasons why this surplus was being built up was that the former Government about three years ago had the courage to implement the .08 impaired driving regulations which you people never had the courage to do. We were one year ahead of the Federal Government and prior to that year there were over 300 accident deaths on our highways and only a year or two ago there were less than 200. We were prepared several years ago to surcharge the operator for being impaired not the vehicle register. These were some of the benefits that while we were the Government we implemented and the surpluses can be attributed to the legislation and regulation that we brought in at that time.

Some Hon. Members: Hear, hear!

Mr. Boldt: — During the election campaign the NDP went around and said that there was so much surplus in the fund that the Liberals didn't like the young people. The Liberals had imposed a \$2 surcharge on every man and woman under 25 years and this would be taken off in the first year of office. What did they do? They left the \$7 there and the Attorney General didn't even know of the \$25 surcharge, he thought that was for the 25 year olds as well. It was only imposed on those who were found impaired or guilty of an accident.

I'd like to make a comment on the merits of the hit-and-run driver problem. I think it has the merits that the Attorney General has said. A hit-and-run driver, if it is such a case, that an individual whose motor vehicle is damaged has to pay the \$200 under The Automobile Accident Insurance Act. But the reason it was put in there in the first place by the former Government — and I believe that it had merits as well — because today many of our drivers could be involved in a single accident. Let's say you go out hunting and back into a tree and then come back into the city and several days later claim that somebody bumped into you, and claim a charge against The Automobile Accident Insurance Act.

I am somewhat amazed that the Attorney General would want to legalize common-law marriages. Here again we see the attitude of the NDP. Legalizing this is basically wrong, this is anti-Christian. They claim to be so much better than we are and here you shack up with any woman within a month, or two days, or one day and have an accident and if the common-law husband gets killed . . .

Some Hon. Members: Hear, hear!

Mr. Romanow: — You can have an accident every year.

Mr. Boldt: — Well, that's between you. The accident you are

referring to is covered under Saskatchewan Hospital Services Plan.

Some Hon. Members: Hear, hear!

Mr. Boldt: — And under Medical Care Insurance Commission as well. But I certainly can't support the amendment on Section 3. In generally I want to inform this House that the compensation paid, the benefits paid to those that are injured, that the Opposition will support the amendments.

Mr. A. Taylor (Kerrobert-Kindersley): — Mr. Speaker, let me first just mention that when the Member for Rosthern (Mr. Boldt) was speaking and mentioning the Liberal background in the automobile insurance field, trying to play down the role of the CCF, he ought to be reminded that he need only look at other major centres and provinces in Canada and he will find that the citizens there are paying two, three and four times as much for their insurance as we are.

Some Hon. Members: Hear, hear!

Mr. Taylor: — Now I want to turn just for a moment to the question of common-law, which the Hon. Member brought up. Far be it from me to support such an arrangement, besides the fact that it would do me out of some business . . .

Some Hon. Members: Hear, hear!

Mr. Taylor: — I do believe very firmly in the institution of marriage and in the sacredness of marriage. I believe too, that the family is a very basic part of our society, but it seems to me he's missing the main point of this Act. And the main point is simply that when a man pays for insurance he has the right to assign benefits to the beneficiary of his choice.

Some Hon. Members: Hear, hear!

Mr. Taylor: — And I think this is what we have to recognize. To recognize the right of the individual to choose to whom that insurance will go.

With these few words, Mr. Speaker, I want to say that I support this Bill.

Some Hon. Members: Hear, hear!

Mr. D.W. Cody (Watrous): — Mr. Speaker, it gives me a great deal of pleasure to speak on second reading of this Bill as I have been involved in insurance matters for most of my working life and, therefore, know the importance that this Bill will have on the motoring public in Saskatchewan.

I was certainly quite amused to listen to the Hon. Member from Rosthern (Mr. Boldt) when he talks about the great surpluses from SGIO and what have you, and he also says if we extended the courtesy of the compulsory feature to some firm such as Walter M. Logan, they could have done the same kind of

job. Let me remind the Hon. Member from Rosthern that we certainly wouldn't want to afford that kind of courtesy to a private enterpriser because of the fact that we had private enterprise in the insurance business for 40 years before that and look at what the premiums were up until 1946.

Some Hon. Members: Hear, hear!

Mr. Cody: — Mr. Speaker, he also went on to say something about the Manitoba plan. Well I agree there were a lot of sad moments in Manitoba but why do we have these kinds of moments, Mr. Speaker? The reason we have them is simply because of the fact that we have the capitalist, private enterprise corporations, backed by Liberals and Tories all over Canada, going up and down this Province and up and down Manitoba telling people that they shouldn't go along with the Automobile Insurance Pact in Manitoba. That's the only reason they are having problems. There is no other reason for the problem.

Mr. Speaker, as a former Minister of the Saskatchewan Government Insurance Office, I would have thought the Hon. Member would have known that the \$25 surcharge certainly was not for impaired drivers only, it was for someone who was at fault in an accident. I should like to just draw that to the Members' attention.

Mr. Speaker, I want to at this time commend the Minister responsible for the Saskatchewan Government Insurance Office and The Automobile Insurance Act for his dispatch in bringing this legislation before the House, so that the people of this Province will soon be able to enjoy the benefits which are included.

Some Hon. Members: Hear, hear!

Mr. Cody: — Mr. Speaker, as the Attorney General (Mr. Romanow) pointed out, this is an historic occasion. It's an historic occasion for the Minister and this Government because it was 25 years ago, under the previous CCF Government, that first brought in the compulsory no-fault insurance legislation which was passed in this House under the Premier, at that time Premier Douglas.

For 25 years The Automobile Accident Insurance Act has withstood the test of time. Yes, Mr. Speaker, it has also withstood the test of seven years of Liberal administration.

Some Hon. Members: Hear, hear!

Mr. Cody: — So well in fact, Mr. Speaker, that it has been accepted by the people of Saskatchewan that the previous Government dare not, I repeat dare not, put it back into the hands of private insurers. They didn't like it, they didn't like it, Mr. Speaker, but they had to accept it because the people of Saskatchewan liked it.

Some Hon. Members: Hear, hear!

Mr. Cody: — The proof of their motives,

Mr. Speaker, was the fact that while they were in office there were no significant changes in benefits or coverage. There were only changes increasing rates and adding surcharges.

Mr. Speaker, it is common knowledge, to anyone in this Province I'm sure, that the former Government made a study of this corporation. And I feel this study was done for only one reason and that being to sell this corporation and I don't think there's any question about that and it would have naturally been sold to private enterprise.

I feel if it had been left to the Hon. Member for Whitmore Park (Mr. Grant), who advocates from time to time, private insurance, private insurance carriers it definitely would have been sold.

Mr. Speaker, it is my firm belief that had that Government been returned to power we should have seen more dismantling of the Act and the surplus taken over by general revenue and possibly handed out to some foreign owned industry.

Mr. Speaker, in commenting upon the changes that are being brought forward today, it might do us all some good to review the situation that existed prior to the passage of the original Act. In Saskatchewan, at that time, only a small percentage of the motoring public carried any insurance. Recovery was difficult, long-drawn-out court battles, where the ability to pay often had some significant part to play over the right or wrong of the case. In single vehicle accidents there were no provisions for medical expenses, disability payments or death benefits for the surviving family. Situations could, and did occur where homes and property were lost because of insufficient coverage. In many cases and in many instances coverage was denied or payments withheld, forcing people to exist under unfair conditions.

I bring this up, Mr. Speaker, only to point out that in many provinces in Canada those conditions that had existed in Saskatchewan 25 year ago still exist today. Yet, what position have the free enterprise parties taken in Manitoba, as I just mentioned a moment ago? What is the stand by the Liberals and the Tories in that province? Irresponsibility, of course. Mr. Speaker, whenever there is a choice between public good and private profit, the old line parties will opt for the latter.

With the advent of The Automobile Accident Insurance Act all of this was relieved because its primary function was to compensate victims of automobile accidents regardless of fault. The AAIA has helped thousands of Saskatchewan residents who have become disabled either permanently or through automobile accidents. These payments, although beneficial, have not kept pace with today's living standards. For example, a person who was totally disabled in an accident received a total cash payment under the Act of \$4,000. In addition he would have received a weekly payment of \$25 per week for a limited period of 104 weeks. If the insured person was partially disabled from an auto accident he would have received the weekly sum of \$12.50.

Mr. Speaker, this weekly sum of \$25 for permanent disability and \$12.50 for partial disability, although helpful, would hardly give a person in today's society a decent standard of living. It is this section of the licence plate insurance that badly needed change and updating because it is the section dealing with the welfare of the traffic victims, the welfare of

human beings.

Mr. Speaker, what is being done? This Government intends to increase the cash payment for permanent disability by 150 per cent, from \$4,000 to \$10,000. In addition, we plan to increase the weekly payment for permanent disability of \$25 a week to \$60 a week. This weekly payment for total disability will be provided for life, Mr. Speaker, if after 104 weeks the insured person is still totally incapacitated he will receive the full \$60 per week for life. The partial disability payments for these persons not as seriously injured, will increase from \$12.50 per week to \$30 a week. In addition to the weekly payments, we will be increasing the supplementary allowance by 100 per cent, from \$2,000 to \$4,000. This supplementary allowance will be used to generally increase rehabilitative services.

All of these changes, Mr. Speaker, are fundamental to the well being of Saskatchewan residents, should they become injured in a car accident. It is our hope that it will once again allow victims of car accidents to live in dignity should misfortune strike.

Some Hon. Members: Hear, hear!

Mr. Cody: — I want now, Mr. Speaker, to turn to another section of the Act, part 2, and that is the death benefits. Here again, significant changes are proposed where increased amounts of money will be made payable to dependents where there has been a fatality as a result of a motor vehicle accident. No amount of money can, of course, replace a loved one. All it can do is pay part so that the surviving family will not suffer two disasters, the loss of the loved ones and the unbearable financial burdens.

Under this section we propose to increase the benefits payable in the event of death of the primary dependent, from \$5,000 to \$7,500. Each secondary dependent will receive \$1,500 instead of \$1,000. These are most important changes, Mr. Speaker, and will do much to alleviate the financial burdens on a family that has lost its breadwinner.

I should also like to point out another significant change under this section of the Act. Where the situation arises that both father and mother are killed, which has already been pointed out by the Hon. Minister, the amendment to the Act will always presume that the father died first. This has the effect of nearly doubling the benefits of the surviving children. Certainly, Mr. Speaker, a fair sighted and humane attempt to let the surviving children have the same chance in life after the tragedy has occurred.

Mr. Speaker, I want now to turn to part 4 of the Act which deals with bodily injury and property damage. I am pleased to note that in the legislation proposed an equity in the case of the victim of a hit-and-run driver is being remedied. Before, the owner of a vehicle involved in a hit-and-run accident was responsible for the full amount of the \$200 deductible, if there was no identified party. This was an injustice because an innocent party was forced into financial responsibility due to circumstances beyond his control. The proposed amendment will remedy this situation by paying for all the repairs to this vehicle if damages are over the \$200 deductible.

Some Hon. Members: Hear, hear!

Mr. Cody: — For the past few minutes, Mr. Speaker, I have been speaking about changes, significant changes in a social document called The Automobile Accident Insurance Act. I have brought to the attention of the House the many benefits that are incorporated into this Act for the people of Saskatchewan. Incorporated, Mr. Speaker, at a no increase in rate for the vast majority of drivers and cars owned in the Province of Saskatchewan. Let this record stand as compared to the attitude and the performance of the previous Liberal Government.

I mentioned earlier, Mr. Speaker, that this is an historic occasion for Members sitting on this side of the House because we have had the opportunity to take part in updating something that was pioneered in Saskatchewan by a previous Social Democrat Government and if history records the concept of no-fault, and surely it will, the names of no-fault and Saskatchewan will always be synonymous.

Mr. Speaker, if the policy of the insurance office will be to administer this updated Act according to its spirit, rather than strict technical meaning of the words employed, then we can truly say we have the best insurance program of any people in North America and probably the world.

Mr. Speaker, I certainly and wholeheartedly support this Bill.

Some Hon. Members: Hear, hear!

Mr. W.A. Robbins (Saskatoon Nutana Centre): — Mr. Speaker, it is my intention to make a few remarks with respect to this particular Bill and I would now beg leave to adjourn the debate.

Debate adjourned.

Hon. J.R. Messer (Minister of Agriculture) moved second reading of Bill No. 51 — **An Act to amend The Cattle Marketing Voluntary Deductions Act, 1970.**

He said:

Mr. Speaker, on the Bill to amend The Cattle Marketing Voluntary Deductions Act, 1970, I should like to state that the amendments to the Act set out in this Bill spell out in specific terms the objectives of Saskatchewan cattlemen in the use and administration of this fund. I have had many discussions with cattle producers concerning this legislation, some of whom have been in support of the check-off, some of whom have been opposed to that check-off. Regardless of the cattle producers' feelings toward the check-off, all I think agreed that it was desirable to spell out more specifically the way the accumulated funds would and should be spent. Most of the proposed amendments are directed to this purpose except that one clause has been added to provide for a representative of a consumers' association to be appointed to the board which administers the fund.

The administrative board will consist of four cattlemen representing producer organizations in the province plus two

additional board members appointed by the Minister, one of whom shall represent a consumers' association. The board is charged with responsibility for allocation of funds from the cattle check-off trust account which had in its first full year of operation approximately \$85,000 net revenue. Expenditures were approved by the board so far as were completely consistent with the purposes spelled out in this amendment. And as I have mentioned earlier, the expressed objectives of the board for further expenditures are also in keeping with the intent of this legislation.

In general, expenditures from the trust account as provided for in this legislation will be directed to projects which will reduce producer losses through pests and diseases. Improved producer returns through improved management techniques increase the efficiency of the marketing process and seek ways of developing larger markets for our products. The Saskatchewan Red Meats Trade Mission, the cost of which will be shared equally between the cattle check-off trust account and the Saskatchewan Government, is an example of the way these funds are being used for market development.

Good relations between producers and consumers are essential to the healthy development of an industry. And it is also important to the industry to maintain the best possible liaison with associations representing consumers. These are our reasons for providing for the addition of a representative of a recognized consumers' association to the board which administers The Cattle Marketing Voluntary Deductions Act trust account.

Having said these few words, Mr. Speaker, I now move second reading of a Bill to amend The Cattle Marketing Voluntary Deductions Act, 1970.

Mr. T.M. Weatherald (Cannington): — Mr. Speaker, as the Minister of Agriculture indicated, this Bill provides for a deduction from cattlemen on their production simply to help themselves. At the time this Bill was introduced, the party opposite made a substantial effort to oppose this Bill, Mr. Speaker, and in fact, made a number of speeches against such action. It is not therefore surprising to find them making some changes which I think most cattlemen in the Province of Saskatchewan object to, and indeed after some consultation with them, they are objecting to.

Mr. Speaker, there is no valid reason why a consumers' representative should be placed on this particular board. The money is put up by the cattlemen of Saskatchewan. And there is no particular reason why a consumer who contributes absolutely nothing to this fund should have that particular kind of representation. As far as the beef producers of Saskatchewan are concerned they carry on consultation with consumer groups all of the time and are quite capable of doing so without having a consumer on the board to try and decide how this money will be spent.

I am sure, Mr. Speaker, that many cattlemen wonder what the Government is up to by changing this board. We on this side will vigorously oppose this change. And I am sure most cattlemen will not allow it to go unnoticed that the Minister failed to give information in the news media for some length of time after the Bill was introduced as a notice of motion.

Mr. Speaker, it is important that we have consumer groups represented as far as the production of food is concerned. But this Act only provides for cattlemen to spent their own money. They are putting up the money and therefore they should be able to have control and complete say in how that money is going to be spent. Mr. Speaker, it is on this basis that we firmly believe that those who are putting up the money should have that absolute and firm control and we will be opposing this Bill.

Mr. J. Wiebe (Morse): — Mr. Speaker, in rising to oppose this Bill, I cannot conscientiously support it, after consulting with agriculturists and with livestock men throughout this Province. I notice that the Minister of Agriculture (Mr. Messer) mentioned that there were four cattlemen on this board. My understanding is that there are two representatives from the Saskatchewan Stock Growers' Association, on representative from the Cattle Breeders' Association, one representative appointed by the Government and one representative from the Federation of Agriculture. This doesn't necessarily mean that there are four cattlemen on the board. There are other members on the Federation of Agriculture other than cattlemen and there is nothing to say that the Federation of Agriculture is appointing a member from the cattle industry to sit on that board. This is the major concern of cattlemen throughout the province. They feel that they are not happy with this idea because the board was set up initially by cattle producers and it was set up for cattle producers. And they do not want the money that is raised through this check-off to go into the control of anyone else other than the cattle producer.

This isn't a small amount of money, Mr. Speaker. Last year, for example, there was between \$90,000 and \$100,000 raised. The cattlemen approve of this marketing board, mainly because two to three per cent of the cattlemen throughout this Province requested a return on this figure and it amounted to \$2,900 which was refunded to the cattlemen of this Province.

I might mention here, before I go any further, that I am a bit hesitant or I can't understand why the Government would make changes in this legislation when they are not prepared to enact similar legislation for the hog producers of this Province. They requested it at their last meeting here in Regina. And my understanding is that the Minister of Agriculture said to the effect that if the hog producers of this Province agreed to a hog marketing board then the Government would agree to a check-off. I don't think that this type of a lever or strong arm tactic should be used on the hog producers of this Province. It is my impression that it just needs assent of this Government and this Act will become law. I hope that the Agriculture Minister will reconsider a statement which he made that day and allow the hog producers to benefit from this Act the same way the cattlemen are.

He mentioned the various ways in which the money is being spent and I think it is commendable in the ways the board is spending this \$90,000.

The cattlemen throughout the province, Mr. Speaker, welcome consumer representation on the board, representation at the meetings and their presence in the meetings. They do not feel, though, that the board should be any larger than five members. They feel that if the board gets much larger it will become

unwieldy and their concern mainly is that they do not want the control of this board to leave their hands. This is the cattlemen's money, Mr. Speaker, it's money that the people who raise cattle have put into this fund. This money is used to stimulate their own interests. They want to control how it is being spent because in effect, Mr. Speaker, they foot the bill.

I think as well, Mr. Speaker, that we all can agree that the plumbers, for example, throughout this Province would be concerned if the cattlemen tried to tell them how to spend their dues. I think that the Minister of Agriculture should realize that the cattlemen throughout this Province are going to be concerned as well if the board becomes too large and they do not retain majority on this board and they in turn are told by someone else how to spend this money.

Mr. Speaker, I cannot support this Bill.

Mr. J.C. McIsaac (Wilkie): — Mr. Speaker, this Bill before us is another piece of legislation that tells us a great deal about the Government opposite. And in particular tells us a great deal about the present Minister of Agriculture (Mr. Messer) when he announces and espouses policies on the one hand and enacts policies and legislation of a different kind. Here is a piece of legislation that was enacted last year, Mr. Speaker, by the former Liberal Government at the request of the Cattlemen's Association of the province and with the opposition at that time of the present Minister of Agriculture.

Very briefly, Sections 6, 8 and 9 of the Bill give power to a board to collect funds from cattle markets in Saskatchewan by Saskatchewan producers on a voluntary basis. And it gives power to that board to spend the money more or less as it sees fit within the framework of legislation. As has been pointed out by my colleagues on this side, that money belongs to the cattle producers. It doesn't belong to the Government, it doesn't belong to the Department of Agriculture, it doesn't belong to the consumer or anybody else but the cattle producer and to him alone.

I am sure that cattlemen certainly want to ensure product acceptability as far as consumers go. Such things as size of carcass, size of cuts, degree of finish and all such questions relating to consumer wishes receive the constant attention of cattlemen and their various associations throughout Saskatchewan and throughout the prairies. But I am convinced too that they neither want or need consumers on that board to tell them how or help them spend their own money.

The money is there and it is spelled out in the legislation to initiate improved marketing techniques and other steps designed to improve the basic industry. IN this respect the broadened powers of Section 2 in the Act amending the present Section 6 are, I think good ones. I think they are good ones. It spells it out more specifically and a little more clearly than was done before and I can certainly support them and I am sure everybody can.

There is a question or two that comes to mind on one section, for an example, Section 2B of the new section being proposed.

(2) For the purpose of clause (c) of subsection (1), development and improvement of the cattle industry includes:

(b) the reduction of losses of cattle caused by disease, insects or parasites;

Now I wonder and I want to ask the Minister if he is thinking here, for example, of using this fund to help support, let us say such a program if he were to implement it, as warble control across the province? This is the kind of program that should be the responsibility of the Department of Agriculture.

Some Hon. Members: Hear, hear!

Mr. McIsaac: — And not the responsibility of the cattlemen, Mr. Speaker. By and large the section is agreeable and has our approval but to put a consumer representative on the board, Mr. Speaker, I think conflicts with the entire Act. It conflicts with the entire Act. Especially at a time when this Government is bringing in a new Consumer Department to look after the needs of the consumer. Surely the Department can work effectively in that regard and work in this case with this particular board.

You know, Mr. Speaker, the cattlemen in this Province and the Prairies have always been an independent lot. I think this Bill prejudices their independence and gives us some idea of the attitude of this Government to that industry and for that reason I certainly can't support this Bill.

Some Hon. Members: Hear, hear!

Mr. Messer: — Mr. Speaker, I find it unbelievable that the Opposition would oppose the appointment of one consumer representative on a six-man board. The three Members who spoke in Opposition to the Bill I think all said that they were fearful that the cattlemen would lose control simply through the addition of one other member on that board. May I point out to them again that there are four people appointed to that board now who all represent the livestock industry in the Province of Saskatchewan, three of them coming directly from the livestock industry, one coming from the Saskatchewan Federation of Agriculture who appoints a person representing the livestock industry in the Federal of Agriculture making a total of four people now representing the livestock industry. One person from the Department of Agriculture, one person who will represent a consumer organization in the Province of Saskatchewan which I think will be a tremendous asset to that board and members of the livestock industry themselves. I think if you would have taken the time to communicate with them, you would have found that they did not in a major way have an opposition towards the appointment of that one person.

Mr. Wiebe: — Point of Order, Mr. Speaker.

Mr. Speaker: — Order, order!

Mr. Wiebe: — The Minister has accused the Opposition of having not taken the time to talk to representatives . . .

Mr. Speaker: — Order, order!. That is not

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a Point of Order. It is a point of debate.

Mr. Wiebe: — It's not a point of debate, Mr. Speaker.

Mr. Speaker: — Order, order!

Mr. Wiebe: — I said in my remarks that we had . . .

Mr. Speaker: — Order, order!

Mr. C.P. MacDonald: — Let the man finish the Point of Order.

Mr. Speaker: — I shall make the ruling here, not the Member from Milestone.

Mr. MacDonald: — He has a right to make the Point of Order.

Mr. Speaker: — I listened to him and he is talking about the point of debate and the point of debate is not a Point of Order.

Mr. MacDonald: — Mr. Speaker, at least let him finish.

Mr. Speaker: — I rule he has no Point of Order. The Minister continues.

Mr. Messer: — Mr. Speaker, what I said was if they had taken time to communicate better with the livestock industry they would have found no real opposition toward the appointment of a consumer representative on that board because it in fact will be of immense benefit to hear the views of the consumer so they can further improve and develop the livestock industry tailoring it to the consumer demands which I think will not only expand the industry in this Province but in all likelihood increase the profitability of that industry.

Some Hon. Members: Hear, hear!

Mr. Messer: — The Member from Wilkie (Mr. McIsaac) would leave the impression that the members on that board have the right to administer that money which in fact is a contribution from their own livestock industry in Saskatchewan through a voluntary check-off. He would say that they should have total administration of that money. I ask him, is that really the right of that agency or that board? Is it not the obligation of this Government to have some protection that that money is not spent contrary to the best interests of the consumer who ultimately pays for and consumes that product. Would he have us believe that?

Mr. McIsaac: — We have that now.

Mr. Messer: — We do not have that law now. Again, Mr. Speaker,

the representative on that board I think will contribute immensely. You can see areas where we are appointing people who are related to consumer industries now on missions that the board is funding the Red Meats Mission into the Pacific West Coast is one, showing that they recognize the contribution that consumers can make in regard to the administration of those moneys and that board.

The Member from Morse (Mr. Wiebe) made a statement pertaining to an address I made at the Livestock Convention in regard to a hog marketing board and I should like to correct him in regard to his statement where he said, "I would give royal assent to the legislation pertaining to the hog marketing check-off if a hog marketing board was formed." That is inaccurate, Mr. Member from Morse, what I said at that meeting and I believe you were there, is if they were to form a hog marketing board they would not need the legislation to have a check-off because they could do it through the operations of the Hog Marketing Board itself, thereby, not having to have legislation pertaining to a check-off.

I think there is some real interest being shown by the hog people in the Province of Saskatchewan towards the implementation of a hog market board recognizing the kinds of benefits it may have for them. And they may well, in their interests, see that a check-off is attached to the operation of that hog marketing board.

Mr. Speaker, in closing I am certain that the only people who are showing opposition to the inclusion of a consumer on this board are the Members to your left and perhaps a minority of livestock people in this Province. Because it certainly hasn't been indicated to me that the livestock people, in any major way, oppose. I asked them at the convention and it was discussed by a number of some of the leading livestock men in the Province of Saskatchewan and there was no direct opposition in regard to it. So I ask that the Members to your left, Mr. Speaker, reconsider the position that they have taken and support, what I think, is a very valuable contribution to that board.

Some Hon. Members: Hear, hear!

Motion agreed to on division and Bill read a second time.

Hon. G. MacMurchy (Minister of Education) moved second reading of Bill No. 56 — **An Act to amend The Secondary Education Act.**

He said:

Mr. Speaker, Bill No. 56 proposes several changes in The Secondly Education Act.

The amendment in Section 2 provides a definition for the term 'temporary teacher'. This term has appeared in salary agreements and there is a need for a consistent definition to avoid problems in interpretation. The definition is simple. A temporary teacher is a teacher who has a contract with his board so designated.

A change is proposed to Section 34 to permit school boards to pay trustees 11 cents a mile to attend meetings of joint boards. This is the same rate as is paid for mileage in respect of regular meetings. This change in this Act will dovetail with similar adjustments for joint meetings in other legislation.

The number of meetings in respect of which allowances, that is \$20 per day plus 11 cents a mile, may be paid is to be 30 per year for districts spending from \$150,000 to \$450,000 and 50 meetings per year for those spending more than \$400,000.

In Section 60 an amendment is proposed to define the term 'child' for purposes of the Act as someone under 21 years of age.

Another amendment to Section 60 will extend the exemption from liability of tuition fees to persons who have resided in the district where they wish to attend school for three months. Presently, Mr. Speaker, tuition fees are not chargeable against a student whose parent or legal guardian reside in the district where the child goes to school. However, there are cases where a student leaves home, moves to another school district, claims independent status and attends school claiming to be exempt from payment of tuition fees.

Under existing laws these students could be excluded from school for not paying tuition fees, or they could attend without paying tuition and thereby affecting a school board's budget. The amendment provides definition of residence status that should clear up any difficulties in this area. Other amendments related to this definition of a tuition exempt resident provide for rebate of fees paid in respect of school attendance in excess of the three months required. Proof of age may be required and provision is made for a standard fee regulation to apply.

Mr. Speaker, the amendment to Section 66 of this Act deals with boards of reference. These boards sit to investigate the dismissals of teachers. They are composed of three people — one person appointed by the teacher, one appointed by the school board and the third who acts as chairman is now appointed by the Attorney General. Experience has shown that in many cases the Attorney General finds it useful to consult the Minister of Education as to a suitable chairman. By and large, that Minister's recommendation is acceptable and his suggestion is acted upon. This procedure is common knowledge to trustees, teachers and to others.

To speed up this process and to relieve the Attorney General of this work it has been decided to bring in this change to permit the Minister of Education to name the chairman directly.

Mr. Speaker, I am pleased to move that this Bill be now read a second time.

Some Hon. Members: Hear, hear!

Mr. J.C. McIsaac (Wilkie): — Mr. Speaker, just a few fairly brief comments on Bill No. 56 moved by the Minister.

First of all dealing with the first amendment, the definition of a temporary teacher, there certainly is no change in principle as the Minister says. It merely spells out what has been existing practice and acknowledges that and for that reason there is certainly no objection whatever from this side.

The same can be said of subsection (1) of Section 34 in the amendment here, to provide for travel expenses and mileage

of members of joint boards. This, again, is a welcome and a natural evolution as far as joint boards are concerned when they were first set up in legislation. I presume this particular item as far as a expense allowance and a travel allowance was perhaps forgotten and this certainly makes good sense.

The amendment and the changes in subsection (1) of Section 60, Mr. Speaker, I wonder here and I want to ask the Minister a question that perhaps he can answer when he closes debate or in Committee.

He mentions that a child for the purposes of this Act shall be considered to be 21 and not 19 as The Age of Majority Act states. He mentions also that after being resident in a district for a three month period, the tuition fee that may have been paid on behalf of that student then becomes repayable to him. My question is, Mr. Speaker, does this mean that he gets a rebate for the entire year's tuition or for that portion of the school year beyond the three month period — three month qualifying period?

I wonder here, Mr. Speaker, really why we need any reference to age as far as eligibility of students or adults attending high schools. I am sure that if there was no age limit here whatever, that there would be no great flood of adults into the high school system. I am sure that most of the older people who did wish to finish high school — and there have been many through the years and more and more it seems — they wouldn't flood the high schools. They would probably still prefer to take specially provided courses for adults. I wonder why we really need any reference to age whatever in this section?

This is an improvement, Mr. Speaker, the steps that the Minister has taken. I should hope, and I presume there is one possibility here that he might find that a lot of students in some areas of rural Saskatchewan from some other rural high school might suddenly begin looking around for relatives in the city to qualify to become residents and this could well cause a change or shift, if you like, in the high school population to the detriment of some of the smaller high schools they might leave behind. I hope that would not be the case. I am sure that it is not the Minister's intention. I am sure that will probably not happen.

His change with respect to having the Minister of Education appoint the chairman of the Board of Reference, Mr. Speaker, is another change that is a good change and it has, in fact, been in actual practice. When we were the Government it was and before that when his side was the Government for many years before, and this amendment again, recognizes actual practice.

With these few comments, Mr. Speaker, I will perhaps have a few more questions in Committee, I conclude my remarks.

Some Hon. Members: Hear, hear!

Mr. MacMurchy: — Mr. Speaker, I am pleased to hear the Member for Wilkie (Mr. McIsaac) supporting many of the amendments that we have proposed.

He raises an interesting question that had not come into

my mind and I should have to say that I will have to answer that question when we are in Committee.

With reference to the amendments to Section 60, in respect to tuition fees and three months and so on, this problem was brought to our attention by the two larger urban boards, who were, in fact, having problems with students from the country coming in and problems of tuition and so on. They brought this matter to our attention and it certainly isn't the intention of the Minister of Education to promote movement of students from rural Saskatchewan to urban Saskatchewan. We hope that this, in fact, might do otherwise than what has been suggested. Because of that kind of pressure, and a fairly obvious problem that is being created at the present time, we did act as the boards of education suggested. I have been in touch with them. They are pleased with the amendments brought forward. As I said with respect to the question raised by the Member, I will answer that in Committee and with that I move second reading.

Motion agreed to and Bill read a second time.

Hon. R. Romanow (Attorney General) moved second reading of Bill No. 61 — **An Act to amend The Vehicles Act.**

He said:

Mr. Speaker, it is my pleasure to move an amendment to The Vehicles Act. I should say it with some qualification. My learned colleague from Albert Park (Mr. MacLeod) will know that every time the Member gets up to introduce amendments to The Vehicles Act, you just compound the already multitudinous amendments that are about.

We do feel that some of these are very important and are also improvements with respect to The Vehicles Law of the Province of Saskatchewan.

Mr. Speaker, Members of this House will know that a special legislative committee on Highway Traffic and Safety was set up and reported in the year 1966, with respect to a variety of matters relating to Vehicles Law and Highway Safety in Saskatchewan. The Member from Kinistino (Mr. Thibault) has been actively interested in this matter and was a member of the committee. It was a joint inter-sessional committee and did a lot of very good work.

That special legislative committee on Highway Traffic and Safety which reported in 1966 recommended that driver licences be classified according to the types of vehicles to be operated. Provision is therefore made in these amendments to authorize the Highway Traffic Board to establish classified licences based on the types of vehicles to be operated and including conditions such as periodic retesting and medical examinations if necessary.

That same legislative committee recommended greater involvement in setting standards for vehicle components related to safety. May I just stop here to say that I think generally throughout North America, although there is increasing awareness in this area, there has been far too little concern with the question of adequate safety standards in motor vehicles and the vehicle components. From time to time we will have an occasional politician or person interested in this matter raise the issue, but thus far it appears that the major motor

companies and those who manufacture the vehicle components have been very reluctant to subscribe to certain minimum safety standards. I can tell the Members of the House that a great deal of the correspondence that I receive relates to the question of automobile safety. Members will know that very recently in the United States and in Canada, General Motors recalled something like 6.2 million Chevrolet cars of a certain make and model. So that there is a gradual awareness but not enough as far as the people are concerned, and therefore we are moving in a small area provincially to see if we can contain this particular problem.

These amendments, in this regard, with respect to standards for vehicle components will authorize the Highway Traffic Board with the approval of the Cabinet to establish standards by regulation for components, equipment or materials, which could affect the safe operation of a vehicle on the highway. Provision is made for the adoption of existing uniform standards, developed by independent testing organizations such as the Canadian Standards Association, and will permit compliance with the standard to be mandatory and monitored by requiring display of a mark of approval by an acceptable independent testing organization or agency.

In other words, we have here in the Canadian Standards Association, certain agreements on uniform standards. If we adopt those standards and apply them to the components and parts and the provision set out in the Act, we will be able to have an independent testing organization and thereby improve the safety regulations. Any regulations of the Highway Traffic Board in this regard will, of course, have to be first approved by Cabinet because we think Cabinet should be alerted. For instance we ought to make sure that no retailer or any person who stocks components is not caught off guard by the implementation of those regulations.

The basic speed limit for trucks in the province will be raised from 40 miles per hour to 50 miles per hour, which is slightly higher than that recommended by the same highway committee that I referred to earlier, however, we feel that this is justified by the continued improvement in vehicle design and the designs of the roads.

Provision is also made in the amendment before you to permit a right turn on a red light without a green arrow. This provision will make our right turn rules more consistent with other jurisdictions. It is a matter that I have received some petitioning on by various urban associations. I think this will be a convenience to the public and probably will not cause any undue increased lack of safety on the road.

Provision has been made to update the warning system for road equipment by adding flashing lights as an alternative to red flags. With respect to snowmobiles — the definition of snowmobiles has been made more restrictive to ensure that snowmobiles equipped with wheels are not operated on public highways in conflict with public vehicle traffic. For this Session of the Legislature that is pretty well the sum and substance of the snowmobile legislation. I can tell the Members of the House that I have under study the possibility of introducing an all-terrains legislation which would not only concern itself with snowmobiles, but mini-bikes and the like. No decision has been made by myself on this matter one way or the other

and certainly it hasn't gone to Cabinet, but I am asking the officials in the Department and the Highway Traffic Board to look into all aspects of the situation.

I can tell the Members of the House that we have received very many complaints about the operations of snowmobiles. I think that the majority of snowmobile operators are very responsible motorists, regrettably the minority appears to be on the upswing if you can judge by the volume of mail. We prefer that the snowmobile operators themselves set their own rules and regulations and discipline themselves if at all possible, thereby eliminating the necessity of government acting in this particular area. I have indicated this publicly and the Press have interpreted that as being a warning. I don't know if that is a fair warning or not but I think it is fair to indicate to those who are increasingly taking up this pastime that the Government is concerned about the allegations that come before it and unless some substantial improvement is indicated, we'll have to act.

Provision is made in this amendment to remove the requirement that out-of-province students register their addresses and pay a special fee to obtain non-resident student licence privileges. This was an amendment which was introduced two or three years ago under the former administration. We feel that this registry has really not been useful and can create legal difficulties for those non-resident students who inadvertently fail to register as required. Furthermore it appears that the laws with respect to our neighboring provinces in Alberta and Manitoba are not so similar and it appears therefore that we are only discriminating against those non-resident students who come to Saskatchewan.

Several provisions clarify the intent of present sections. A bunk-house or a trailer for example, used by contractors for sleeping quarters has been exempted from the operation of The Vehicles Act. But provision is made to ensure such a vehicle is exclusively used for that purpose. Provision is made, for example, also to require all school buses to be equipped with special signal lamps of a minimum size. Certain licences and certificates expire at dates other than at the end of the licence year and provisions is made for expiry on the dates shown without requiring a special Highway Traffic Board order for each such licence or certificate. Provision is made to remove the requirement of filing a valid licence from the preceding year when applying for a renewal of a licence, a requirement no longer needed with automated procedures that are now in effect. Further, a definition of a driver's licence is also included in these amendments. Provision is also made to allow the hiring of traffic officers by normal hiring procedures without the necessity of approval by the Lieutenant-Governor-in-Council for each such employee. We think this will be a speeding up of the process and in effect if the highway traffic officer is hired through the normal usual channels and all their tests are approved that will be of benefit to all involved. I consider these amendments as provisions which clarify the intent of present sections which are in the law, not bringing anything basically new or fundamentally different in principle.

This amendment also contains the re-numbering of the sections of the Criminal Code of Canada in several places, it requires provisions to re-number all references to the Criminal

Code to bring it up-to-date with the recent Federal amendments of the Criminal Code. Provision is also made to change the definition of compensation to remove duplication and inconsistency in the classification of vehicles. For example, 'instructor' is re-defined to more clearly identify that the word no longer denotes a class of driver's licence. Numerous references to instructor when used as a class of driver's licence are eliminated. A provision in the amendments clarifies the responsibility of the Highway Traffic Board to regulate dealer licences in the same manner as other classes of vehicle licences. Again, it is a matter of bringing it up-to-date as opposed to writing any new basic principles in the law.

Provision is made in the amendments to clarify the conditions under which a learner may operate a vehicle and clarify the qualifications of a person supervising such operation of a vehicle. A provision is also included to allow a driver who is required to operate a vehicle for a test to do so when accompanied or supervised by an examiner even though such a driver may not hold a proper licence at that time. There is a special category in that area.

Mr. Speaker, that fairly well summarizes the amendments which are proposed this year in The Vehicles Act. To summarize, I think they include a number which are a continuing implementation of the work done by the Legislative Committee on Traffic Safety, as well as a number designed to improve the administration of the Act for the Highway Traffic Board and as well a number which are designed to make clearer the provisions of the law as it affects our drivers now. I think the Bill can be supported by all Members of the House.

May I say in conclusion that I was much taken by the suggestion made by the Member from Kinistino (Mr. Thibault) with respect to a Highway Traffic Safety Committee to be set up again inter-sessionally of all the Members. This matter will have to be examined very, very closely. I intend to do so in the days and the weeks ahead of me and perhaps some decision can be made before this particular Session prorogues. With that explanation and those few brief words, Mr. Speaker, it gives me great pleasure to move second reading of an Act to amend The Vehicles Act.

Some Hon. Members: Hear, hear!

Mr. D. Boldt (Rosthern): — Mr. Speaker, I was aware that these amendments were in the offing when the revised amendments to The Vehicles Act were being studied by the Highway Traffic Board. Some of the recommendations in these amendments I am fully aware of and concur in, amendments such as the highway traffic officers being hired through the Public Service Commission. We agree with the standards of vehicles, components, parts, tires etc. I personally do not see anything controversial, I am prepared to support at least the majority of the amendments. However, there are some of my colleagues that would like to speak and study it further and I therefore move to adjourn this debate.

Debate adjourned.

Hon. Mr. Romanow (Attorney General) moved second reading of Bill No. 62 — **An Act to amend The Provincial Magistrates Act.**

He said:

Mr. Speaker, with respect to Bill No. 62, I'll be very brief. The amendment with respect to The Provincial Magistrates Act really has these purposes:

1. The amendment will add the words, "except subsection (9) of Section 722." By the addition of that it will exclude the operation of this subsection of the Code. This subsection of the Code reads:

That where a person has been allowed time for payment and it appears to the court to be not less than sixteen nor more than twenty-one years of age, the court shall before using a warrant, committing the person to prison obtain and consider a report considering the conduct and the means to pay of the accused.

What we are doing here is to delete that particular subsection of the Criminal Code and not to make it applicable to The Provincial Magistrates Act.

2. The amendments will update the cross references to the new section numbers of the Criminal Code of Canada as they appear in the Revised Statutes of Canada, 1970.

3. The amendments will restrict the application of the Criminal Code for provincial purposes to the Criminal Code as it existed on the sixteenth day of July 1971 which is the day after the Statutes of Canada came into effect by proclamation.

These amendments I feel can be classified as housekeeping amendments and I would urge adoption of these amendments by the House. With those few words, I would move second reading of the Bill No. 62 to amend The Provincial Magistrates Act.

Some Hon. Members: Hear, hear!

Mr. K. MacLeod (Regina Albert Park): — Mr. Speaker, there is just one little matter that troubles me there and that is the remarks of the Hon. Attorney General as it is related to those persons between the ages of 16 and 21 years. I confess I have not had an opportunity to study this particular Bill for that particular reference. Before proceeding with it today, I beg leave to adjourn this debate.

Debate adjourned.

Hon. J.R. Messer (Minister of Agriculture) moved second reading of Bill No. 65 — **An Act to amend The Seed Dealers Act.**

He said:

Mr. Speaker, The Seed Dealers Act was enacted in 1956 and while it has been amended since that time, certain housekeeping changes are considered necessary to clarify the Act and bring it up-to-date. The first change being presented is to Section 3. The proposed change is to delete the portion of the section which reads "offer by advertisement or otherwise buy or sell seed direct from or to producers or." Since the

interpretation of a seed dealer is clearly defined in Section 2(e) the need for the statement in Section 3 is now unnecessary. It is sufficient to state that no person shall carry on the business of a seed dealer or act as an agent unless he is the holder of a subsisting seed licence under the Act. Without the change there would be some confusion since Section 3 defines persons requiring a licence but does not include the total definition of a seed dealer as given in Section 2(e). Specifically it does not mention the exclusion and the exemptions. The deletion has been made for the purpose of clarification only and does not change the requirements for licensing in any way.

Section 2 of subsection (4) is amended to delete the words, “in the prescribed form and in the amount of \$2,000 or such greater amount as the regulations may prescribe.” It is the intent of the amendment to delete reference to the prescribed form since Section 14 allows the Minister, subject to the approval of the Lieutenant-Governor-in-Council to prescribe the form and contents of applications for licences. The amendment is also intended to delete the reference to the amount of bond. Since this is only subject to regulations made by the Minister and subject to the approval of the Lieutenant-Governor-in-Council. The figure of \$2,000 was placed in the Act when it was enacted in 1956 and was soon found to be inadequate. The size of the bond was subsequently changed by regulations to \$5,000 at which it has remained for a number of years. Being subject to change by regulation the indication of the amount of the bond in the Act has no real meaning, but adds to confusion and possible misrepresentation. The change does not alter in any way the powers under the Act or the powers under the regulations. The amendment to Section 14 clause (b) deletes the statement concerning the amount of the bond in the same manner and for the same reasons as described for Section 4(2). The changes does not and is not intended to change in any way the powers under the Act or under the regulations.

In summary, the changes being proposed to The Seed Dealers Act do not change the intent or powers under the Act but are being proposed to clarify certain clauses of the Act and is therefore only a housekeeping change. Having said those few words, Mr. Speaker, I move second reading of an Act to amend The Seed Dealers Act.

Mr. J. Wiebe (Morse): — Mr. Speaker, on first perusal of this Act I cannot see anything that is too controversial in it. However, it has been the policy of the Members on this side of the House to have consultation with all our Members and people and groups involved in any Act which is put into the House, which we have done in the past. Because of this and the Act being introduced yesterday for first reading, I would beg leave to adjourn the debate.

Debate adjourned.

ADJOURNED DEBATES

SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Romanow that Bill No 9 — **An Act to provide for the appointment of a Person to Investigate Administrative decisions or acts of Departments of the Government**

and certain other Organizations and to define the Person's duties, functions and powers be now read a second time.

Mr. K. MacLeod (Regina Albert Park): — Mr. Speaker, the last time I spoke on this I referred to some of the basic weaknesses of the Bill. I pointed out at that time that it was a severely restricted type of Bill, and may well be the sort of thing that we just could not accept without considerable discussion and we may be obliged to oppose. I propose to deal further with that subject today.

The first question we ask of course is, do we need an Ombudsman? We have 60 MLAs paid a grand sum of \$9,000 a year each; we have substantial recourse to the courts; we have a Bill of Rights; we have the proposed Human Rights Commission; we have courts of appeal . . .

Mr. McPherson: — We have Roy Romanow!

Mr. MacLeod: — . . . the Hon. Attorney General. We have an active and enquiring Press, radio and television. Because of all of these things many people think that an Ombudsman is totally unnecessary.

I am, of course, myself very sympathetic to the principle of an Ombudsman, provided it is an Ombudsman that can be something. What this Government offers is a very poor show for an Ombudsman. They offer a political puppet, a powerless figure who can strut around but have no real authority. The Ombudsman offered by the Hon. Attorney General is intended to hide rather than expose unreasonable or oppressive or unjust or discriminatory conduct by government or government officials. The Ombudsman that is offered by the Hon. Attorney General is like the girl who is allowed to go for a swim, but can't go near the water.

Mr. Speaker, the Canadian Ombudsman is the most restricted Ombudsman in the world, and the Saskatchewan Ombudsman is the most restricted Ombudsman in Canada. There are Ombudsmen in Canada, in New Brunswick, Quebec, Nova Scotia, Alberta, Manitoba and now one is proposed for Saskatchewan. The Quebec Ombudsman may well be the one with the most power and Saskatchewan and Manitoba, the two provinces with an NDP Government, are the Ombudsmen with the least power.

First of all the Ombudsman operates in a very limited sphere with very limited powers. He has in effect two powers; he can 'report' and he can 'recommend'. That's all he can do. He has no power to order anybody to do anything, he has no power to make a decision or reverse a decision. He can expose the abuse of citizens, he can persuade, but mostly he can recommend or report. While he is able to say to a department or to an official, "you have done something unfairly, please be fair to that citizen", but he cannot make anyone do anything. He finds the facts and nothing else. His big weapon is the fact that if the Ombudsman is of the opinion that something was unreasonable or unjust or oppressive or discriminatory, even if no one broke any laws, the Ombudsman may draw this to the attention of the party at fault. Presumably if he points out these defects to the Government it will be rectified, but I repeat, that the Ombudsman himself cannot make anybody do anything.

Because of the limited scope of the Ombudsman, because of the limited area in which he operates, it is absolutely essential that he have all the tools and conditions necessary to work within that area. He must have full powers of investigation. The Saskatchewan Ombudsman is to be fettered with the greatest limitations of any Ombudsman in the entire world. He cannot deal with municipalities or other governments, such as he can in Nova Scotia.

Mr. Romanow: — What other Ombudsman does this?

Mr. MacLeod: — Nova Scotia and a number of them do. He cannot deal with unjust action to a citizen by the provincial Government if a municipality or another provincial government is involved. So if a municipality is involved, and the provincial government is involved, unjust action to a citizen cannot be dealt with by the Ombudsman just because there is the involvement of some other area, some other provincial or other government. The greatest limitation on the Ombudsman is the fact that anyone with real power is excluded from the gaze of our Ombudsman. The higher you go in our Civil Service and in government the more power you have. The Cabinet officers, every minister, every deputy minister, every person reporting to the deputy minister is a person with power. The more power a person has the more damage he can cause if this power is abused. And in Saskatchewan these are the very people whom the Ombudsman cannot investigate. I assure the Assembly that no one is trying to look into the Cabinet. Anything done by the Executive Council in its policy making function is excluded. This is quite acceptable and quite proper. But ministers, and deputy ministers and all those people who report to the minister also carry on an administrative function. It is this administrative function where there is the greatest place for government to be aggressive and unfair. These are the very people in Saskatchewan who are protected. No matter how wrongful, how grievous, no matter how oppressive these people may be, they are totally beyond the reach of our Ombudsman.

The NDP propose to weaken the Ombudsman by excluding, first of all, ministers, and if, as was said a minute ago by the Hon. Attorney General, that they make no decisions that can be oppressive, then there is absolutely no excuse for their exclusion. The NDP propose to weaken the Ombudsman by excluding every person who is responsible to a minister. If a person or deputy minister or anyone reporting to him is unreasonable or unjust or oppressive or improperly discriminatory nothing can be done about it. There are many people who report to the minister. Directors and boards and so on. They are the ones with the power. They are the very ones who cannot under any circumstances be investigated by the Ombudsman. The only people above them are the deputy ministers and they are excluded. The only person above that person is the minister and he is excluded. The Attorney General has stated that they are in fact not to be called to account for their actions.

These provisions are in the Saskatchewan Act and they are not in any other Act in Canada. There is a further weakening. Even if someone else has done something wrong it is very possible that some official in government has done some unjust act — and these words that I have been using are words exactly as they appear in the statute — if some other official has done some

wrong, but if that wrong can only be exposed by examining the Cabinet minister or a deputy minister or someone responsible to a minister, the Ombudsman is hampered in his investigation because these are the very people who cannot be examined, whether the Cabinet minister, deputy minister or other person is the wrong doer or not. I suggest, Mr. Speaker, that Saskatchewan is the only province — say that Saskatchewan is the only province — that excludes deputy ministers and people who report to ministers from their own default; and it is the only one that prevents them from being examined in cases where someone else has caused the wrong. This exclusion is the worst in Canada. No other Ombudsman has such a restriction on his investigative powers, and I repeat, not only when these people are at fault but when someone else is at fault that they are investigating.

Some Hon. Members: Hear, hear!

Mr. MacLeod: — To top off what is already the worst statute in Canada, Saskatchewan has Section 17. Section 17 is a provision in only two statutes in Canada. And it says this, in effect, that if any matter can embarrass the government — anything the exposure of which might draw unsatisfactory attention to the government of the day — the Attorney General can certify that it is against public interest and the Ombudsman has to close his file. He can no longer continue with an investigation and there is no appeal. No person can question the certificate of the Attorney General. There are only two provinces in Canada with that kind of certificate and I leave it to you which ones they are. Manitoba and Saskatchewan are the only ones in Canada with that kind of power. If the government is unreasonable or unjust, oppressive or discriminatory and the Attorney General thinks that it would embarrass the government he issues his certificate. And if he issues the certificate the veil of secrecy is closed forever to an examination of that matter. The only governments that are afraid to have the Ombudsman examine their conduct in full are the provinces with NDP governments. They are the only two provinces with the big stick, the big weapon to chase the Ombudsman away. There are restrictions in other provinces, some tie the right hand of the Ombudsman, some tie the left and some put a blindfold on him. In Saskatchewan we have not only blindfolded him, we have tied both his hands. In fact, a fair and reasonable examination of this Bill by any Member opposite — and I invite you to get all the copies of the Bills and look at them — will demonstrate clearly to you if you put it on a chart that the worst features of all the Bills in Canada have been incorporated in the Ombudsman Bill in Saskatchewan.

Some Hon. Members: Hear, hear!

Mr. MacLeod: — One of the problems in the Act, just as a simple example, is the question of who is responsible to a minister. You would think that the Ombudsman being presumably a highly trained and skilful, intelligent man would be able to determine whether or not a man does in fact report to the minister. But that is not so. This will be decided for him by the Attorney General. The Attorney General makes the decision on who reports to the ministers and his certificate is final. There is no appeal. So if the Attorney General decides that someone is a person who reports to a minister, no matter how briefly or how

infrequently, then the Ombudsman may not examine this conduct. He may not summon him even if they are looking at the conduct of somebody else because that person cannot be examined. So not only does this exclusion exclude all the people that I have mentioned, it also protects everyone else in government. I suggest, Mr. Speaker, that the total limitations on this Ombudsman's office make the office virtually worthless.

Mr. Romanow: — Vote against the Bill.

Mr. MacLeod: — I intend to. No person of merit or decency or honor would accept the position of Ombudsman in Saskatchewan when the position itself is so totally circumscribed. In Saskatchewan the Ombudsman is nothing but a figurehead. I have some specific complaints. Our examination reveals a number of areas in which this Ombudsman is the worst in Canada, the worst in the world. The only other Bill that comes close to being as bad as our Bill is the Manitoba Bill brought in by the NDP Government. They fall very far short of a desired level. I mentioned the municipal governments. It is often said by Ombudsmen that they are severely hampered by not being able to examine into the wrongdoing of municipal governments. I am not going to make a big issue of that because it is fairly standard in all provinces of Canada except one.

There are a few little things that the Saskatchewan Act does not do. It does not make any provision for assistance in preparing the application of complaint to the Ombudsman. Many people find that they need an Ombudsman because they are in fact illiterate or ill-informed. Citizens in poverty, who normally do not understand their rights have not been able to make their complaints heard or known or acted upon, are the very people who are most in need of the Ombudsman. They may be denied access to the Ombudsman because they cannot frame their complaint. I am sure that a very reasonable Ombudsman and his staff would in fact assist in preparation of a complaint to his office. The Quebec Act provides specifically that the Ombudsman or his staff must assist any person to have his complaint brought clearly to the attention of the Ombudsman.

In Saskatchewan, of course the Act is different from all other Acts of Canada when it comes to the people who may apply. Here only residents of Saskatchewan can apply to the Ombudsman. This just doesn't make sense. This is the same problem we faced before. The same problem we dealt with in the Throne Speech when we talked about freedoms and justice and dropping our political biases. This Government is only interested in solving real grievances of real human beings. They are interested in winning some votes and they do it with the least amount of trouble to anyone. They are prepared to assist Saskatchewan residents but not anyone else no matter how serious or critical the grievance may be. I hope the Hon. Attorney General will not suggest that the Provincial Government can never, ever do wrong to people who are not residents of this Province.

Another problem, of course, is the limitation on the kind of interest a person may have. The Quebec Act, for example, specifically says that groups of people may apply to the Ombudsman if they have a grievance. It is said, in the Act proposed before us, that a person may not apply if he does not have a sufficient personal interest in the subject matter of

the complaint. But this is unfair. Each of the individuals of a group may not have a sufficient personal interest, but taken entirely and together they may have a substantial interest in a grievance. Here again, a worthless or toothless Ombudsman.

Another provision that bothers us considerably relates to appearances before the Ombudsman and formal examination and investigations. There are a few cases where a real and meaningful examination and investigation can occur. A special provision in the Saskatchewan Act and the Manitoba Act says that departments and agencies may appear by solicitors. These departments and agencies can have lawyers representing them, but there is no provision whatsoever in the Ombudsman Act to provide for a guarantee that the complainant will be represented by legal counsel. In Quebec, at least nobody is given any particular advantage. There is a deliberate specific provision in Saskatchewan providing for government agencies being represented by lawyers, but there is no guarantee that the complainant will have a lawyer. I say that the person who is poor and down-trodden, the person who fails to have his rights protected, is the very person who most needs a lawyer to protect him in this case. I will not support this Bill as long as it fails to provide proper and legal representation and protection for the individual. I will absolutely not support a Bill which is designed entirely by the advertising department of the NDP Government. If we are going to pay \$60,000 a year to the Ombudsman, we don't want somebody who can be paraded around by the NDP as part of their propaganda machinery. The Liberal Party does not believe in talk, we believe in action, but this Liberal Party intends to protect the individual. This Liberal Party intends to protect the oppressed, the down-trodden, and the very person who needs an Ombudsman.

Some Hon. Members: Hear, hear!

Mr. MacLeod: — If you are going to provide us with an Ombudsman who can't protect anybody then throw him out but don't pretend you have an Ombudsman because you don't have one.

The Saskatchewan Ombudsman limits the complaint to one which is started in the last year, the last twelve months, but oppressive conduct may go on for years. In this Province the proposed Ombudsman is not to act upon anything if it has been going on beyond a year. If it has arisen more than a year ago he is not allowed to look at it. I say there is no reason why wrongful conduct should be protected just because it is ancient.

From my remarks, you may think that I am opposed to an Ombudsman . . .

Some Hon. Members: Hear, hear!

Mr. MacLeod: — . . . nothing could be further from the truth. Absolutely nothing! I frankly like the idea of an Ombudsman, I am sympathetic to the principle but I am totally unsympathetic to the fraudulent Bill that has been presented to this House.

Some Hon. Members: Hear, hear!

Mr. MacLeod: — I can tell you that it is

my intention and I hope the intention of my colleagues to fight this Bill every step of the way.

Some Hon. Members: Hear, hear!

Mr. MacLeod: — We are not going to fool the people of Saskatchewan into thinking they have got a protector of rights when they have got nothing but a toothless Ombudsman. It is our frank and honest intention to force this Government to make changes in the Bill. We intend to make them give the Ombudsman the powers that he should have. We say that the Government must untie his hands and take off the blindfold. We intend to oppose this in second reading, we'll oppose it in Committee, and we'll oppose it in the third reading unless the Attorney General and the Government are prepared to bring in proper regulations, proper powers and make this Ombudsman a real Ombudsman.

Some Hon. Members: Hear, hear!

Mr. MacLeod: — We shall force the Government to make this a worthwhile addition to the Citizens' Protection Code commenced by the Liberal Government in the last seven years, or withdraw the Bill. My colleagues will undoubtedly have further remarks to this Bill because there are so many areas of defect, and so many weaknesses to this particular Bill, that I just haven't had the opportunity to cover them all. I assure you, Mr. Speaker, that I will not support the Bill as it now stands.

Some Hon. Members: Hear, hear!

Mr. E.L. Cowley (Biggar): — Mr. Speaker, it is with pleasure that I rise to take part in the debate on this Bill which will establish an Ombudsman in Saskatchewan. Mr. Speaker, once again I have been struck — and I might say almost struck dead — by the inconsistency of the Opposition. On the one hand they argue we don't need an Ombudsman, then on the other hand they argue that the Bill doesn't go far enough. The Member from Albert Park calls it a 'powder puff bill'. Either it is a sound idea and should be improved upon or else you are opposed to it in principle. Mr. Speaker, one might compare the attitude of the Members opposite to the fellow who goes around telling you he doesn't believe in sex, and then asks for a birth control serum to be added to the water supply.

Some Hon. Members: Hear, hear!

Mr. Cowley: — Mr. Speaker, I am interested in the analogy that the Member for Albert Park attempted to draw about the girl who had permission to go swimming but couldn't go in the water. I should like to inform him that for people under 30 that's the name of the game, to get to the beach. I was also interested in some of his comments about the Bill being the most restricted Bill in the world.

Some Hon. Members: Hear, hear!

Mr. Cowley: — He said that the Canadian Bills were the most restricted Bills of all. I should like to draw to the Members'

attention that in Great Britain the only things that the Ombudsman can consider are matters which are brought to him by MPs and I think that probably is the most restricted Bill in the world. We should consider the rest of his statements in the light of the accuracy of that statement.

Some Hon. Members: Hear, hear!

Mr. Cowley: — Mr. Speaker, I believe that this Bill incorporates the best principles which are found in Bills in other countries which have common law such as Canada.

Some Hon. Members: Hear, hear!

Mr. Cowley: — Mr. Speaker, the Members opposite argue that because we have 60 MLAs and the population of our province is relatively small there is such close contact in Saskatchewan that we don't need an Ombudsman. I can understand the Member from Albert Park (Mr. MacLeod) adopting this point of view, but not all of us represent rotten boroughs, not all of us can walk across our constituencies in five minutes, not all of us can phone everybody in our constituency in half an hour, not all of us have constituencies represented by people in the higher socio-economic groups.

Mr. MacLeod: — Mr. Speaker, I rise on a Point of Privilege. I want to assure the Member that the fact that he has insulted the people from Albert Park isn't part of my privilege, nor do I point out that I got more votes than ten of the people that are sitting over there. The point I make, Mr. Speaker . . .

Mr. Speaker: — Order! I think that's a matter of debate not a matter of privilege.

Mr. MacLeod: — Right. That isn't the point I make. The point I make is that he is not sticking to the argument before us. He's got such a weak argument that he is trying to . . .

Mr. Speaker: — Order, order! I think Member for Albert Park spoke. The Member for Biggar in his way is attempting to answer the statements that were made.

Mr. MacLeod: — Not on the size of the seat.

Mr. Speaker: — I agree that maybe we are getting in both ways to some extent away from the Bill before us. I hope that we can stick to the Bill.

Mr. MacLeod: — Mr. Speaker, we do agree that the size of the seat has nothing to do with merit of the argument of the Member from the seat?

Mr. Speaker: — I would say the statements are getting too far away from the Bill.

Mr. Cowley: — Mr. Speaker, I didn't intend to insult the people from Albert Park by any means. I was only attempting to point out that it was a very small constituency and I believe I used the phrase rotten borough when I meant to use the phrase pocket borough.

Some Hon. Members: Hear, hear!

Mr. Cowley: — Mr. Speaker, I would like to turn to some of the reasons why I feel that we need an Ombudsman in Saskatchewan. Mr. Speaker, our society is becoming increasingly complex. I don't believe any part of our society is increasing in complexity at a greater rate than government, both in Saskatchewan and in the rest of Canada. From my observations it would appear that this trend is likely to continue indefinitely throughout North America.

This raises the question as to whether the individual citizen is adequately protected against public abuses by government administrators be they intentional or accidental. Mr. Speaker, we've all experienced the impersonality of institutions once they reach a certain size. Many of us have watched it happen in Saskatchewan with the co-operative movement, for example. It has occurred not because it is willed, indeed, the co-operatives have struggled to prevent it from occurring. Nevertheless, it is present in some cases and it is a fact of life which we must be prepared to face.

I think many of us will have experienced this impersonality in the form of a computerized letter which keeps coming out month after month reminding you that you are overdue on a bill that you have already paid, but a bill that someone at head office has failed to punch the right number on the punch card for and the computer keeps sending you the reminder month after month. The larger an institution becomes the more difficult it becomes for those in charge to know what is going on at the lower levels. This is as true of government as it is of any other institution.

It is quite possible that individuals can be wronged and yet this may never come to the attention of the Minister. And even if it does he may not have the time to deal effectively with it. One must remember that he is also protected in this case from the individual by the Civil Service around him on whose advice he must rely. It may not be in their best interests to pursue the matter and it may be brushed off.

For these reasons I believe it is necessary that we develop an Ombudsman whose role shall be to protect the individual in his dealings with the public services. At present there are some safeguards such as the courts, statutory appeal procedures, appeals for assistance to MLAs, department officials, and to the Premier's office. The courts of law are expensive, however, and many cases are difficult for them to resolve. Faced with possible heavy expenses many people simply accept the consequences and are further alienated from our society.

The individual MLA has no authority to conduct a full examination of any complaint and he, too, is hampered by the costs and by whatever inadequacies he might have. There seems to be a need for an Ombudsman who can combine the desire for

justice of an MLA with the power of a Cabinet Minister to investigate and at the same time be independent of the whole administrative structure.

Some Hon. Members: Hear, hear!

Mr. Cowley: — Mr. Speaker, the Ombudsman is important not only because he will service to protect the rights of the individual. He is also important because this type of approach to government is necessary if we are to prevent further alienation of the public from our democratic system of government.

Some Hon. Members: Hear, hear!

Mr. Cowley: — Mr. Speaker, many people who have complaints are not aware of the avenues open to them in seeking redress. They just bear the brunt of the action and are turned off to the system. The Ombudsman will be a well publicized avenue open to them. In many cases he will be there simply to inform them of the proper channels and assist them. Many people who may be aware of the channels through which to funnel complaints do not use them because they feel that the MLA or the official will only seek to justify his original actions. They may feel that their politics will prevent them from getting a fair hearing. The Ombudsman will fill an important gap in the machinery of government for appealing administrative decisions or seeking redress for alleged injustice or malpractice.

Some Hon. Members: Hear, hear!

Mr. Cowley: — Mr. Speaker, as you will have gathered from my comments, I will be proud to support this Bill.

Some Hon. Members: Hear, hear!

Mr. T.M. Weatherald (Cannington): — Mr. Speaker, my colleague from Albert Park eloquently outlined many of the objections we have to the Ombudsman. I might say, Mr. Speaker, in listening to the Member from Biggar, I'm not at all surprised when I look across at the benches why they are concerned about the relationship between the MLA and the people he represents. Particularly, when one considers that there are so many MLAs on this side that don't actually live in their own constituency.

Some Hon. Members: Hear, hear!

Mr. Weatherald: — Mr. Speaker, in case the Member opposite didn't know, there are telephones and the length of time to contact your MLA regardless of where you are in Saskatchewan as long as you happen to be near a phone is about 30 seconds or less. Therefore, I would submit that the channels of communication are relatively easy as far as contacting your local Member of the Legislature is concerned. I would also say, Mr. Speaker, with respect to the Member of the Legislature's function in the democratic system, that I would remind the Member that every constituent is aware that that person exists. And therefore, if he is unfamiliar with the channels of government, he has that Member of the Legislature whom he knows exists,

available to him as close as the nearest telephone happens to be. I might also add, Mr. Speaker, that if that Member is not producing the desired results then there is the very well known ways of bringing about some changes in that regard.

Mr. Speaker, I want to cite my opposition to this Bill because in Saskatchewan we have municipal governments composed of many types of boards, hospital boards, school boards, municipalities, city councils, town councils, all of these people are usually dedicated people and will to help an individual who has a problem. We have 60 Members of the Legislature, Mr. Speaker, all that are well known to their individual constituents and are usually willing to help other people that may come from another constituency. We have a qualified Civil Service, Mr. Speaker, who are very capable of adjudicating problems and certainly have helped people who have ever come to them with a problem. We have the court system, Mr. Speaker, and along with the court system there are certainly in our province many lawyers who offer advice to people who cannot afford it on a free basis at various times and are able to assist individuals who have a problem. We have also, further up the line, a Cabinet, Mr. Speaker, and a person who has been unable to obtain the necessary assistance that he requires on a particular problem, he has the Cabinet to appeal to. We have the system of writing letters to as many people as you wish, Mr. Speaker. A person who has a problem can write a letter to all 60 if he wants to. If he can't find one of us who can help him then I think our system is in very bad condition indeed. So, Mr. Speaker, we in the Province of Saskatchewan with 950,000 people have a great number of methods by which an individual who has been wronged has a method of finding redress and finding assistance.

The Ombudsman will be an unnecessary appendage to the system which we already possess and in most cases will not earn the money which it is going to cost the Province of Saskatchewan to hold such a person and such a staff in office. Mr. Speaker, I submit that we indeed in the democratic system in our province that has so few people are in a bad state of affairs if all the municipals governments, all the MLAs and all the Civil Service combined cannot give a person a fair and just hearing.

Mr. Speaker, in actual fact, it is true as the Attorney General outlined, there is a potential case for a person who finds neither assistance from his own MLA, from the Government or from the Cabinet or from the Civil Service on the basis that all of these people will be trying to protect themselves rather than assisting that individual for a particular reason. I might suggest, Mr. Speaker, that individual in our system then has the right to raise the question within the confines of the Legislature and bring the injustice to the attention of all the people of Saskatchewan. It is beyond my comprehension, Mr. Speaker, how a person in Saskatchewan with a severe injustice done to him who has the desire and puts in a little bit of effort to try and find a way of finding a just solution to the problem and a fair and just hearing, it is beyond my comprehension that that person would be able to receive a better hearing or a more adequate one from an Ombudsman than we have in our present system.

Mr. Speaker, I think it will be found in the next two years

- I presume with the Government majority the Bill will eventually pass — I think it will be found in the next two years that we have added simply another substantial cost to the tax load on the Province of Saskatchewan with little or no results being produced. I don't think that the majority of the people of Saskatchewan will find the Ombudsman necessary in the next two or three years. I think they will find simply an extra cost that is then being borne by the taxpayers of Saskatchewan.

Some Hon. Members: Hear, hear!

Mr. J.G. Richards (Saskatoon University): — Mr. Speaker, Members opposite will live to rue the day they called the Ombudsman an 'unnecessary appendage'. They call themselves Liberals. They claim to be in the tradition of English Liberalism, and the defenders of the rights of individuals. And they proceed to go through a complicated procedure by which the person with a grievance is supposed to arrive at a solution. If he doesn't get satisfaction from his Government Member, he can go and he can speak to an Opposition Member. And the Opposition Member can raise the grievance in the House.

Well, Mr. Speaker, how many times have we heard about discrimination against Indian people in the House this Session? How many times will we hear about individual cases of injustice perpetrated by this Government's Civil Service or by any other government? I submit, Mr. Speaker, that there will be very few.

This, Mr. Speaker, is a prime example of a specific Liberal reform. It's not socialism as the Members opposite would have it. This is a piece of reform which is in the middle, in the mainstream of the idea that Liberal institutions can be reformed, that those in power can have the wisdom and the good sense to restrict their own abuses and to remedy them. And it is in that spirit that it is put forward.

Now, Mr. Speaker, there is a general problem to which this Bill addresses itself. It's addressing itself to the problems of bureaucracy in a modern age and these are very acute problems. For one to try and dismiss these bureaucratic problems by saying that this can be done through the various avenues of grievance procedure is to be a conservative and full of illusions about the potential of the system to redress grievances. We have problems that bureaucracies, the way they are organized into government departments and functioning primarily to co-ordinate the interests of organized groups, and they find it very difficult and they serve very badly at present the interests of unorganized groups or individuals. It was precisely to serve that purpose that this legislation has been introduced.

The necessity to introduce this legislation is an index, as the Member opposite was hinting at, of the failure of other institutions to serve their functions. The need for an Ombudsman is in part an index in the failure of the courts to handle adequately grievances. It is a comment upon the way courts work. It is a comment on the fact that courts work with money. It is a comment on the fact that courts are slow and ponderous and they are not satisfactory institutions for the reconciling and the solving of particular grievances that people have because of the Government. It is also, I'm afraid, a comment on the inadequacies of our roles as individual legislators in

serving that function.

However, I find that we must strip away the hypocrisy from the position of the Members opposite, on the one hand making the point that one needs a powerful Ombudsman and accusing us of getting up a 'powder puff' Ombudsman, and then on the other hand saying we don't need any Ombudsman at all. If one takes what is hopefully the more logical position which is that we need a strong Ombudsman I then find myself in agreement with certain of the particular reforms which are suggested by the Member from Albert Park (Mr. MacLeod). I think that in particular clause 17 should be struck out. Clause 17, Mr. Speaker, allows the Attorney General to prohibit a particular investigation by an Ombudsman by his decree. Now a case can be made that the legislation does not determine the workings of the Ombudsman, however, it is the framework upon which it is built and one wants to make that framework strong on behalf of the Ombudsman as one possibly can. Therefore, I would put it to this House and I will speak to it when we consider the Bill clause by clause that Section 17 in fact should be deleted from the Act. However, what I am attempting to do here and I trust what Members opposite will attempt to do is to take the consistent position that we approve in principle the idea and we recognize the need for it, and then we proceed as a Legislature to make sure that we get the best possible legislation.

Some Hon. Members: Hear, hear!

Mr. Richards: — The Members opposite are trying to burn both ends of the candle. They are trying to say that there are particular inadequacies to the Bill and then on the other to say let's not have the Bill at all. Members opposite must make up their minds if they are going to act as a credible Opposition who might have some small chance of getting themselves re-elected four years hence. A piece of free advice.

Now, Mr. Speaker, the essence of this reform is not going to be the actual Act that we pass in this Legislature. The essence of whether this is going to be a good reform, or is this going to be a 'powder puff', is not going to be what comes out of this Legislature, it is going to be the willingness of the Government to appoint a man of principle as Ombudsman, a man of independence, a man who is willing to raise hell at least once a month, regularly, and publicize his findings. That is going to be the real test of whether this Ombudsman succeeds. That he is going to, via Section 30, have the right to publicize his findings and he is going to have to exercise that right, Mr. Speaker, If this comes to pass, if we get the kind of Ombudsman we need, we are going to have made a significant, if small, reform on behalf of the unorganized, ordinary people of this Province in dealing with Government bureaucracy.

I support in principle the Bill.

Mr. D.M. McPherson (Regina Lakeview): — Mr. Speaker, I should like to say a few words on this Bill, but at a later time. I beg leave to adjourn the debate.

Debate adjourned.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Smishek that Bill No. 33 — **An Act to amend The South Saskatchewan Hospital Centre Act** — be now read a second time.

Mr. A.E. Blakeney (Regina Centre): — Mr. Speaker, I do not wish to detain the House overlong on this Bill with respect to the South Saskatchewan Hospital Act. I simply want to remind the Hon. Members that we are debating this Bill with respect to the South Saskatchewan Hospital Centre when the main hospital is not yet built. May I remind the Hon. Members that this Bill was introduced in 1964 and I had the pleasure of introducing the Bill. I remind Hon. Members that for seven years, for seven lean, gaunt years the Government opposite dragged its feet with respect to a South Saskatchewan Hospital Centre so that eight years after the Act was passed we still do not have an operating hospital. Eight years, Mr. Speaker. Each year they were declaring their concern for hospital care in this city and in this Province; each year they treated us to their comments as to what they were doing for hospital care, but each year the Member for Regina Whitmore Park (Mr. Grant), and the Member for Regina Lakeview (Mr. McPherson) who has an interest in another hospital, managed to delay action so that in 1972, either years after the introduction of that Bill we find ourselves without an operating hospital.

I am pleased to say that the hospital is under way. I believe and I am advised that the hospital designed by Hon. Members opposite, or designed on behalf of Hon. Members opposite, leaves a great deal to be desired as a teaching hospital. I'm advised that the hospital lacks a great deal in flexibility, lacks a great deal in the ability to meet the problems which will be presented to anyone who has to operate that hospital over the next ten or twenty years. And I regret that Members opposite were not able to get the appropriate professional advice. This can happen easily to a government, particularly a government which may well be governed by, shall we say, a variety of motives, in bestowing architectural contracts. A Member opposite questions that; I ask him to question his conscience, as to just how some of these contracts were awarded and particularly that one was awarded and just how far afield we went for top-rate professional advice on building what will be the most expensive hospital in Saskatchewan.

An Hon. Member: — Typical Liberal planning.

Mr. Blakeney: — No one denies that. If the Member opposite asks whether there were mistakes made I'm not saying mistakes aren't made in other hospitals, I say mistakes were made in that hospital. And I'm saying that very emphatically.

But my point, Mr. Speaker, is this. I am happy that we are at least discussing the mistakes being made in the construction of the hospital, I'm sorry these discussions did not happen four or five years ago when the hospital should have been built. And I am very happy, Mr. Speaker, that this Bill indicates that the South Saskatchewan Hospital Centre will now have two hospitals to administer and that at long last the South Saskatchewan Hospital Centre Board will have available to them the facilities which will allow them to offer a better grade of hospital service to the people of southern

Saskatchewan.

Some Hon. Members: Hear, hear!

Mr. D.M. McPherson (Regina Lakeview): — Mr. Speaker, I should like to say one or two things on this matter. When the Premier was Minister of Public Health a few years back I remember the delays that he kept putting in the ways of the General Hospital. We waited five years at the Regina General for him to make up his mind what was going to happen to the Regina General Hospital. He couldn't make up his mind then. He had to bring in some more of his planners and I believe they were socialist planners whom he brought in. Brought them over to the buildings here in Regina, told them what to come back and tell the Regina General Hospital Board. You're in control of the Government and what did you hold up? You held up the plans for the city of Regina. That's what you held up.

Some Hon. Members: Hear, hear!

Mr. McPherson: — Don't talk to me about planning. You came over to the General Hospital, told me that you would make the General Hospital Board knuckle under to whatever you wanted us to do and that's the way you treated the Board. That's the way you are treating the Boards in this country today, but don't tell me about planning. You kicked us around for five years. Nobody in Regina knows that any better than I do.

Some Hon. Members: Hear, hear!

Mr. McPherson: — So it's a crime. You're the Premier of this Province, you sit up here and tell us how you planned. He was a dictator, and that's what he was and I want everyone in this House to know.

Some Hon. Members: Hear, hear!

Mr. McPherson: — You dictated what we should do. Mr. Speaker, I will have more to say on this. I beg leave to adjourn the debate.

Some Hon. Members: Hear, hear!

Debate adjourned.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Romanow that Bill No. 10 — **An Act respecting the Age of Majority** — be now read a second time.

Mr. C.P. MacDonald (Milestone): — Mr. Speaker, I would ask that the Bill stand.

Mr. Speaker: — The Hon. Member has asked leave to . . . which one. Item 5 . . . item 4? The Hon. Member has asked that the Bill stand. Is leave granted?

Mr. Romanow: — For my own information, the Bill is listed in the name of Mr. Boldt. Can the Hon. Member for Milestone stand?

Mr. MacDonald: — Mr. Speaker, on the Point of Order, I appreciate that in reality the House has the opportunity and the right to carry on debate if they do not wish to stand the Bill in anybody else's name. We will certainly accept that privilege of the House. I merely want to point out that the Member from Rosthern (Mr. Boldt), the reason that he asked that this Bill be held off was until the liquor report was published and tabled in this House. I would remind the Attorney General that this liquor report finally, after being printed for a long time, was only tabled this afternoon and that is the reason, Sir, we want an opportunity to peruse this report before we speak.

Mr. Speaker: — In order to settle as to whether an order of this kind may be appearing on the items of the order paper in the names of private Members on either side of the House. A Member can only request when the Member for Milestone rose and asked that he stand, only requests that he stands, he can't really ask. Standing Order No. 9 says the questions put by Members and motions, not taken up when called, may upon the request of the Government be allowed to stand and retain their precedence. Otherwise they shall disappear from the Order Paper. They may, however, be renewed. Now this is a Government motion. This wouldn't be dropped, but the Member for Milestone was asking for courtesy and standing on behalf of the Member for Rosthern. And I think that is what the rules would, I would have to rule if I have to make a rule on it. For clarification I wanted to bring it to the attention of the Members. Now item 4, Bill 10 has been called as the Member for Rosthern is now in the House.

Mr. D. Boldt (Rosthern): — I want to talk on a Point of Order. When I adjourned the debate here about a week ago, I said in my last comment that in view of the fact that this report had not been tabled that I would ask the Government not to consider further debate on it until the report had been tabled. Now, we received this report today and I've just read it once and I hope that the Government will consider not to debate it any further. If not, then I will speak on it. I should like it to stand.

The debate stands.

The Assembly resumed the adjourned debate on the proposed motion by The Hon. Mr. Romanow that Bill No. 13 — **An Act to establish The Saskatchewan Human rights Commission** — be now read a second time.

Mr. J.G. Lane (Lumsden): — Mr. Speaker, when we adjourned debate on this matter we had the assurance from the Attorney General that he was going to repeal Clause 11 of the proposed Bill. We have now received the proposed House amendment which will repeal both present Clause 10 and present Clause 11.

Before I get into these matters, Mr. Speaker, the Opposition must go on record as opposing the original proposal on the lack of judicial review. I'm very concerned about some of the practices of the Attorney General and I made reference beforehand on the closing down of lawfully constituted public meetings, practices which are anathema to the philosophy of probably most people in this House, and yet there is a certain arbitrariness

in the removal of the right to judicial review which was proposed originally by the Attorney General in the Bill before the Assembly.

Fortunately the Attorney General has already admitted his error and will repeal this clause and I refer in particular to Clause 11. But an unfortunate power is still given to the Commission and a particular power which we oppose very much. I'm referring to subclause 3 of Clause 9 of the proposed Bill. And that reads:

That the Commission or the person designated by the Commission may at all reasonable times, for the purposes of the enquiry, demand the production and inspect all or any of the books, documents, correspondence or records of the person whose conduct is subject of the complaint and may enter into, or upon any premises, other than a dwelling house, owned or occupied by that person and question any of the employees of that person.

We are very much opposed to this particular provision, Mr. Speaker, it can easily lead to a breach of a right to privacy, which is a right which should be upheld by the Human Rights Commission. We note that no warrant is necessary to enter the business premises or seize the records.

Mr. Speaker, there is seldom any justification for powers to be given to a non-criminal statutory body, be given powers greater than that set out in the Criminal Code. The Human Rights Commission will have powers which are considerably greater than the powers allowed to peace officers under the Criminal Code. It is a very dangerous power that is given to the Human Rights Commission.

If any organization which is to exist which should not have the arbitrary powers set out in Clause 9, subclause (3) it is obviously the Human Rights Commission.

Some Hon. Members: Hear, hear!

Mr. Lane: — The Criminal Code requires warrants in most cases, and yet the Act establishing a commission to oversee the prevention of discrimination and to ensure human rights does not have that power. As I say we are very much opposed to the arbitrary and overwhelming powers given to the Human Rights Commission set out in Clause 9, subclause (3). The answer that this might be entertained in other jurisdictions or maybe in similar pieces of legislation in other jurisdictions, is not an answer to a wrong principle.

The subclause is completely contrary to the intention of the Act. I hope and the Opposition hopes that the Attorney General will amend subclause (3) of Clause 9. I have gone on record as commending the Attorney General for listing sex as a criterion in determining what constitutes discrimination. However, there is another criterion which has been sadly ignored in this legislation, and that is the question of age, Mr. Speaker.

Hundreds of people in Saskatchewan and thousands of people across Canada have been refused employment because of their age.

They are amply qualified, they are well educated and yet they are simply turned down because somebody says they are too old. They are 40 years old, they are too old.

This problem is increasing daily and I am sure that the Members opposite are quite aware of the great increase and the unemployment of people over the ages of 40. This problem is increasing daily. As technological change increases rapidly more and more of these people are going to be placed out of work. The situation as it exists in our economy now is that daily we are adding to the unemployed ranks many highly qualified and well-trained people.

Mr. Speaker, Alberta and Ontario have legislation to prevent discrimination because of age. And because of this ever increasing problem and because of the drastic changes in society it is the intention of the Opposition to propose an amendment to this Bill in Clause 7, to include the word:

‘Age’, after the word ‘sex’ where it occurs in the third line of subclause (a).

We will also propose similar amendments, Mr. Speaker, to all legislation which comes under the jurisdiction of the Human Rights Commission. If this amendment has the support of the Members opposite, and if the Attorney General sees fit to bring the enforcement provision of this Act into line with the intent of the Act, we will then truly have human rights legislation in this Province. But until such amendments are passed, the effectiveness of such legislation is in question.

We also intend to bring in amendments to the Attorney General’s proposed House amendments. We welcome in particular the return to the judicial review of the Human Rights Commission. We note, however, that where an appeal is taken the Attorney General may be represented. We certainly do not object to this proposal but the Members opposite are surely aware of The Family Farm Protection Act and the Attorney General in similar circumstances was not allowed costs in that particular Bill. If he appears before the court of appeal he is not awarded costs no matter what the outcome of the appeal is and I feel there should be a similar provision in the Human Rights Commission’s proposed amendments. We are also prepared to enter into some discussion, I particularly do not have an answer, unfortunately, as to whether or not the Commission itself should be allowed costs when it is the appellant or when it is the respondent. Merely because an appellant is exercising his human right, his very basic human right to appeal and to have a court hearing should not prevent him from receiving costs and obtaining costs if he is successful against the Commission. But, Mr. Speaker, in addition to ensuring that The Human Rights Commission complies with basic human rights, as I have stated earlier, it is the intention of the Opposition to ensure that age is not a reason for discrimination, especially when it comes to employment and employment practices.

Mr. Speaker, we have had a chance to see the Government opposite act in the field of human rights. We have had legislation proposed to this House to establish a Human Rights Commission. Originally it was the intent of the Government opposite to make that Human Rights Commission subject to the Attorney General. We have had some very flowery oratory from the Members opposite with regard to the Government’s awareness

and the Government's concern with regard to Human Rights legislation. Yet at the same time there seems to be a great reluctance to give up powers to the operative agency and there seems to be a great desire to keep the operative agency under the control of the Cabinet. If I may, Mr. Speaker, refer to both Bills at this time, I am referring to the original proposal of the Human Rights Commission and the Ombudsman. I hope the Government opposite will make up its mind what it intends to do with Human Rights legislation. If there is a principle involved that human rights are inviolable, then the operative agency should be independent and should have the necessary powers, enforcement powers, to ensure that it is independent and also to ensure that it is effective.

The Government opposite has seemed to act one way and talk in another. We have stated that we are going to propose amendments to include the word 'age' and to prevent age discrimination and if that of itself does not indicate to the Members opposite what we are going to do on this Bill then I don't know what will. We favor the Human Rights Commission. We are voting in favor of the principle of the Human Rights Commission but, Mr. Speaker, if the amendments are not made to ensure the effectiveness of the Human Rights Commission we will be prepared to vote against it on third reading but we are voting for it most emphatically in principle and in favor of the Human Rights Commission.

Some Hon. Members: Hear, hear!

Mr. K.R. McLeod (Regina Albert Park): — Mr. Speaker, I may be able to discuss this perhaps at considerable length and I am prepared to do so. One of the greatest areas in which a person may be abused is, of course, where abuse comes from government itself.

Debate adjourned.

The Assembly adjourned at 5:30 o'clock p.m.