

**LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**  
**Third Session — Seventeenth Legislature**  
**50th day**

**Wednesday, April 4, 1973.**

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

**SECOND READINGS**

**Hon. W. E. Smishek (Minister of Health)** moved second reading of Bill No. 79 – An Act respecting the Establishment of a program to provide Hearing Aids to certain Persons with Defective Hearing.

He said: — Mr. Speaker, for many years the high cost of hearing aids has placed a heavy financial burden on the shoulders of our senior citizens and other persons in Saskatchewan who suffer from hearing impairment. We estimate that somewhere between 24,000 and 30,000 children and adults in Saskatchewan suffer a mild to severe handicap from loss of hearing. There are not nearly that number of people using hearing aids. The public's demand for aids has been comparatively small. I am told that somewhere in the order of 10,000 Saskatchewan citizens are presently wearing and using hearing aids. The reason for this wide disparity between those who have hearing problems and those who use the hearing aids is because, we believe, that hearing aids have been depicted as ill-fitting instruments and because they cost too much.

People who have used hearing aids have complained that tone quality is poor; that sounds are raspy and muddled; and that the size of hearing aid models restricts reliable sound control and services. Hearing aids are selling on the commercial marketplace at prices which many people cannot afford to pay. Saskatchewan residents are being charged between \$275 and \$350 per hearing aid. This constitutes an average dealer markup of \$200 per model over wholesale costs.

These are numerous case histories which I have related to this House in the past two years of people being improperly tested and fitted for hearing impairment; of people being advised to buy two hearing aids when the use of the second aid was marginal; of people being given deplorable maintenance service on their aids; and of people, after expressing dissatisfaction with their hearing aids purchase, being told that there is a 'no return of good' clause in their purchase contract.

Mr. Speaker, in the last 20 months I have received hundreds of letters and 'phone calls from people especially senior citizens, complaining about the high cost of hearing aids, of being over sold, and of being improperly fitted. Mr. Speaker, I have with me a brief case of complaints that I took along with me. As I was leaving the office one of my staff said, "That's not a brief case that you are carrying, it is a grief case," because it is really a case full of grievances and complaints from people who have written in about the high cost of hearing aids, poor fittings, poor service.

One man writes saying that in the last two years he has spent over \$2,500 on hearing aids and was still unable to

properly hear. We will all agree that there is no substitute for proper hearing and good ears. If I may just cite one or two other complaints, though I don't propose to go through all the letters that I have received. If I start doing that I should keep this House going from now until 9:30 in the evening. Here is one from a person in Shaunavon saying that he was quoted a price of \$758 for a hearing aid. He thought the price was too high and he saw some hearing aids advertised and he ordered one from Ontario for \$200. After it was received he had nothing but problems with it. Another pensioner writes about a pocket model that he purchased for \$190. After using it for a short time he wanted to trade it in on a behind-the-ear model but he was not given any credit for the \$190 one and he was asked to pay \$350 for the new behind-the-ear model. He had received no credit for the one he purchased just a few weeks prior to that.

Another person complains about the \$680 he paid for two hearing aids for his wife. After receiving the hearing aids this elderly lady in a matter of a few days landed in hospital and died shortly thereafter. Her husband got hold of the hearing aid dealer who sold him the hearing aids and all the dealer would give him was \$35 credit only. The lady had only made use of the hearing aids for the matter of a few days. The man had no choice, he had no use for them so he gave it to them for \$35. Now it seems strange that these people would make this kind of a refund even though the hearing aids were virtually unused and would accept it back by depreciating it to a five per cent value of what the original price was. Now these complaints and letters just repeat themselves over and over again.

Mr. Speaker, in our New Deal for People, the New Democratic Party pledged to provide hearing aids at greatly reduced prices. We campaigned on this and other planks in the provincial election of 1971. Our Party has always had a keen interest in assisting Saskatchewan citizens to cope with the high costs associated with health care. We believe that items such as hearing aids, eye glasses, braces and wheel chairs, should not be so highly priced that those who need such aids cannot afford them. These items are not, in our view, the same as other types of merchandise which one can buy or does not buy, as a matter of personal choice. Admittedly, the hard of hearing have a choice. They can choose not to hear if they can't afford a hearing aid, but that is hardly the same kind of a choice for deciding to get along without a colored television set, for instance. The choice facing those who need instruments such as hearing aids, or wheelchairs, or whatever, is a crucial one, when one kind of choice means continued impairment or suffering.

For that reason we feel that such health aids should not be the subject of profit ventures. These aids should be made available at the lowest possible prices, consistent with good quality. We feel it is inappropriate that anyone who requires such a health aid be denied the assistance it can give, solely because of his inability to pay. Because of our beliefs in that principle, our Party made a commitment, among others, to reduce the high cost of hearing aids. Last year this House passed a resolution commending the Government for establishing a Special Committee to inquire into the plight of the hard of hearing. The resolution went on to recommend:

To the Government a program which will allow hard of hearing citizens to obtain quality hearing aids at greatly reduced cost.

The Saskatchewan Hearing Aid Plan will provide us with the machinery to achieve this goal.

Questions have been raised by commercial interest about why the Government should want to get involved in a hearing aid program. I have already given some reasons, but there are many more. On a recent edition of the TV program, Public Affairs Program W5, Dr. Graham Wallace, a specialist in the psychology of deafness reported on a national study on the deaf he had just completed for a federal agency. During the program, the story was told of Terry England, who dropped his hearing aid and damaged it. Mrs. England tried to get the supplier to repair the instrument. The supplier said that the aid couldn't be fixed or, if it could be fixed, it would cost far too much money. It was better Mrs. England was told, to buy a new one at \$183. Mrs. Englund took the aid to another party who dismantled the hearing aid and found that some wires were torn loose. Then the hearing aid was tested out. The whole process took a mere 15 minutes and the hearing aid is now in good working condition.

Dr. Wallace was asked about the cost of hearing aids. He replied and let me quote "I think that is going to be one of the greatest consumer scandals in the post-war period in Canada." Dr. Wallace alleged that there are a lot of hearing aid dealers who are performing tasks far beyond their qualifications and experience. He went on to say:

That according to research studies in Canada a large number of hearing aids are being sent out from hearing aid distributors, wholesalers and manufacturers that do not do the job they are purported to do.

When asked how many, Dr. Wallace cited the survey of a Mr. Zink in Alberta who "found that 43 per cent of the hearing aids he surveyed did not do what they purported to do over a 12-month period." Dr. Wallace's report simply confirms what has been apparent in the correspondence we have received, examples which I have cited to you very briefly.

Mr. Speaker, last year when this matter was raised in the House, there was general agreement that the health needs of the hard of hearing and the deaf were being neglected. Members of the Opposition indicated their concern by moving a resolution that a basic hearing aid be provided without cost to the hard of hearing under the Medical Care Insurance Plan. I did not then agree, nor do I now, that this is the way to solve the problem. But I am glad to see that the Opposition are on record that something must be done to reduce the cost of hearing aids and provide a better service to the people. I know that the Members opposite will show the real nature of their concern for the hard of hearing in the debate that takes place on this Bill. At least they will be given the opportunity.

The Hearing Aid Act will give the Government the general authority to establish a hearing aid program. We intend to buy a range of good quality hearing aids by competitive shopping among the manufacturers of these instruments. We will set up facilities so that people with hearing difficulties may be tested for hearing defects by professionally trained personnel. If a hearing aid is needed, it will be possible to purchase one if the person so desires from a line of government-tested, quality

hearing aids at prices that are substantially less than they are presently selling on the retail market.

This will be a subsidized program, Mr. Speaker. The hearing aid user will be charged only the direct costs which we pay for bulk purchase of these instruments. All overhead costs will be absorbed by the program. We intend to provide a complete follow-up service. We believe that a Government program is necessary to ensure skilled testing of hearing, to ensure that a hearing aid is prescribed only if it is necessary, to provide the testing and the aids on a non-profit, subsidized basis, and to ensure adequate follow-up and servicing.

Letters we have received indicate that there is a lack of adequate public knowledge about the use, cost and maintenance of hearing aids. A hearing aid serves only one purpose, that is to amplify a sound for a person who does not have the normal capacity for hearing. Basically a hearing aid consists simply of a microphone which picks up the sound, an amplifier to magnify the sound and a speaker to transmit the amplified sound to the ear. The amplified sound makes it possible for the hard of hearing to hear what their unaided ear cannot hear intelligibly.

The Saskatchewan Hearing Aid Plan which we propose to introduce later this year will allow people with hearing defects to enjoy the benefits of high quality aids at a price that most people can afford. The Plan that we are proposing was drawn up by an audiologist, economists and people knowledgeable about the operation of the hearing aid industry. The Government will absorb the associated operating costs of testing and fitting, distribution and follow-up service within the budget of the Department of Public Health.

It is estimated that the operating costs of the Government Plan will be less than 50 per cent of the total profit and operating costs of the present private operations. When you consider that Saskatchewan residents are now being charged between \$275 and \$350 per hearing aid, the proposed Government price averaging less than \$100 per aid will mean a considerable saving to the buyer.

The Plan envisages a high quality of service to the hard of hearing. First, the plan will employ professionally trained audiologists to test those who come for examination. These audiologists have been trained in a masters program to work with highly sensitive and modern testing equipment. They will also assist patients to overcome the physical and psychological problems of wearing a hearing aid. A skilled technician will test the hearing aids that are sold to ensure that the user gets a good quality aid. Secondly, steps are being taken to establish two basic clinics, one in Saskatoon and one in Regina. At present, plans are being made to lease space for this purpose. These facilities will be equipped with sound booths. We hope to locate these base clinics centrally so that it will be convenient for patients to visit them.

During the first year of operation mobile teams will serve the rural areas. At a later date, we hope to establish satellite clinics in various centres. The location of these satellite clinics will be guided by both emerging needs and the operational requirements.

Third. An important feature of the plan will be an effective system of referral to medical practitioners when indicated. Our audiologists will often be able to determine symptoms of hearing disease or impairment which should be looked at by a physician. This should be comparable to the present situation in eye care, where optometrists refer patients to medical specialists when the problem cannot be corrected with glasses.

Normally, those under age of 18 will have been examined by a physician before being fitted with a hearing aid under the Plan. The reason for this precaution is that most often deafness in those under 18 years of age required some form of medical treatment.

Mr. Speaker, our plan will recognize the vital importance of providing adequate follow-up service. This is one of the most essential features of a first-class hearing aid plan. Besides the skills of the audiologists, we may make use of public health nurses and speech therapists, presently employed by the Department, to provide some of the follow-up services required. They will be able to assist users who have difficulty adjusting to their hearing aid. They may make arrangements for re-testing of those who feel that their hearing has not improved, in spite of having a hearing aid. It has been found that most patients will usually benefit greatly if the corrective method of using and servicing an aid is carefully explained to the people who use the hearing aid.

I am pleased to note that national standards for hearing aids has been developed by the Federal Government, working in concert with the provinces, Mr. Speaker. Officers of my Department participated in meetings that led to the standards being evolved. In fact, I can say it was Saskatchewan that gave the leadership to have these standards developed.

Mr. Speaker, let me read to you the resolution that was moved by Saskatchewan, seconded by Manitoba and carried unanimously at a recent national conference of the provinces in this particular subject. Let me quote the resolution:

Whereas this committee has prepared hearing aid standards and;

Whereas the committee believes it is important that these standards should be applied uniformly throughout Canada and;

Whereas the committee feels that hearing aids which do not comply with the defined standards are not suitable for sale, hire or trade.

Be it resolved that this committee recommends:

- (i) that these hearing aid standards come into force at the earliest possible date and
- (ii) that these standards shall lead to the development of necessary federal and Provincial legislation to regulate the sale, hire and trade of hearing aids.

I believe that this resolution gives evidence of the fact the government is well aware of consumer complaints in the area of hearing aid quality.

Mr. Speaker, I want you and the Members of the Legislature, to be fully aware of the essential components of the Saskatchewan Hearing Aid Plan.

1. It will provide quality hearing aids and a hearing aid service to the Saskatchewan beneficiaries at substantially less than the present cost.

Those who will be eligible under the rules that we are proposing will be the same people who are eligible to receive hospital and medical care under our registration formula.

2. The program will be a health service not a profit venture. We are making another health aid more accessible to all people of the province.

We are not yet in a position to state the exact prices at which aids will be sold to the public. To date, over 150 models from 12 hearing aid manufacturers have been received and have been tested. Price quotations thus far range from \$15 for some body models to \$110 for certain types of eye glass models. The \$110 price quoted was the highest. We will not be able to quote exact prices until further testing is completed to indicate which of the many aids available should be selected for the program. Except, I want to repeat again, that the models and the aids will be sold at cost.

I want to say a word about the present system for distributing hearing aids, Mr. Speaker. There are about 17 dealer outlets in Saskatchewan. Only eight of these confine their activities to hearing aid sales alone. It is estimated that they sell on the average about 2,000 hearing aids per year, at a total cost of between \$550,000 and \$700,000. Operating costs, plus profit, are estimated to be between \$400,000 and \$550,000 per year. You will note that we have budgeted \$448,000 for the first year of operation of the Government Plan. In fact, only \$171,000 of that amount will be operating costs. The remaining \$277,000 will be used to acquire a stock of hearing aids and to provide for essential equipment. We estimate some \$210,000 for the purchase of a line of hearing aids, and remember, these will be sold and that money will be recovered.

I have personally met with representatives of the Saskatchewan Hearing Aid Dealers Association on three separate occasions. Our first meeting was on October 12, 1971, just a few months after we took office. At that meeting I expressed my concern to the dealers over the increasing number of complaints that were being received regarding both the prices charged for hearing aids and the dissatisfaction regarding service. Departmental officials met again with the dealers in March of 1972, after that meeting the dealers presented a brief which was received and studied by my Department. On January 29, 1973, I met again with representative of the association. A further meeting was held with them on March 21st — just a few days ago. At each of these meetings I conveyed to the dealers my concern over the high cost of hearing aids. I reminded them that we were elected on a platform which would include a commitment to greatly reduce the cost of hearing aids. We have carefully studied the submission made by the Hearing Aid Dealers Association, but have not found in them any proposals to reduce the cost of hearing aids to the public. In their meetings with me the dealers have said that in their opinion the majority of their customers were satisfied with their services. If this is the case, those satisfied customers will doubtlessly continue to patronize the present dealers. Those who are not satisfied with the prices and service of the present system will have the option of buying aids under the Government Plan.

The question has been raised as to who will service the hearing aids already sold? As I understand it, Mr. Speaker, most hearing aids are under manufacturers' warranty for a period of one year. At our most recent meeting, I was assured by the hearing aid dealers that they had no intention of defaulting on existing warranties. I am pleased to have that reassurance as will those who own hearing aids at the present time.

Mr. Speaker, at the last session of the Legislature, when the hearing aid question was discussed, I promised to bring forward a plan to reduce the cost of hearing aids which would be in the best interests of the Saskatchewan consumer. The outline of the plan which I have sketched this morning in large measure fulfils that promise.

When we are able to announce more precise details of the plan, I am confident that our commitment to the people of the province, made in June of 1971, will be fulfilled. The Saskatchewan Hearing Aid Plan is another pioneering health program for North America, and it will be a first-class program.

Professionally trained audiologists will service the program. Fully modern clinics with the most up-to-date material will be available to test the hearing of our people. A high standard of quality will be established to ensure that patients receive the best possible service. Hearing aids will be tested by fully qualified technicians to ensure that patients receive full value for their money. We intend that the quality of service under the Saskatchewan Hearing Aid Plan to be second to none. The Hearing Aid Act will give the Department of Public Health the general authority to operate this Plan.

Mr. Speaker, may I also inform the Members of the Legislature that we are proceeding as rapidly as we possibly can with getting the program under way. We have appointed Mr. David Treharne as acting director to get the program started. He is and is now spending his full time getting the program started. We have also hired Mr. Torrie Rackley as Chief Audiologist. We envisage that this program will require about 11 full-time people and about two part-time people and steps are being taken to recruit the necessary staff. What we see in terms of the staff is the director to administer a plan, which we don't believe will be a full-time job; a chief audiologist and two senior audiologists located in the main clinics in Saskatoon and Regina and an assistant audiologist; an electronics technician, a part-time electronics engineer on a consulting basis and three audiology technicians. Also we shall require secretary-receptionists at the two main centres.

I am hopeful that in the next three to six months we will get the program operating.

Mr. Speaker, since this House opened I have had the pleasure of talking about four particular programs that have been implemented and operating. You will recall at the end of January I announced, effective February 1st, chiropractor services would be insured; this week I announced that we intend to develop a new and exciting scholarship and bursary program in the field of medical education; this week I gave second reading to The Dental Nurses Act and also outlined the possible program of dental care for children up to the age of 12, which we see being started in September of 1974; today a further new program

is being announced in the field of health — the hearing aid program.

I also advise the House that studies are well under way for developing a program of reducing the cost of drugs, prescription drugs. Studies are well under way and hopefully we will be able to make announcements fairly soon.

Now, Mr. Speaker, I recall our last year of Opposition when we talked in this Legislature about the New Deal for People and the health programs that we proposed to introduce. Members of the Opposition said that if you introduced these programs it is going to cost millions of dollars and you will run the province bankrupt. Well, Mr. Speaker, I am pleased that a good portion of the health commitments that we made are now in effect

**Some Hon. Members:** — Hear, hear!

**Mr. Smishek:** — We said that we would abolish deterrent fees and this we did within one month of taking office; we said that we would give free medical care for those 65 years of age and over and this was done January 31st of last year; we said we would establish a prescription drug program based on a drug formulary and central purchasing to provide drugs at greatly reduced costs. I have indicated to this House that our study is well under way and I am hopeful that we will proceed as rapidly as we can to get that program through. This morning I announced the hearing aid program; last Monday I talked about our dental care program for children up to the age of 12 and that's well under way. The people are now being trained. We said we would improve care for the senior citizens by establishing better nursing facilities and the Minister of Social Services (Mr. Taylor) announced some weeks ago that the nursing component of Level III care is now insured and a subsidy is now provided for Level II care. We have increased the number of Level IV beds another promise made and a promise kept. We said that we would develop community services for mentally retarded. Core Services has been established and instituted which is now a joint participation program between education and health and social services. We said we would re-examine all closures of hospitals and this has been done. Eight health and social centres have been improved. No hospitals have been closed.

Mr. Speaker, we said we will expand our health education programs. In this area I regret to say that we have not had that much success. Part of the problem is finding proper people to assist in the developing of an effective health education program. We said we would redefine the role of health workers and this program is well under way, we are getting good co-operation in establishing a physician assistant program, or a nurse-practitioner program. We said we would provide capital assistance for community clinics and this has been provided; we said we will try and improve the emergency ambulance services and a study is well under way. We said we would provide an adequate occupational health service. Mr. Speaker, last year we established an occupational health branch and established a new program of occupational health and safety under the direction of the Department of Labour. We said we would ensure chiropractic services and this has been done.

Mr. Speaker, within a period of 21 months I would say that



we have fulfilled at least two-thirds of the health commitments that we made to the people.

**Some Hon. Members:** — Hear, hear!

**Mr. Smishek:** — Mr. Speaker, I thought it important while introducing this new Bill to recap how far we have gone in a period of 21 months. We will do every thing possible to fulfil the total program we promised in 1971. Mr. Speaker, this program will not be a costly one however. I am sure that those who are hard of hearing will greatly appreciate the benefits we propose to introduce.

Mr. Speaker, it gives me great please and satisfaction to move second reading of Bill 79 — An Act respecting the Establishment of a Program to Provide Hearing Aids to Certain persons with Defective Hearing.

**Some Hon. Members:** — Hear, hear!

**Mr. D. F. MacDonald: (Moose Jaw North)** — Mr. Speaker, I don't intend to oppose Bill 79. It contains a provision that's very important to me. I have made my concerns known in the past. But I think the program should be undertaken within the existing facilities and services that are now present in the province. And Clause 4 of the Bill does make this provision possible. I realize that the Minister of Health doesn't intend to put his program for hearing aids through by this process but the Bill does contain the clauses that are necessary for this kind of implementation.

We have had a couple of revelations here this morning, I think. The first one is that there are 17 hearing aid dealers in the province, and the revelations that we have had this morning is that they are all crooks and have been crooks for some time. They've been overcharging, they have been indulging in bad business practices, all of them apparently without exception. They have been giving deplorable maintenance, they are incompetent, they don't know what they are doing. It is funny how one profession seems to attract all of these people that have all the bad kinds of business practices and so on. Apparently, if you have these qualities as a person you are automatically attracted to the hearing aid business. The statements this morning have all been sweeping. He didn't say that this happens in one case or two cases. It apparently happens in all cases by all dealers. This is the inference that we have heard this morning and have heard for some time.

The second revelation is that apparently the new hearing aid program in the province is going to be 100 per cent. There aren't going to be any complaints. When somebody buys a hearing aid, it is going to work 100 per cent and they are going to hear 100 per cent. I am sure the people of Saskatchewan will be pleased to hear that from now on everyone is going to be able to hear with no problems. The generalizations of the Minister were a little bit disappointing. Of course, I am sure that as in any business there have been misrepresentations and overcharging and poor service. I am sure there have been cases and instances of this kind, but to generalize is not doing a proper service to the people who have been in the hearing aid business and have done a good job and have provided a good

service for the people of Saskatchewan. I am sure that there are as many briefs that are willing to say that they have been given good service, adequate service and a fair price. I expect that the Minister as he has brought the brief case of complaints in here, he is prepared to table these, this whole brief case full of complaints, so that we can have a look at them.

He indicates that somehow somebody paid \$2,500 for a succession of hearing aids and was still unable to hear. Somehow if you spend \$2,500 you are assured you are going to be able to hear. I don't understand the logic of the Minister.

**An Hon. Member:** — He hasn't got any.

**Mr. MacDonald:** — Or that the cases where somebody buys a hearing aid and it doesn't give him 100 per cent hearing and he expects that he should be able to come back and get his money all back. Or that somehow under a Government program when someone brings back a hearing aid that isn't working that the Government Plan will guarantee that they can fix it. Of course there are mistakes made. There are mistakes made in business and there certainly will be made that same mistakes in Government and I would suggest many, many times more mistakes. Many times there will be less service and poorer service under Government bureaucratic programs.

We, on this side of the House, have a concern for the plight of people who have hearing problems. We expressed that concern last year. We are certainly willing to extend our co-operation to the Government to give help to people with hearing problems and our resolution of last year should be evidence of this. We do not quarrel with the idea of getting help to those who are hard of hearing because we know it's a hardship and we know it's expensive. But I personally repeat again that the program must use the facilities and services that are presently available.

The Minister says that people at present that are happy with the programs by the private hearing aid dealers can continue to use their services. Well, that's not correct, because with the new subsidized plan these people will not be available in the province. They have made this clear. Certainly one or maybe two dealers will be able to survive in the province but certainly not 17 or any great amount of that 17 will remain in business. And then, of course, what happens when they are gone? The Minister says they have a choice. If they are not happy with the service and prices of the private dealers they can go to the Government. But I ask the Minister, what if they are not happy with the prices and services of the Government Plan? What can they do then? They can do nothing then. If he would use the services and the co-operation of the hearing aid dealers, we would have both. Then the people would have the choice of what to use.

He condemns the profit motive. The same thing as we heard from the Minister of Social Services (Mr. Taylor). That it is absolutely improper to make a profit from the sick. It seems to me that I would much rather have a service by a person who is motivated by the profit motive rather than service by a person who is working in a government bureaucracy. We have seen time and again where government bureaucracies are not sensitive to the

needs of people, that they become very insensitive to the needs of people. And I would rely on the profit motive at any time for service over the long run.

As I said, I am not going to oppose the Bill because it contains provisions that should be in the Bill. I do want to make it clear that I am opposed to the plan for hearing aids that the Minister plans to bring in.

**Some Hon. Members:** — Hear, hear!

**Mr. K. K. MacLeod: (Regina Albert Park)** — Mr. Speaker, speaking briefly to this, I want to remind the Minister that his position today is substantially different from that which he had adopted previously in this House. The Government, when it was in the Opposition, consistently supported resolutions for hearing aids without cost. That position was made in the House with vigor and unanimity by the Members then in Opposition. He had changed his position and I suggest that there is a small bit of insincerity, perhaps a large bit of insincerity, on the part of the Minister. Now it is true that by the time this got to the election campaign of 1971 the official stance of the party was that these hearing aids would be supplied at greatly reduced cost. But this was not the position adopted by the Members, the New Democratic Members, in this Legislature. And one is then led to believe that what the Members of the New Democratic Party say in the Legislature is not necessarily New Democratic Party policy. I challenge them for their insincerity, the insincerity of the words they used in the House in the past.

Now I concur with the remarks of the Hon. Members for Moose Jaw North (Mr. MacDonald) and wish only to stress that the question of fitting a hearing aid, like any other medical matter, is a question of some training and responsibility. I hope the Minister will emphasize in his program the need and absolute necessity of having well-trained and qualified people doing the job, and I hope that these people will have the courage, on occasion, to tell people that it is no use them spending any more money because these are people who have spent unnecessarily large sums, and they have come to me, they have spent unnecessarily large sums trying to get their hearing resolved when in actual fact everybody really knows that their hearing is beyond saving.

I propose to support this program. I hope it works, and I hope the Minister will take these particular words to heart.

**Some Hon. Members:** — Hear, hear!

**Mr. H. H. Rolfes: (Saskatoon Nutana South)** — Mr. Speaker, I should like to say a few words on the program of hearing aids and I do so, Mr. Speaker, because I have had a fair number of people come to me since I was elected as the Member for Nutana South asking me to do everything possible to convince this Government to come in with a program as quickly as possible.

**Mr. MacLeod:** — How many?

**Mr. Rolfes:** — A fair number, Mr. Speaker.

I am somewhat amazed by the comments from the members opposite. I listened to the Minister this morning and not once did I hear him say that he condemned all hearing aid operators in this province. Not once did he say that. Mr. MacDonald from Moose Jaw said that. Well, that's something that the MacDonalds seem to have in common, these sweeping statements that they can make. We heard the Member from Albert Park (Mr. MacLeod), last night making a comment on a committee report of which he was not a member and again this morning he makes a sweeping statement. I don't know what the Members in this House said in 1967 or 1968 or 1969 and I doubt very much if he knows. I doubt very much if he checked this morning because he was in the House this morning when the Minister introduced the program and I didn't see him leave to check what Members said in the past. Yet he stands up this morning and accuses Members on this side of the House of saying certain things in the Legislature in the past. Not once did he bring in quotes of a particular Member. We went before the people in 1971 with a platform in which we said that we would bring in a hearing aid program to provide hearing aids at greatly reduced costs. That's exactly what the Minister did this morning.

**Some Hon. Members:** — Hear, hear!

**Mr. Rolfes:** — And for that, Mr. Speaker, he cannot be criticized. They might be able to criticize certain parts of the program but certainly they should not criticize a Minister for bringing in something that we promised to the people in '71. If they don't like the program, let them say they don't like the program. Let them not come up with sweeping statements which accuse every politician in this House. I am getting fed up with those statements. We listened to them hours on end yesterday and again this morning. Maybe what we really should do is ask for a standing vote on it because I am not convinced that the Members opposite really want to support this program., What they want to do, Mr. Speaker, I am convinced of, is to say in this House, yes, we support it, and then if there are kinks in the program then they will go out and say to the public, well, the NDP Government brought it in, we were opposed to it all the time.

**Some Hon. Members:** — Oh, oh!

**Mr. Rolfes:** — As I said the other day, you've got a little bit to learn yet Hon. Member from Lumsden (Mr. Lane). If a government brought in Legislation which had no faults at all, no legislation would ever be brought in.

I didn't hear Mr. MacDonald or I didn't hear the Member for Albert Park (Mr. MacLeod) advocate one amendment to the program, nor make one suggestion to improve it. All that Mr. MacDonald said was that the Minister came in and condemned all the hearing aid operators in Saskatchewan, which he did not do. Not once did the Member criticize or make any real suggestions to improve the program.

I want to say, Mr. Speaker, that I fully support this program. We will make some amendments in the future if we find that there are some weaknesses in it, we'll be men enough to come in and make those amendments. But to say, Mr. Speaker, that because there might be some weaknesses, therefore we should condemn it, just simply doesn't seem to make sense to me. So I should like

to say, Mr. Speaker, in closing, that I know that the people in my constituency, those who have been waiting for this program, will wholeheartedly support the Minister and the Government for bringing in another one of their election promises.

**Some Hon. Members:** — Hear, hear!

**Mr. G. B. Grant: (Regina Whitmore Park)** — Mr. Speaker, I thought the acoustics in this House were pretty good and I wouldn't need a hearing aid, but I had to turn mine up today and I am really a little sorry that I did because I heard some remarks from the other side of the House that I think would have been just as well unsaid.

Unfortunately the Minister of Health every once in a while feels he has to expand beyond the subject matter before him and this is unfortunate because I really feel that the Minister is pretty conscientious in his job and generally speaking doing a good job. I won't say that about all of the ministers over there but I don't mind being quoted publicly as endorsing the conscientious work of the Minister. But unfortunately he carries his presentations a little too far and this is about the second or third time he has done so and the point that I should like to make this morning is that, granted the Government is carrying out quite a number of election promises but in the case of the Health Department, let's not fool ourselves, it's at a cost of roughly 10 per cent over what it was last year, about \$17 million more than last year when one considers the items that have been transferred to other departments. It is not very difficult to save because somebody has to provide the money, but to save people in a particular group some cost by a Government subsidizing that article or item that is being provided and this is what's happening in this case. This Minister is not going to buy these hearing devices much cheaper than the distributor but maybe a little bit. But the way he is going to give the people the benefit is by pumping \$171,000 into the program by way of a subsidy.

Now there are far more people today who are suffering from the high cost of food than from the high cost of hearing devices and if the Government is really concerned about helping the less fortunate out possibly they should start subsidizing food costs because this is one of the biggest items that we are faced with.

One of the instances cited by the Minister and my colleague behind me made reference to the case of \$2,500 being spent and still no satisfaction. I have a feeling, and this is purely a personal feeling, that that chap could spend \$25,000 and he still wouldn't have the satisfaction that he's looking for. Either his condition is such that nothing can be done about it or his state of mind is such that no one can satisfy him.

I don't think we should kid ourselves, and I am sure the Minister isn't that suddenly the quality of hearing aids and the satisfaction of using a hearing aid is going dramatically to increase or improve with the Government participation. I doubt very much whether the scratchiness is going to disappear. I doubt very much if the control is going to improve. I doubt very much if the hair-raising experiences that people have who wear hearing aids, when someone rattles a newspaper beside them or raps a pipe on an ashtray, suddenly, I don't think that is going to disappear.

In other words there is still going to be lots of problems with hearing devices. I have used one now for about a year and a half and I can tell you that even the best of them, and I think this one I have is a pretty good one, and I think that the service which I have been getting is satisfactory, is far from being comparable to your normal hearing.

Other than those general remarks, I don't think anybody in this House can oppose the idea of aiding those, who are in need of the acquisition of hearing devices, but once again, this is a wide open scheme that is available to anybody whether he is a pauper or a millionaire. I have some questions in my own mind on this, and the Members opposite should also have some questions because their theory is that we should pay for things in accordance to our ability to pay, but suddenly when they get into health schemes this theory seems to disappear.

I think that there would have been a lot of merit in trying to utilize the present distribution system in the province. Not merely just to save them for the sake of saving them, although I certainly adhere to the idea that we should encourage small business people to continue to remain in operation in the province. But also to strengthen these people, and I think with an expenditure of \$171,000, the Government could have gone a long ways towards strengthening the 7 or 8 or 10 full-time distributors in the province, by making available to them the services of one or more audiologists and upgrading their operation thus enabling these people to render service to those who do not wish to avail themselves of a government aid. I doubt very much if I will ever take advantage of this. I presume that there are others in the province in the like position. But I still feel that we should have the services of a private individual if we so desire to render us help and assistance when we need it.

It seems to me that there are states to the south of us which have followed this procedure, like Government Insurance agents, there are many, many agents in the province here who are selling government insurance as well as other insurance and providing the service — adequate service. Down in the States I know of several instances where hearings aid dealers are providing a government subsidized device at a considerably reduced cost and also providing the service for the device.

But, once again, we are going to employ 11 more civil servants and possibly put out of business some of the 17 present suppliers. I am not going to be so definite as to say they are all going to go out of business, but I expect that some of them will disappear, because there is certainly going to be a rush to the two clinics in Regina and Saskatoon to take advantage of the lower cost price.

I should like to have the Minister explain a few things when he closes debate. One would be, what the picture looks like as far as the acquisition of audiologists is concerned. As I understand they are almost as rare a dodo bird as the psychiatrists and very difficult to come by. I believe Mr. Rackley came to the province back in my days when we were instrumental in helping the Elks start the Elks Hearing Centre down in the Regina Centre which has now been taken over by the Wascana Hospital.

But audiologists are in great demand and I should like to

have comment on the supply of them.

In commenting on the Bill I should like to have the Minister explain a little more fully the definition of resident, because the expression “ordinarily present” in Saskatchewan is used and this raises a little question in my mind.

In clause 4 it speaks of making arrangements for entering into agreements with duly qualified medical practitioners and other persons and I should like to have an elaboration on “other persons”.

Arrangements are made for the payment to persons who make these examinations and I was under the impression that such examinations would be covered under the Medicare Act, and possibly he would like to explain that.

I have some reservations on the ability of all medical doctors to properly assess hearing defects. I can cite one case and I think that he is the best eye, ear, nose and throat specialist in the province, namely Dr. Martin. He is looked on as a real authority. After examining my hearing defects he suggested that Mr. Rackley over at the Elks Hearing Centre had more ability than he to determine whether a hearing device would be of any assistance to me.

Now if a man of Dr. Martin’s qualifications and experience lacks or feels that he lacks some ability to make a recommendation in this regard, I would think that the same might exist among a good many medical practitioners, particularly the general practitioners.

Mr. Speaker, I would hope that the Minister will not become any more verbose in his political approach to this and tell about all his wonderful accomplishments and clutter up a needy piece of legislation with a lot of unnecessary background and political propaganda and get on with the job of getting this program under way. Because we will certainly support it on this side of the House and I don’t think we have to make any apology for this. It is one of these programs that was bound to develop. They can’t all develop over night and all I can do is to hope that it works out to the advantage of the people of Saskatchewan without the loss of too many small business people.

**Some Hon. Members:** — Hear, hear!

**Mr. W. A. Robbins: (Saskatoon Nutana Centre)** — Mr. Speaker, I should like to make a few brief remarks with respect to the Bill. I support it, of course. I should like to commend the Member for Whitmore Park who just took his seat. I think if we could have that kind of criticism where philosophical differences do arise, but presented in a calm and reasoned manner, we would make much faster progress in this House.

**Some Hon. Members:** — Hear, hear!

**Mr. Robbins:** — The only thing that worries me a bit about it is that the Opposition isn’t asking for a plebiscite on it. I know that in Ottawa they believe in participatory democracy and I think the Opposition believes in plebiscitory democracy.

I think the Government is to be commended for bringing in a Hearing Aid Bill. Any criticism I would have would be that they announced the program a year ago and didn't bring it in then. A lot of people contacted their MLAs with respect to this problem in the intervening period.

I do think there will be kinks in the program. There will be some severe problems from time to time in relation to any program related to hearing aids. I think the Member for Whitmore Park put it well when he stated that this is an obvious defect which you cannot necessarily solve and bring to natural hearing capabilities. People always suffer to some degree even with the best of hearing aids.

In any event I think that the Government is to be commended. I will strongly support the Bill in Second Reading.

**Some Hon. Members:** — Hear, hear!

**Mr. P. P. Mostoway: (Hanley)** — Mr. Speaker, I just want to say a few words on this. I am pleased to see this Bill introduced in the House at this time.

I can honestly say that I have had many inquiries over the past year about when such a Bill would be introduced in the House, I can honestly say that I have had many complaints. And I want to say most of the complaints were directed against the larger business concerns, particularly in Saskatoon, not so much at the small independent dealer, but again, I stress, the larger companies. Some of them would be department stores, etc. where I know personally that some of them have been quoted prices of \$400 and \$500, and some of them did knuckle under to that price and ending up receiving sets that were ill-fitting and didn't suit the person. So I do think that this is going to improve the situation. It can't get any worse as far as I am concerned. That price range, anywhere from \$200, \$300 or \$400 is just too much for working people to bear.

I fully support it.

**Some Hon. Members:** — Hear, hear!

**Mr. Smishek:** — Mr. Speaker, let me briefly reply to some of the remarks of the Hon. Members of the Opposition.

I am almost amused at times at the Hon. Member for Whitmore Park (Mr. Grant) when he tries to lecture me — he has done this on a couple of occasions — about being political during my speeches.

It is all right for him to be political, it is all right for him to be partisan, it is all right for him to bring in side issues, but it is somehow wrong for me to be political. When that Hon. Member brought in the resolution on Clarence Fines, that was fine, that was not political. When the Hon. Member took part in a debate yesterday on the Intercontinental Packers, he wasn't being political.

**Mr. A. R. Guy: (Athabasca)** — Mr. Speaker, on a Point of Order. I think the rules of this House are very well known. It was brought to my attention



last night when I was closing the debate, that you cannot bring in any new material. And if I was listening correctly to his original speech I didn't hear any mention of Intercontinental Packers or Clarence Fines or anybody else.

**Mr. Speaker:** — The point is well taken. I think that in closing a debate you can only answer questions referred to in the debate and not bring in new issues or revert to previous debates.

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**Mr. Smishek:** — Mr. Speaker, I am sure that I was well within the rules and bounds. When the Hon. Member makes snide accusations about being political, and I think it is fair, but I believe that I ought to have an opportunity to reply to that kind of criticism. I think I have made my point, Mr. Speaker.

The Hon. Member asked about the question of acquiring audiologists and it is true there are some difficulties, but we have been advertising for these people and there is a good indication that we will be able to acquire the number of audiologists that we shall need. A number of people are interested and excited about the program that we are trying to develop and are making applications.

I will concede and agree with the Member when he talks about no hearing aid will replace one's good hearing and this is what I said during my remarks. There is no doubt about that.

He talked about eligibility, he raised questions on specific clauses. I think to deal with these specifically we will have a chance to deal with them in Committee of the Whole and I will then answer those questions that he has raised.

On the residency question, I can tell him that the same rules are to apply as for people who are eligible for medical and hospital care. They will be eligible for taking advantage of the lower price hearing aids. The same rules will apply and the same eligibility formula will be there.

Mr. Speaker, I now want to make a few remarks about the speech that was made by the Hon. Member for Albert Park. I am really not sure what the position of the Liberal Party is on this. The Hon. Member for Albert Park said that he will support the program.

The Hon. Member for Moose Jaw North (Mr. MacDonald) says that he is opposed to the program, but he supports the Bill.

When they talk about our positions changing and they don't quite understand our position because at one time someone proposed that there be an insured program. We as a Government have merely talked about reducing the costs of aids and not establishing an insured plan. Well, I think the position of the Liberals, who are sitting in Opposition, a mere 15 of them, is confusing. I wish they would get together and let us know what their position is on this Bill and on this program.

You will recall that last year I brought in a resolution

and so did the Hon. Member for Albert Park, the resolution that was adopted was one to reduce the cost of hearing aids, not the development of a fully insured program. When he talks about our insincerity, I can cite example after example about the insincerity of the Liberal Party, in the field of health.

They promised to introduce a drug program. Well after seven years that they were in office no one saw a drug program. At least we are fulfilling the public commitment that we made to the people, that is something that the Liberal Party has been found wanting on many occasion, promises that they have made and those they kept were two different things.

Mr. Speaker, references have been made by all three Opposition Members who took part in the debate, why not develop a system to use the existing dealers.

It seems to me that they answered their own question. There are 17 dealerships in the province. I have no quarrel with them and I have never attacked the dealers. It was the Hon. Member for Moose Jaw North that called them crooks, I didn't. If he wants to use that label on the dealers, fine, but I invite him, to look thoroughly through my text and nowhere did I accuse the dealers of rip-offs or being crooks. He was the one who accused the dealers of being crooks and that one will stick on you and not on me, Mr. Member from Moose Jaw North.

The big problem in developing a program through the existing dealers is their real qualifications. They are qualified as salesmen. I think there are three or four of them who took a three or four week course south of the border, sponsored by the manufacturer, to be able to do some testing. But they are not audiologists.

The Hon. Member for Whitmore Park (Mr. Grant) related the kind of problem that there is. Dr. Martin, who is a person whom I know and respect, is a highly qualified ophthalmologist a specialist in eye, ear, nose and throat medicine. When he has problems of determining whether a person needs a hearing aid and a proper fitting then how could a person who has had no training do the job? Audiologists are trained, they have four years of university training in this particular field. The reason why we propose that people be referred to medical practitioners in case there are other diseases is to avoid unnecessary expenditures similar to the man to whom I referred who spent \$2,500 and was not helped. I would agree with the Hon. Member for Whitmore Park. It is very likely that if he spends another \$5,000 his hearing may not be improved because that person probably cannot be helped with a hearing aid. But yet the present dealers at times, and I am not saying that this is being done always intentionally, but because of a lack of training they keep selling hearing aids hoping that a different model, different type, will help the person. Mr. Speaker, we believe that the way to introduce a program is to have qualified personnel to do this job, on the approach that we are using. We think this is the logical way to proceed.

In the case of existing hearing aid dealers, certainly there are several jobs that will be available to people with the kind of skills that they have, perhaps with some upgrading and training we may be able to employ a number of these people. As I said, my intention is not to put them out of business. If they are providing a good service and people are happy with them

then they will be able to exist. I don't think all of them will be able to stay here but there may be some jobs, if they wish to apply for them, we can use some of them.

The suggestion that we subsidize the cost of hearing aids through the hearing aid dealers is not acceptable because of the lack of qualifications that they do possess. I don't think that we as a Government can deliver a good program to the people by a subsidy plan. A plan to be effective requires skilled people. I also agree with those who have said there will be flaws in the program. This I concede. There will be problems and we will have to iron them out. No matter what program you start you will have problems until you iron out some of the kinks that are naturally there with new programs. The problem of getting well qualified staff, the problems of getting proper technicians, until the system is in operation for some months we will be having some difficulties. I am not saying that there will not be any difficulties. The Hon. Member says that he prefers a private profit motive system rather than any program run by government bureaucrats. Well, Mr. Speaker, I think that some day when the Hon. Member for Moose Jaw (Mr. MacDonald) reads those remarks that he has made, some years ahead, he will say that these were among the silliest remarks that he has ever made. Surely he can't say that everything that the Government does is bad. Is Medical Care Insurance bad? Is the Hospital Services Plan bad? If that is his position, I wonder why he ran for the Legislature. Any person who says that government programs and the government is bad and yet runs in politics to become part of a government, makes me wonder about his sincerity and what is his purpose. Today you can't keep government out of your life. You can't even turn the lights on in your house without getting government involved. Government is very much a part of our life, if it were not for government you would have chaos, my friend.

We have seen the kind of chaos there was and inadequacy of health services before Government was involved. Today, Government has provided health services to the people. Mr. Speaker, I have faith in Government. I also have faith in programs administered and run by government. I have heard people make disparaging remarks about the civil service and about bureaucracy. I want to tell the Hon. Member that in my experience, and while there are those that don't do as much work sometimes as one would like to see and the people that we have in my Department are doing a good job and are dedicated employees, dedicated to serving people. There are people in private industry who are not performing well and are wasteful. I might suggest he had better take another look because there is more waste in private industry than there is in government programs.

**Mr. McIsaac:** — Mr. Speaker, on a Point of Order. Is he launching a new Bill or is he closing debate because if he is closing debate, surely this kind of material, well it's not new, it's new to this debate.

**Mr. Smishek:** — Mr. Speaker, I am answering the statements made by the Hon. Member for Moose Jaw North.

**Mr. Speaker:** — Answering statements that

were made puts the Speaker in a position because he is answering the statements made. Well it doesn't pertain to the Bill, it's answering the statements.

**Mr. Smishek:** — Mr. Speaker, I have faith in Government, I have faith in Government programs, I have faith in the program that we are going to introduce to help the hard of hearing in this province.

I move second reading of this Bill.

Motion agreed to and Bill read a second time.

**Hon. N. E. Byers (Minister of the Environment)** moved second reading of Bill No. 75 – An Act to amend The Department of the Environment Act, 1972.

He said: — Mr. Speaker, I should like to offer a few comments on the Bill to amend The Department of the Environment Act, 1972.

When this Assembly approved the establishment of the Department of the Environment last session, I am sure that all Members were aware that environmental planning and management required considerable consultation with the public. At that time this Government committed itself to a program of public consultation and involvement. To this end, Mr. Speaker, we have in the past year established an environmental advisory council to the Minister with membership from a broad spectrum of interest in the province. This council, under the chairmanship of Dr. Stan Rowe of Saskatoon, has held meetings with officials of my Department and several other government departments. The council has recognized the need to study agency responsibility and environmental management and planning prior to offering advice to me. I am pleased with the enthusiasm of the members of the council and I am confident that they will provide valuable advice as to how our programs can be enriched and improved.

Members of this Assembly should also be advised of other efforts of the Department of the Environment to involve the public in environmental planning and management. We are presently gathering public response to the Qu'Appelle Basin Study Report. My staff have held numerous meetings with the public to elaborate on the 64 recommendations and to gather public views. It should be noted that the Qu'Appelle Report is the framework for future development in the basin and my Department will soon submit to Cabinet a report on the initial public reaction to those recommendations. This will assist the Cabinet in developing a response to the report and establishing priorities for implementation.

Members should recognize, as we do, that consultation with the public will be a continuing process if overall development in the basin is to be responsive to future needs. I am pleased to report that other committees with membership from the public assist my Department in carrying out these responsibilities.

Thirdly, the Wetlands Project Advisory Committee under the chairmanship of Judge Harold W. Pope continues to provide a public perspective on the development of projects where there is a possible conflict between agricultural and wildlife use of wetlands. When the committee believes it desirable to hold a public hearing on a project this is done as a means of obtaining

or receiving local views. Over the past year this committee held hearings on four projects where there was strong local interest. The hearings helped the committee formulate its recommendations as to whether or not a project should proceed.

Members of the public also advise my Department through the Qu'Appelle Operation Advisory Committee. This committee was established in 1971. It has membership from organizations in the Valley, Indian bands, cottage owners' associations, rural and urban municipalities. This committee reviews operation information. It identifies and it assesses problems related to operation and it offers suggestions on operation procedures and assistance. This committee has been of great assistance to the Department of the Environment to prepare operating plans for this very complex river system. Through the process of consultation we believe that we have been able to minimize problems related to operation.

Mr. Speaker, the Bill before you today will formalize another mechanism for public consultation on broad environmental problems and issues. It is designed to complement powers now vested in the Minister of the Environment. Under The Water Resources Management Act of 1972 I am required to hold a public hearing if requested to do so by a person whose water right is to be cancelled. Under the same Act I or my representative am required to hold a public meeting to receive comments on proposed zoning changes in reservoir development areas such as Lake Diefenbaker. Further, regulations under The Water Power Act provide that the Minister of the Environment may hold a public hearing on a proposed hydro electric power development when an application is received. I believe public hearings are also required on issues and problems not just specific proposals for development.

I am sure, Mr. Speaker, that everyone in this Assembly recognizes that many opportunities for development may require some trade-offs in terms of conservation of resources. Environmental quality has a price. If the Government is to make decisions that are consistent with the will of the public it is desirable to have public discussion prior to making these decisions. Public hearings offer one vehicle for such a discussion and for the public to present its views. It is recognized that some concerned citizens would wish to hold public hearings on every undertaking. I agree that public hearings may be desirable in many cases but I also suggest it is not practical or necessary to hold hearings on every proposal for development. This year alone the Department of the Environment has received application for 243 projects involving water storage or diversion. These projects are necessary for irrigation, municipal water supply and so on. There are over 12,000 such projects in this province. They range in size from the smallest reservoir to Lake Diefenbaker. I do not believe it necessary to hold a public hearing on the environmental implications, for example, of a small reservoir but I can assure you there will be public hearings on the proposed development of, for example, the Churchill River. Environmental significance of the project or the issue should determine if hearings are necessary.

Mr. Speaker, the Bill before you will provide the mechanism under which such public hearings will be held. Accordingly, I move second reading of a Bill to amend The Department of the Environment Act, 1972.

**Mr. T. M. Weatherald: (Cannington)** — Mr. Speaker, I welcome the remarks of the Minister of the Environment this morning. However, I do wish that he had taken the opportunity to elaborate to a little greater extent on the public hearings he is intending to conduct on the Churchill River System because there is a very substantial amount of money budgeted for investigation into that river system in northern Saskatchewan. I might say, Mr. Speaker, that we welcome any move by the Government towards public participation in determining the best use of our resources. This is a move in that particular direction and I think that is a step that most people would support.

However, in our view there are two very serious weaknesses in the Act that is before us. Firstly hearings are not mandatory and I emphasize 'are not mandatory,' Mr. Speaker, because I think this is extremely important and I would suggest to the Minister that it would be much preferable if hearings were mandatory. I think that should be a condition for mandatory public hearings as far as our resources are concerned. And that condition is that hearings should always be mandatory where the Government is participating in a financial manner. The Minister mentioned briefly that the Department had conducted four public hearings in the past year on drainage proposals as far as wetlands were concerned. I am pleased to hear that those four public hearings were conducted. I might say that I think that they should have been mandatory in that particular case because I am quite convinced that the Government would have some financial involvement in all of those quite likely under The Conservation and Development Act. I think this would be a change which would be not at the whim of the Government as to whether public hearings should be conducted or not.

Secondly, I think that the provision in the Bill — and the explanation quite lucidly outlines what it intends — that the Minister may appoint someone to conduct the enquiry or hearing on his behalf. This, also, to my way of thinking is a serious fault in the Act, because it is quite obvious that should the Government be in some difficulty as far as what its actions are, with reference to the environment, there is certainly the opportunity for the Minister to appoint persons, or individuals, to act and the hearing could be conducted so that the results would be favorable to the Government in making its decisions.

Again, I think some provision should be made here so that the hearing will be conducted on an impartial basis so that the information obtained at that hearing would give a fair impression of what actually was taking place.

I think with these two conditions, one assurance that the hearings will be impartial, and secondly, that they should be mandatory where government funds are involved. These are the two improvements that we could see that should be made in this Bill.

This Bill will become, and already is, extremely important in the number of circumstances the Minister has suggested, but with the possibility of major changes in the Churchill River system it will become extremely important and I would suggest now would be a most opportune time for the Government to bring in amendments along the lines that I have suggested. More and more people feel that they should have and are entitled to an input into the decision-making process as to how our water and

forest resources are used and this is something which they should be given every opportunity to do. The decisions themselves would likely be much better if this action is conducted.

I think, with those few remarks, Mr. Speaker, that the Bill will have our approval, but again I say that it is disappointing that the Government has not brought in stricter and tougher measures so that the public interest would be safeguarded regardless of repercussions that may be going to stem from those hearings as far as the Government is concerned.

**Mr. A. R. Guy: (Athabasca)** — Mr. Speaker, I want to say just a few words. I have mixed feelings when it comes to public hearings, as I am sure the Minister has. In fact, he showed them in one way or another this morning. Public hearings can always be used for a political device and can also be used as reasons for delay. And if you are going to have a public hearing for every project, and I think the Minister mentioned this morning some 200 in the last year alone, I agree that it may not be practical. I don't think that I disagree with that aspect of it. However, I want to agree with my colleague from Cannington (Mr. Weatherald) that somewhere along the line there must be protection for projects that are going to be large in scope, that are going to have substantial financial input from the province, maybe from the Federal Government as well, that will have major significance in changing the environment and ecology of a whole region. So my concern must also be that under Section 11 of that Act, Mr. Minister, it says that the Minister 'may' hold public hearings, 'may' have enquiries. Like my colleague, I don't think that is sufficient if you are going to, say, refer to the Churchill River system.

I notice you mentioned some examples where under The Water Rights Act, I think you said, and you may have been not too careful in your use of words, you 'had' to hold enquiries before zoning changes were made and if I remember that Act correctly I believe perhaps that is true. And then you went on and you mentioned under The Power Act that the Minister 'may' hold public hearings or enquiries regarding power development. Of course, this is the area of great concern to myself that if you are going to proceed say at Elizabeth Falls on the Fond-du-lac, or on any of the projects on the Churchill, I don't think that it is sufficient that the Minister 'may' hold public enquiries, I think the minister 'shall' hold public enquiries if he is requested to do so. I would hope Mr. Minister in all sincerity and as a former Minister of that department in administering those Acts, recognizing as I said when I started, that certainly we don't want to be involved in holding hearings on every little water development because then we get criticized, as I mentioned, for using it for political purposes or using it as a matter of delaying much needed water works and cleaning up of water bodies. Yet, on the other hand, I think there has to be the protection for the public in examples like the Churchill River system and the Saskatchewan, Nelson and some of the developments in the Qu'Appelle Lakes that will be needed in the next few years. I would ask that you look at these Acts and hopefully bring in some amendments to your Environment Act which will, at least, set out some responsibility where you have to hold hearings under certain circumstances, whether by size, by location, by the type of development or whatever the case might be. I am sure that if you do that you would get the full support of the Members on this side of the House and I think you

would get full support from members of the public.

If you leave it that way, I don't think if the truth were known, that you want to be placed in the position of making the decision of whether you hold that enquiry or not. I think you want the backup of the Legislature and the legislation as to whether that type of enquiry or hearing be held.

So, with those remarks, I wish you would perhaps hold up this Bill until such time as you have a chance to discuss it with your colleagues or your officials in the Department and look at the possibility of making it mandatory to hold public enquiries in the areas that I have outlined. Otherwise, we have no objection to the amendments that you have brought in. We don't think that it covers this very situation that I have outlined.

**Hon. N. E. Byers: (Minister of the Environment)** — Mr. Speaker, a couple of comments to the points raised by the two Hon. Members.

First, with respect to the proposed study relating to the Churchill, I would say to the Hon. Member for Cannington (Mr. Weatherald) that we will be giving you information on this during the consideration of the Department's estimates and as to how we propose to proceed with the public hearings. We expect to have that information soon.

Secondly, I think the point raised by the Hon. Member for Athabasca (Mr. Guy) about the provisions as to whether or not public hearings are mandatory, is perhaps a very good point. Because it's true that in some of the Acts that he referred to, and which our Department administers, that public hearings are mandatory, whereas, in other Acts it is permissive. It varies with the Act. The provisions are in the other Acts; nevertheless, they are not constant.

With respect to the suggestion that public hearings should be mandatory for all projects involving any government participation in a financial way, I really do not think that that would be feasible. For example, if a farmer were erecting a dike or a dam for a water supply on his own farm and he was receiving a grant from PFRA, the point I make to the Hon. Member is that I really doubt that at this point and time, we would want to insist on full environmental impact studies for minor projects involving a minimum outlay of government money. I think we realize that this is a relatively new area. As far as our Government is concerned, where major developments are involved, and where the impact of the effect on the environment of any major developments is going to be substantial or detrimental, then it is certainly our intentions to have hearings for that kind of project. But to insist on public hearings for the very, very small projects, and I think the Hon. Member from Athabasca would agree with this, would certainly not be feasible.

Perhaps we should, over the next year, review the provisions in the other Acts as to whether they are now mandatory or permissive for public hearings. The suggestion is good.

I move second reading of the Bill.

Motion agreed to and Bill read a second time.



**Hon. R. Romanow (Attorney General)** moved second reading of Bill No. 38 – An Act to amend The Limitation of Civil Rights Act.

He said: — Mr. Speaker, Bill No. 38 is an Act to amend the Limitation of Civil Rights Act. It was initially put into the non-controversial Bills Committee and I moved it back into second reading because we will have to amend it by way of a Committee of the Whole amendment.

Now Section 18(i) of the Act provides that the right of a vendor who sells an article under a conditional sales agreement, to recover the purchase price, is limited to his lien on the article sold and the right to seize and sell or take possession of the article.

In 1961 a new subsection (5) was added to this Act. This subsection provides:

Where an article with respect to which subsection (i) applies is repossessed and not redeemed, or is rendered to the vendor, the indebtedness of the purchaser in respect of the purchase price of the article, is extinguished and any money thereafter paid in respect of the purchase price is recoverable in any court of competent jurisdiction.

I think the important words of the subsection (5), Mr. Speaker, are ‘that the indebtedness of the purchaser in respect of the purchase price of the article, is extinguished’. Now when the Bill to add the new subsection (5) was considered by this Legislative Assembly, it was explained by the then Attorney General, the Hon. Mr. Robert Walker, that the purpose of the new subsection was to give the right to a purchaser of an article which had been repossessed by the vendor, or surrendered to the vendor, to recover payment made by the purchaser after repossession or surrender. Apparently it was felt then that the new subsection covered that point.

Courts have always held that no debt was created under section 18(i) and there was no intention to change the effect of the law when subsection (5), as I have cited above, was enacted. But recently the Court of Appeal of this province, interpreted that subsection, and particularly those words “the indebtedness of the purchaser in respect of the purchase price of the article, is extinguished”, to mean that there was a debt created by the conditional sales agreement and a machine company recovered judgement against a dealer who had assigned a conditional sales agreement to the company and had guaranteed payment of the purchaser’s unpaid purchase price.

I am advised by the solicitors in my Department who have carefully analyzed this particular decision that the decision of the Court of Appeal may affect the change in the law as to the liability of a purchaser of an article sold under a conditional sales agreement, affecting the liability where no liability existed up to now. The purpose of amending the Act therefore, is to remove any doubt that no change in the law was intended when subsection (5) of Section 18 was passed in 1961. The new subsection (5) in this printed Bill is intended to cover that point.

When the Bill reaches the Committee of the Whole we intend to make one or two amendments, minor amendments, deletion perhaps of subsection (ii). But the major purpose and thrust of the Bill will be as stated.

Another proposed amendment in this Bill is to repeal section 23 of the Act. This section 23 of the Act will have been, or should be incorporated in Bill 69 which is presently before this House, namely Bill 69 – An Act to amend The Agricultural Implements Act. This will be re-enacted in the whole, in that Bill, and therefore, section 23 in this proposed Bill will be removed.

With those few brief words, Mr. Speaker, on second reading I believe that if there are any detailed questions with respect to points of law, these can be raised in Committee of the Whole when the officials will be present and with those words I should like to move second reading of this Bill.

**Mr. J. G. Lane: (Lumsden)** — Mr. Speaker, a few comments. We hope that a lesson learned by the Attorney General, first of all that things done by an Attorney General in 1961, and I won't mention his name, the Attorney General did, are not really much to base any legal authority on.

**Mr. Romanow:** — Certainly better than 1964 to 1971. Ask any lawyer.

**Mr. Lane:** — I doubt that.

**Mr. Romanow:** — Any lawyer will tell you . . . 64-71 is dead years ago.

**Mr. Lane:** — A lawyer is now going to give a little background on the law to the Attorney General for the simple fact that some of the remarks he has made this morning were not correct in law, although we agree with the amendment and what its purpose was.

**Mr. Romanow:** — Go ahead — tell me.

**Mr. Lane:** — Very simply, the case of the Saskatchewan Court of Appeal, the law now is very simply that if somebody sells under a conditional sale chattel mortgage and there is a deficiency, he has no right to go after the purchaser for the deficiency.

In the Court of Appeal case before the Court of Appeal of Saskatchewan, such a situation existed, except that the vendor had assigned his rights under the contract to a finance company. What happened was in that particular case of the finance company, the purchaser defaulted, no efforts were made to recover and the vendor was held liable for the deficiency. Now the Attorney General has stated, in his remarks that he is informed by his law officers that the liability of the purchaser will be affected which is not correct and the fact that we are concerned about liability of the vendor and liability of the assignor or guarantor. Under the decision of the Saskatchewan Court of Appeal there was no effect on the position of the purchaser and this is why we, in Opposition, are quite agreeable to the amendment. Really what it has done is take the protection that had been given to the purchaser and now gives it to the vendor if he assigns his rights or his duties under conditional sale

agreement. So it is not the right of the purchaser that was affected by the Court of Appeal decision nor is it going to be the right of the purchaser that is affected by the amendment notwithstanding what the Attorney General says it is going to be the liability of the vendor that will now be protected when he makes an assignment under an agreement for sale.

We are somewhat concerned, however, by a practice that is before us in this particular Bill. We have in the explanatory notes an indication that the decision of the Saskatchewan Court of Appeal is going to the Supreme Court of Canada. Now what we are serving to do by making this amendment and by making the retroactivity clause apply, what we are doing is usurping the natural course of events of the courts and I think really the practice should be that if the matter is before the courts, the Attorney General knows as well as anyone, that you should not comment nor should you get involved in public discussion of what is happening in the courts. What we are doing is prejudging what the judges of the Supreme Court of Canada are going to say. It may very well be that the decision of the Court of Appeal will be overruled and the whole question would have been academic in the first place. We haven't had, unfortunately, from the Attorney General, other than the decision of the case, any reason for the amendment. As I say, the Attorney General may well have some very important reasons for putting the amendment through before it goes to the Supreme Court of Canada, unfortunately we haven't had those reasons. I hope he will give them to us. But as I say the procedure that we have followed here is to prejudge a decision of the Supreme Court of Canada and in effect what we are saying is, no matter what the Supreme Court decides, we are going to do it this way anyway.

As I say, we in the Opposition, agree with the effect of what's happening but the practice of coming up with legislation before a court has made a decision and say, notwithstanding what the Court is going to do and say, we are going to do it this way. Really what we are saying is, we don't need the decision of the courts if they are matters of particular interest to the Government of the day. I think the practice, as I say, is unfortunate. I would hope that the reasons for the practice would be more fully explained by the Attorney General and I would hope he would give these answers to us. We also feel, of course, that there should have been more explanation of the particular amendments given. We got a very superficial note. But the idea of extending the existing law from a purchaser to the vendor when the vendor has made an assignment of his rights, we think is in order. We agree with the practice. For that reason in principle we are supporting the amendment.

**Mr. K. R. MacLeod: (Regina Albert Park)** — Mr. Speaker, I have every sympathy with the position of the Department of the Attorney General in this particular area, because there is probably no law that is more confusing than this particular branch. A very senior lawyer in Regina told me one time that he had a case very similar to the example given to us. He took the case and it was appealed. The ultimate decision was against him. He lost the case. Very shortly thereafter someone consulted him with what appeared to be identical facts. He suggested, "I know that law on that point. I just had a bad experience with it. I would be glad to take the case," but he was, of course, on the other side. That went to court and it was appealed and he lost that too. He now

regards himself as being the only lawyer that he can recollect having taken both sides of the same case and lost both times. He just finds it immensely difficult to understand what is really going on in this whole area. So if a very senior counsel in Regina doesn't understand the law, I can well understand the problems faced by the Department of the Attorney General.

Having made those brief remarks to start with, I now embark upon the hazardous task of giving my own interpretation of what is happening here. As I see the proposed amendments I am not sure that the Attorney General is on the mark yet and it does not seem to me that it does accomplish what he had in mind or that it should accomplish it. The problem is, as it arises out of the CAC case, the question of a vendor being able to get financing from Canadian Acceptance and other corporations, and if this amendment is successful, as the Attorney General believes it to be, it will as I see it do nothing at all for the purchaser. It will not alter the purchaser's right in any way and I don't know of any case in which the purchaser's rights have, in fact, really been altered but, as I understand it, the vendor's right may be altered. I have considerable doubts about sub-paragraph 2 and 3 of clause 2, but the Hon. Attorney General has said that we will deal with these in Committee and I believe that that is the appropriate place to do so.

I should like to say that I reserved my decision on whether to support this yet and I won't be voting yes or no on second reading simply because it is a confusing area, still uncertain.

Let me close my remarks by saying to the Attorney General that I congratulate him on the explanatory notes, which in spite of their typographical and grammatical errors are better than the explanatory notes that we have been getting on some other Bills.

**Mr. Romanow:** — Mr. Speaker, I shall be very brief in winding up the debate. This amendment is as the result of the case that has been referred to by the Members opposite, a CAC case, a 1972 case. The explanatory notes have been prepared by the man who has done some considerable amount of study of this, Judge Friesen. Not that it makes it right or wrong, but he is a special assistant to the Attorney General's office together with the former deputy and the present deputy. The area is rather complicated but we do feel that the amendment should do the job.

The Member from Lumsden (Mr. Lane) raises the question of why we bring in the amendment before the Supreme Court in Canada deals with the matter. Well, we simply say that the law never was intended to be interpreted the way it has been interpreted. It never was interpreted that way prior to 1961. He apparently agrees, the Member from Albert Park (Mr. MacLeod). It seems to me that if everybody agrees that we ought to say quite clearly what the intention of the Legislature is in this regard and tell the courts so. Now it may very well be that these amendments don't fulfil that job, but that's another issue which we will have to try to meet in Committee of the Whole. If it doesn't do that job we'll take a look at it by way of patching up. I will not belabour it because I think this matter is a very technical, legal aspect which can be dealt with in Committee of the Whole. Despite great provocation, I will not get into any rebuttals about the role of the Attorney General prior to 1964 and between 1964 and 1971.

I will move second reading of this Bill.

Motion agreed to and Bill read a second time.

## ADJOURNED DEBATES

### Second Readings

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. MacMurchy (Minister of Education) that Bill No. 80 – An Act respecting the Negotiation of Collective Bargaining Agreements for Teachers be now read a second time.

**Mr. J. R. Kowalchuk: (Melville)** — Mr. Speaker, I am very glad to be able to participate in this debate as a trustee, not now but as of a few months ago.

As a trustee of 14 years' experience, Mr. Speaker, in rising to speak in support of this legislation I want to tell you that I consider this opportunity to address myself to this Assembly as a high point since being first elected to this Legislature. Back in April 23, 1968, I rose in opposition to Bill 65, An Act respecting Teachers' Salaries Agreement. That debate coupled with the eventual passage of that Bill was in my opinion a low point, not only for myself or for the other democratic Members of this Assembly, but also for the people of Saskatchewan, Sir. That is why today, almost five years later, I find myself honoured to rise again and speak to a Bill which I am sure will overcome the many deficiencies which our education bargaining system has suffered under as a result of the Liberal Government's area bargaining legislation.

Mr. Speaker, in view of the chaotic bargaining conditions that have existed in the trustee-teacher bargaining under the area bargaining legislation, those chaotic conditions almost being guaranteed by the rules and the regulations of the process of area bargaining legislation brought down by the Liberals in 1968. This was in spite of the Opposition knowing that the legislation would bring forth constant confrontation and yet knowing this the Government proceeded to implement it. It seemed, Mr. Speaker, that the then Premier's only objective was to bring all wage-earners to their knees. Combined with this was the knowledge that the trustees were tired of the yearly negotiations. The Liberals were well aware of this. Of the oft repeated phrase, I've heard and I know many other trustees and other people have heard, "We wish that at least teachers' salaries could be dealt with on the provincial level and taken out of the local bargaining altogether." Yes, Mr. Speaker, that is what was consistently being said in 1965, 1966, 1967. "Provincial bargaining for salary grid." Now those crafty Liberals, Mr. Speaker, of that day took advantage of that situation. They capitalized on taking away a great deal of autonomy, they along with a few Saskatchewan School Trustees' Association executive and some high-priced help convinced the rest of the SSTA that really provincial bargaining wasn't what they wanted but area bargaining was the answer. All the pleadings by the people like the late Woodrow Lloyd and others in Opposition went unheeded, Sir. Warnings of area bargaining were sloughed off and the legislation was rammed through. It was only after a few years that local boards began to see that indeed they had lost more than they had bargained for. Today some Liberals and a few members of the SSTA decry the fact that there is a loss of autonomy under this proposed new Act. Indeed, Mr. Speaker, if

anything this Bill 80 restores a great deal of autonomy to local boards. Certainly the fiscal control of the salary grid will be provincial but all other matters, matters that I consider are of vital importance in local autonomy, local control by local schools is back at the local level where they belong.

Mr. Speaker, the saddest spectacle of all was that local boards of 1965, 1966 and 1967 willingly and wilfully gave up autonomy without as much as a murmur. Somehow they had the idea that they could regain autonomy on many matters that counted yet leave the negotiations to someone else. Under this Act, at least, they will know exactly where they stand, what they can negotiate and what they cannot. The Liberal Government of that day gleefully, they gleefully provided a vehicle for almost total loss of autonomy to local boards. The Area Bargaining Act providing the kind of rules and regulations, as I said before, almost guaranteeing that area bargaining wouldn't work . . .

**Mr. Romanow:** — Lou Duderidge.

**Mr. Kowalchuk:** — Yes, and a number of others whom I could name which I am not going to.

I want personally to congratulate the Minister of Education for not only the contents of this legislation but also the manner in which he detailed it last week. As he was speaking it was interesting to note the reactions of the Members of the Opposition and I am sure that they found themselves extremely uncomfortable knowing full well that they are rightful recipients of the criticism which has been levelled against the bargaining structure in our province over the past few years. I also want to say that I was disappointed that the Hon. Member from Milestone (Mr. MacDonald) saw fit again to defend the tired old Liberal logic which was so overwhelmingly rejected just 18 months ago. The people of Saskatchewan, then as today, want the kind of legislative measures that will promote co-operation and peace in the education field; the kind that ensures a good, sound stable educational climate for the education of their children, not the strike and the dissension brought forth by the Liberal area bargaining legislation.

The Members on this side of the House, Mr. Speaker, the public and the Saskatchewan people in general, I am sure, expected more from an Opposition, an Opposition which has the traditional responsibility to be critical but also the responsibility to be constructive in their criticism. To have the audacity, Mr. Speaker, to stand in this House with full knowledge of the mess the educational bargaining system is in and still try to defend the decision of his former Cabinet colleagues back in 1968, it just leaves me completely bewildered. I am convinced, totally, that the Liberal Party is indeed a tired party, as said many times before, a party which is still in need of an overhaul if they ever hope to improve their political stature in this province.

Mr. Speaker, the legislation we have before us today, Bill 80, must be considered as one of the single, most important issues which this Legislature will deal with at this current Session. The debate which will be held over the next while on this Bill is being watched very closely by the public of this province and I am confident that when the vote finally comes, Members opposite will have the courage to support this Bill.

I am also confident, Mr. Speaker, that the Liberals in this House and for that matter right across the province agree now that they made a mistake in former Bill 65 and that if they had a chance to do so differently they would have done so. I am certain that there were Liberals of that day who opposed that Bill but they just didn't have the courage to show their true feelings. However, the people of this province gave the Liberals their just rewards, Mr. Speaker, and now is the time for Liberal Members of this House to work towards regaining some of that lost credibility.

It will be very difficult, Mr. Speaker, for the Member for Milestone has already launched a negative hyper-reactionary attack which came dangerously close to the old line arguments which the people of this province do not want to hear any more.

**Some Hon. Members:** — Hear, hear!

**Mr. Kowalchuk:** — I presume though, Mr. Speaker, that the Member for Milestone got his knuckles rapped in caucus and we on this side of the House now wait in anticipation of a more positive contribution from the other Members of the House during this debate.

**Some Hon. Members:** — Hear, hear!

**Mr. Kowalchuk:** — Mr. Speaker, I think that it is necessary to stop and consider for a moment why legislation such as this is before us today.

The Minister of Education (Mr. MacMurchy) has given a very thorough historical review of bargaining events over the past five or six years. And it is worth repeating again, Mr. Speaker. Had it not been for the area bargaining legislation of the former Government, we would not have had to bring forward this Bill at this time.

**Some Hon. Members:** — Hear, hear!

**Mr. Kowalchuk:** — In a province which has historically boasted some of the finest educational institutions, systems and personnel, it is very unfortunate that the educational goals which I am sure we aspire to, have been impeded very significantly by the imposition of the legislation which has perpetuated disagreement and despair for everyone involved in the education process.

Much of the enthusiasm for our educational system has been tarnished, not as a result of any institutional changes but rather as a result of teachers and trustees finding themselves preoccupied with attempting to cope with area bargaining.

I am sure, Mr. Speaker, that the public of this province is breathing more easily now that legislation is being brought in.

**Some Hon. Members:** — Hear, hear!

**Mr. Kowalchuk:** — I know that they view this Government's move at this time as the right one. And I am confident that this legislation

will become the vehicle to get our educational bargaining system on the right road again.

Instead of each doing the best what they are noted for — that is trustees and teachers — one providing the physical and instructional facilities, and the other the know-how and the methods of education, both working harmoniously together for the same goals, providing the best educational system possible for our greatest resource our youth, there was continuous confrontation up until now, Mr. Speaker.

Mr. Speaker, I briefly wish to address myself to a very fundamental question which forms the basis for the philosophy behind this. And the question is this: Did area bargaining work in this province? The predictions in 1968 by the Member for Athabasca, and I see that he is not in his seat, would lead us to believe that it was good legislation and most certainly would be worthwhile. That is the Area Bargaining Act. I quote from Debates and Proceedings, page 2419, April 23. Mr. Guy said, quote:

In closing I want to say I support this Bill 100 per cent. I am sure the teachers of this province when given the opportunity to see it in action, to see it work will support it. I am very disappointed at the attitude of the Members opposite. But again you have to recognize the political expediency (so he says). It is first and foremost in their philosophy.

Mr. Speaker, we all make mistakes in our life time, however, the soothsayer from Athabasca (Mr. Guy) continues to amaze me with his infallible inability to predict correctly.

Mr. Speaker, during that debate he accused NDP Members of bending under political expediency. I should just like to remind him and the other Opposition Members that if he along with the rest of his Cabinet colleagues had not been themselves so preoccupied with political motives and had acted rationally and responsibly, the bargaining problem we have today would not have been with us,

**Some Hon. Members:** — Hear, hear!

**Mr. Kowalchuk:** — Surely no one on either side of the House will attempt to place the blame for existing problems at the feet of the teachers or at the feet of the trustees of this province. Elected representatives of this Legislature are the people who provide the legislation under which these people work, And it was the Liberals who were responsible for the area bargaining and the fact that it failed.

**Some Hon. Members:** — Hear, hear!

**Mr. Kowalchuk:** — I think that we are all aware that these two groups were sincerely attempting to work towards a solution. However, when the system itself is unworkable and unacceptable and the people working within that system have no confidence in it, the chances of success are very limited, very slim indeed.

I was very sorry to see the Liberal Government choose the direction that they took in 1968. I am sure they were all aware



of the direction in which they were going. I am sure as well, that there were responsible elements within that Liberal group as I said before, who saw what was coming and attempted to change the course. However, the over-riding forces in the Liberal Cabinet had again used their muscle to hammer home area bargaining with little regard for anything but political considerations, Mr. Speaker.

I realize that I have been speaking quite generally for the past few moments. However, I should like to forward some personal observations respecting the failure of the area bargaining process. Why did the process fail and stated briefly it was this.

One, bargaining began in the fall. However, it dragged until the budget grants were announced in the Legislature. In short, the size of the grant had more to do with the settlement than any decision of the board.

Two, areas were simply arbitrary groupings of school units with no consideration of other important factors.

Three, area bargaining was really just a front for provincial bargaining with the result that early agreements more or less were used as the guidelines in other areas.

Five, the Liberals also ham-strung this bargaining situation, their own area system, by imposing the six per cent guidelines and compulsory arbitration.

Mr. Speaker, there is nothing free about any kind of bargaining if you impose a series of restrictions around it. There is no bargaining at all.

Liberals today point their fingers at this Government and shout loud and long about government force and government dictatorship. Yet, they fail to remember that their callous decision to meddle in the bargaining process, again and again and again, relating to teachers and trustees, has never been and never will be equalled in the history of the province, Mr. Speaker. Their own meddling effectively killed all chances of effective bargaining on a local level. Is it any wonder those involved in bargaining started to call for direct bargaining with the ones at the top calling the real shots? Was it any wonder, Mr. Speaker?

It goes without saying that the Liberal Government of that day started a trend to provincial bargaining, not deliberately, because their own policy made area bargaining impossible.

Mr. Speaker, most people realize area bargaining did not work. You can speak to anybody in the province and he will tell you that. It was doomed before it left the Liberal caucus room. Because even as early as then the real motives behind the process was to ensure that the heavy fisted power people in the Cabinet had all the powers necessary to dictate the course which was to be taken as the bargaining sessions progressed.

**Some Hon. Members:** — Hear, hear!

**Mr. Kowalchuk:** — The history of the strife and the conflict which followed is very well remembered by all of us. And the first glimmer of hope came prior to the 1971 provincial election, when the NDP promised to take steps immediately, (1) to restore full collective bargaining in the province and (2) to remove political interference from the bargaining process.

**Some Hon. Members:** — Hear, hear!

**Mr. Kowalchuk:** — This is what this Act is intended to do. It is designed to do just that, Mr. Speaker. Another promise honoured and another commitment carried out, Mr. Speaker.

After over 18 months of negotiation and consultation, our Government has brought forward legislation which will provide the necessary support to improve the bargaining system in Saskatchewan to the extent that teachers and trustees will find themselves able to devote much more of their time towards their traditional responsibilities, namely, working towards the educational improvement of Saskatchewan people and for Saskatchewan youth.

**Some Hon. Members:** — Hear, hear!

**Mr. Kowalchuk:** — I must say I am somewhat disappointed by the reaction to this Bill by certain groups. Perhaps the Opposition's reaction was par for the course, Mr. Speaker. However, the Saskatchewan School Trustees' Association calling for withdrawal of the Bill in my opinion is shortsighted. Indeed, Mr. Speaker, I was saddened to hear that the trustees asked to stall this legislation for further discussion.

Eighteen months, as I have said before, our Minister of Education consulted with many people, trustees, teachers and other organizations, including local school boards. And I think the time had come to do something.

Mr. Speaker, I was also appalled that the spokesman for the trustees just lately on television and other media is consistently the secretary of the Saskatchewan School Trustees' Association and not the president himself.

As one who spent some 25 years, and I have, in education, 14 years as a trustee and with the Saskatchewan Trustees Association and some 13 years as a teacher. I find this very poor business, Mr. Speaker. Surely the spokesman outlining policy and major decisions by that worthy body, the Saskatchewan School Trustees' Association, should be done by an elected member of that association and not an employee.

The Saskatchewan School Trustees' Association has men of integrity and principle and dedication. They are responsible people, they can do that job. I have very high hopes, Mr. Speaker, that the SSTA will get behind this legislation and make it work.

**Some Hon. Members:** — Hear, hear!

**Mr. Kowalchuk:** — My personal appeal to the Saskatchewan School Trustees'

Association and the local school boards, Mr. Speaker, (because in my opinion they are just as important as anybody else) is to put the kind of dedication that they have been noted for, far ahead of the political expediency that is being generated by the Liberals.

**Some Hon. Members:** — Hear, hear!

**Mr. Kowalchuk:** — And to work within the framework of this new improved legislation towards the goals we all desire; autonomy for that area, for local boards where it counts and in the interest of the highest possible educational goals for our youth.

Mr. Speaker, even though speaking in a political assembly like I am doing today, there is no way that my thinking and my deliberations will be interpreted by the Opposition as otherwise, but political. I can understand that. However, Mr. Speaker, I want you and this Assembly to know that the people of Melville already know this, that no matter what their political beliefs are that in all my 14 years as a servant of the people as school trustee, my decisions whether it involved the hiring of teachers or firing them or closing of schools or other important matters, were never based on political reasons.

**Some Hon. Members:** — Hear, hear!

**Mr. Kowalchuk:** — And that is why, Mr. Speaker, I am not afraid to speak with conscience and sincerity to my fellow trustees. Those trustees who know me and know that my opinions in school matters, be they local or provincial in nature, are based on what is good for the community and what is good for the province and what is good for the youth of the province and not on political factors.

**Some Hon. Members:** — Hear, hear!

**Mr. Kowalchuk:** — Through you, Mr. Speaker, I say to this Assembly and to the trustees of Saskatchewan that in reality what is being done in this Bill is to put the salary grid into its proper perspective; the responsibility of the province as a whole, and bringing other educational matters down to the local level where they belong.

I am convinced that with the exception of the political few, the Saskatchewan School Trustees' Association, the local school boards and the people of Saskatchewan, in general, will accept this arrangement as a practical and commonsense agreement giving autonomy to local boards not available under the present area bargaining, Mr. Speaker. I sincerely believe our Education Minister's stand to get this Bill passed as soon as possible, is the right one.

Our Government has always believed in consultation with the public as a very vital input into policies and programs. We have shown several times since assuming office that this is the course of action that we believe in. This course of action has already been shown in that several Bills which have come before us are the result of valuable observations and recommendations from people involved in the subject matter.

The Assembly recessed from 12:30 to 2:30 p.m.

## WELCOME TO STUDENTS

**Mr. E. C. Whelan: (Regina North West)** — Mr. Speaker, I am pleased to introduce to you and to all Members of this Assembly in the east gallery, 30 Grade Eight students from St. Patrick School in Regina North West. Their teacher David Hartnell is with them. On behalf of all Members a warm welcome to these young citizens and their teachers. May their visit be informative, pleasant and a practical introduction to the democratic process of government.

**Hon. Members:** — Hear, hear!

**Mr. W. A. Engel: (Notukeu-Willow Bunch)** — Mr. Speaker, on behalf of my seatmate, Mr. Carlson, who is not well this afternoon, he asked me to convey to you and welcome to this House today a group of students from St. Paul's School in Yorkton. They are Grade Eight students and there are 80 of them. They are here on tour today. With them is their principal, Mr. A. Bauche, Mr. Andy Balaberda, Mr. Steve Kozicki, and Mrs. Peggy Misko. I imagine I didn't get those names all pronounced correctly. But at any rate we hope they enjoy the debate in the House today and that their tour will be an educational one. I expect to meet with them at about 3:15 on behalf of Mr. Carlson. We welcome them here.

**Hon. Members:** — Hear, hear!

**Mr. E. I. Wood: (Swift Current)** — Mr. Speaker, I should very much like to introduce to you and through you to the House, 30 Grade Eight students from Cabri, Saskatchewan.

They are accompanied by Mr. Gary Coza, who represents the Lions Club of Cabri which were instrumental in arranging this tour, Mr. Al Fisher, the bus driver and Mr. Dale Franky, their teacher. These students come from the town of Cabri which is one of the outstanding small towns in our province. This morning they have visited the RCMP Museum and had a tour of the buildings. They are looking forward to going to the Museum of Natural History this afternoon. We hope for them that they have an interesting tour and that it will be informational for them. We hope that they have a good trip home.

**Hon. Members:** — Hear, hear!

### Introduction of Mr. Peter Russell

**Mr. J. G. Richards: (Saskatoon University)** — Mr. Speaker, I should like to introduce to you and through you to the Assembly, Mr. Peter Russell, my Conservative opponent in the last provincial election. Mr. Russell is, indeed, a noble man and I would hope that all political candidates, when running for election, have the privilege of such honorable opponents.

**Hon. Members:** — Hear, hear!

The Assembly resumed the interrupted debate on Bill No. 80 – An Act respecting the Negotiation of Collective Bargaining Agreements for Teachers.

**Mr. Kowalchuk:** — Thank you very much, Mr. Speaker. Before I proceed with further remarks in regard to Bill 80, I, too, want to say to the students who are here this afternoon that I want to welcome them. I see that some people have difficulty in pronouncing such Canadian names as Tchorzewski and Kowalchuk, but I think they will get on to it in the long run.

Mr. Speaker, I began this morning by saying that I was very pleased to be able to participate in this debate. The reason that I was pleased is because I said that there was a great need and necessity for changes in bargaining in Saskatchewan. That the chaotic conditions created by the Liberals in introducing that infamous Bill, creating area bargaining, didn't do anything for providing the kind of climate that would produce good bargaining. Therefore, I say that this Bill No. 80, which we are introducing today, is the kind that puts the proper areas of bargaining, salary grid where it belongs at the provincial level.

I want to say, Mr. Speaker, that I should like to review one more item and that is, that if we go back to the very early days of Saskatchewan, the ultimate and very important factor in the maintenance of local autonomy was our local school boards as we knew them then.

We all know, Mr. Speaker, that when the time had come to change that to the bigger unit, which was done under the leadership of the late Woodrow Lloyd who was the Minister of Education then, we took the first step really and honestly of removing some of the local autonomy. But may I say, Mr. Speaker, that it was done in a far different atmosphere that that which was accomplished by the Liberals in 1968 when they introduced their area bargaining.

Therefore, Mr. Speaker, in taking step (a) from the local boards and moving to step (b) the unit boards, and then when the Liberals proceeded to take step (c) to go into area bargaining, then Mr. Speaker, was the time of the point of no return when it was inevitable that it would end up with provincial bargaining.

I want to say, Mr. Speaker, when I said when I left off before, that our Government has always believed in consultation with the public and I am very proud of the fact that our Minister of Education (Mr. MacMurchy) has done this, extensively with all the people connected with education prior to the bringing forth of this Bill.

Shortly after being named Minister of Education, Mr. MacMurchy went to work and one of the first things which he did was to talk with the SSTA and the STF. And hour after hour and day after day, and month after month, Mr. Speaker, the consultation process continued. When it finally became evident that the prospects of an imminent agreement between the two groups was negligible and would produce no results, the decision was made to proceed with this Bill.

It does not represent legislation which will appease this

group or that group. Certainly both groups have certain reservations about its contents. However, the decision to proceed with The Teacher Collective Bargaining Act represents a courageous stand; a stand, which in the months ahead, will be looked back on as a move precipitated by foresight and dedication to make the system work.

To label the Minister of Education as arrogant and unapproachable, as has been done lately on some occasions, is utter nonsense, Mr. Speaker.

**Some Hon. Members:** — Hear, hear!

**Mr. Kowalchuk:** — Gordon MacMurchy is the most sincere and approachable person that you can meet.

**Some Hon. Members:** — Hear, hear!

**Mr. Kowalchuk:** — His anxiety to move speedily now is because of necessity. There is no way the futility of the sham bargaining under the The Area Bargaining Act can continue. There must be action now.

The two main objectives of this legislation are very clear. One is to reflect the facts of life in school administration by erecting a bargaining structure that parallels the real decision-making pattern; a partnership of government and school boards. And, secondly, to provide free collective bargaining principles as the basis for negotiations. The bi-level approach, Mr. Speaker, which this legislation sets out is true recognition of the direction our educational system is heading.

Mr. Speaker, already the Opposition is claiming that the big brother is telling the little brother what is good for him. They oppose the decision of the Government to get involved in the bargaining process as outlined in this legislation. I would remind them to be more careful in their arguments.

Under area bargaining we saw it happening every day. It was the size of the provincial grant which dictated the eventual settlement more than anything else. The size of the grant had more to do with the settlement than any decision of the board. If the provincial grant was what held up settlements then it does make sense and is it not logical to have the Government in on the bargaining?

In 1933 the provincial grants covered 18 per cent of education. In 1945 some 25 per cent were covered. The Government today covers 53 per cent of all school costs and if we include the Property Improvement Grant that figure approaches 70 per cent.

Government has a responsibility here to get involved when it is public money which is being used. This Government recognized that responsibility and will do whatever possible to ensure that the bargaining system of this province, relating to education, will succeed in the months and years ahead.

Now the former Liberal Government was not prepared to make this commitment to the people of this province. Rather than showing foresight and courage they chose a route which was quite typical of the Liberal Party. They attempted to hide behind the

curtain of area bargaining, but they wanted to have the power to pull all the strings, while teachers and trustees were left with nothing but problems to contend with.

Even between 1949 and 1968, The Teachers' Salary Negotiations Act, bargaining was truly local, unit by unit. There were over 100 sets of negotiations and it was difficult for either the SSTA or the STF to control the situation. But under The Teachers' Salary Negotiations Act 1968 bargaining went on in only 13 areas and it was much easier for the trustees and teacher central organizations to control.

Both groups held province-wide strategy sessions. Area teams were urged not to settle early and set a bad pattern for the others. In effect, the real negotiations were provincial even though the contracts had to be signed by each area.

Mr. Speaker, at this point before I complete my remarks in this legislation I want to reply to that light weight Member from the constituency of Milestone (Mr. MacDonald)

**Some Hon. Members:** — Hear, hear!

**Mr. MacDonald:** — Call me nasty.

**Mr. Kowalchuk:** — We will call you nasty too if you want.

He was recently appointed the education critic. May I say offhand, Mr. Speaker, that it is unusual for me to resort to any derogatory remarks about anyone in this gracious Assembly, however, Sir, if an Hon. Member of this House deserves to be defined in terms relevant to his behaviour, and in terms according to his own description and terminology, then I am most pleased to oblige him.

The Hon. Member from Milestone, the education expert, really has an ego the size of a barn door, Mr. Speaker. He just can't seem to control himself. One day he is an expert on hogs. Last Friday, Mr. Speaker, and again I presume today, although he didn't get on the floor, he became an expert in education.

Now, Mr. Speaker, according to his own description of an expert as quoted by him on April 23, 1968 Hansard, Mr. MacDonald states: "Ex means a product that is undefined and spert is a drip under pressure." Now after listening to the Hon. Member last Friday, that indeed, I can clearly define the product that he has been spouting, or rather that he has been sperting, not only detectable by a choice of words, but by the smell as well, Mr. Speaker.

**Some Hon. Members:** — Hear, hear!

**Mr. Kowalchuk:** — Last Friday, Mr. Speaker, that expert from Milestone said that the reason that area bargaining didn't work was because of political interference. All I can say, Mr. Speaker, is that's claptrap and balderdash, or vernacularly speaking, hogwash.

If the NDP can be blamed for anything, it is that they

didn't take a firmer stand towards this chaotic condition and particularly at the time of the inception of the area bargaining legislation. "Political interference" he says! May I first of all say, Mr. Speaker, that it is typical of a Liberal to present that as his first initial argument. For no other political party is as adept and adroit in being political at all times, as are the Liberals.

And when it comes to political interference by the Member for Milestone, I am reminded of the old biblical scripture which says: "Know thyself." And the Hon. Member from Milestone really knows himself well, Mr. Speaker.

May I be permitted to say, Mr. Speaker, that if there was political interference, at no time was it more evident that prior to, and at the time area bargaining legislation was being brought in by the Liberals.

In regard to the remark just made by the Member for Milestone when he comments on what I am saying as brilliant may I say that if I used the rhetoric and the remarks that he used, he certainly wouldn't be classified as brilliant, either in the past or in the last few days that I have listened to him

**Some Hon. Members:** — Hear, hear!

**Mr. Kowalchuk:** — The Liberals show their true political colors when it comes to wheeling and dealing politically, Mr. Speaker, they are past masters at it.

The expert from Milestone also indicated the other day that control was being taken away from the local people, which was so essential and so important to the welfare of local control. I agree, Mr. Speaker, I agree that local control must be retained in many areas by local people. I agreed in 1968, Mr. Speaker, and I stood up in this House and said so. But what did the Hon. Member from Milestone do? Did he stand up and say so in 1968? He never spoke very much about autonomy. This Bill No. 80, if it does anything, Mr. Speaker, provides more local autonomy and local control by local boards and local people than area bargaining ever did. Mr. Speaker, let me repeat, all that would be bargained under the terms of this Bill would be the salary grid for teachers, principals and vice-principals and included are the superannuation and group insurance which already have been under provincial jurisdiction. That's all that is going to be bargained in the provincial area.

Yes, the Hon. Member for Milestone creates emphasis by using percentages as he did the other day. May I remind all Hon. Members of the Assembly that the people of Saskatchewan said long ago, "Please take salary bargaining out of our hair." Under area bargaining the whole kit-and-caboodle was up for grabs and definitely every matter relating to finance in any way was negotiable under area bargaining, Mr. Speaker.

Today you hear the Liberals saying that if area bargaining is to be done away with, then revert back to the local boards as formerly. Quite a change of heart, Mr. Speaker, because that is precisely what I and a number of other members on this side of the House said in 1968, "Let's keep local autonomy at the local level." But the truth of the matter is that today the situation has changed, Mr. Speaker, as I said before. The point



of no return was reached when we went from (a) Local Boards to (b) Unit Boards to (c) area bargaining. There is no way we can turn back. From all sides teachers and trustees say that a complete move in that direction wouldn't solve the problem at all. But, Mr. Speaker, let's hear what the expert from Milestone had to say in 1968, let me quote from Hansard.

To take a unit in the Province of Saskatchewan and elect a group of trustees that have neither had experience nor opportunity of running a business (as if that meant that if you were a businessman you knew it all) and expect them to negotiate for salaries is to expect the impossible.

That's what he said in 1968. That's Liberal thinking, Mr. Speaker. What confidence that expert from Milestone has in the elected trustees of Saskatchewan, Mr. Speaker! Yes, these trustees may not be experts but the new Bill that we are proposing reaffirms our faith in local boards that, indeed, they are better qualified and capable of doing many of the things necessary in operating a school; programming, building, planning curriculum wise and a hundred other things. We, in the New Democratic Party, take the view that local autonomy is necessary, is important to the welfare of a good educational program and we intend to strengthen local participation by other means in the future as well, Mr. Speaker. Another comment made by the Member for Milestone was that the Government was the intruder in being a party to bargaining. Indeed, as already pointed out by the Minister, a government that directly finances school costs to cover 50 per cent and if other grants are included over 70 per cent certainly cannot be called an intrusion but a major participant. Thus, once again, Mr. Speaker, we have the Liberals, the Liberal pot calling the kettle black. How well do we remember the legislation the Liberals passed in 1967, 1968 and 1969 in the education field when power and autonomy was eroded from the school boards by the fist full, Mr. Speaker,. Budget reviews, if not abided by, then threats of cutbacks in grants, maximum arbitrary increases of salary allowed only; the Department of Education and the Minister took on the powers to where the school would be built, how it would be built, how many teachers were to be in each school, how many students in each classroom and so on and so on.

Then, again, the expert from Milestone said further on. "This legislation will haunt both sides for years to come."

I assume he was referring to the Collective Bargaining Agreement for teachers as presented in Bill No. 80. That, Mr. Speaker, will remain to be seen. It may just lead to a most profitable and peaceful period of trustee-teacher relationship ever yet experienced in Saskatchewan.

**Some Hon. Members:** — Hear, hear!

**Mr. Kowalchuk:** — I can tell the Hon. Member from Milestone that the monstrosity of area bargaining has left an aftermath of wounds that will take years to heal and all because the Liberals of Saskatchewan, along with a few political malcontents in the Trustees Association attempted in their abortive legislation to do away with the democratic process of real bargaining. Then, Mr. Speaker, the hysteria of that Member from Milestone when he cries about the local autonomy being eroded. I would hope the Hon. Member would take the time to get together with his colleague

from Wilkie who was the Minister of Education during those Liberal years. Even the Member for Wilkie (Mr. McIsaac) four years ago realized that any argument respecting local autonomy was nothing more than politically motivated. Mr. Speaker, political motivation is what keeps the Member from Milestone going. It is beyond my powers of comprehension and understanding how any Member from that side of the House can talk about defending local autonomy when he sat idly by and watched as his Government eroded and interfered continually with autonomy that we talk about today.

What about the compulsory arbitration? Six per cent ceiling! Budget controls! As I have already said a few moments ago, surely no one would dare to suggest that Liberal democratic principles would be interpreting that as interference. Irony, indeed, Mr. Speaker.

Mr. Speaker, the legislation before us states clearly the intention of this Government in respect to the bargaining process. Our Government has clearly defined its role. There are no smoke screens. No grey areas. No vague avenues which might be taken for or used for political reasons. This Government once again has taken a responsible action in dealing with the problems of teacher bargaining in this province, returning autonomy to the local school boards in certain other aspects and areas, except for salaries. Mr. Speaker, the argument that we are eroding the powers of the local board is not valid. I am sure we all remember, as I certainly do and as I have stated before, that in the mid-1960s we heard the trustees publicly voice concern over the problems in salary negotiations, not only were they hesitating about retaining the responsibility for negotiating salaries, but they were openly asking that this responsibility be shifted to the provincial government. That concern has been duly accepted by this Government and in return other issues are being returned to the local level which will solidify the powers of local boards and give them the right to negotiate the issues for which they have been asking for years.

Mr. Speaker, I wholeheartedly endorse this legislation and I am proud to associate myself with the political party which has the foresight to recognize this responsibility but unlike the Party opposite we view our role in this society of ours as one which will do whatever possible to bring in the types of policies and programs which the majority of the people of Saskatchewan believe in and want.

This legislation, Bill No. 80, is just another example of that philosophy. Teachers, trustees, parents and government will be free from the undue preoccupation of negotiations which have been forced on us for the past number of years. A lot of energy has been misguided since 1968 when area bargaining was foisted on us and I am hopeful that now we can turn away from that black spot in our history and channel our resources and energy in the right direction. I challenge everyone involved to work together to make this new bargaining system work. Each and every person involved must recognize this responsibility, throw aside the differences which have pervaded the past and devote individual and group energies towards improving the educational system itself.

How unfortunate it is, Mr. Speaker, that it has been the student who has become the forgotten element in this whole

affair. It is time we re-direct our philosophies and work towards improving our educational system because after all it is the student who is the most important benefactor or otherwise. We must not fool ourselves, Mr. Speaker, that task which lies before us is not an easy one.

However, I have a great deal of faith in humanity to believe that we have finally reached a cross-roads and I am confident that we are now taking the correct turn which will lead us much closer to the goals for which I am sure we all aspire to.

From my remarks, Mr. Speaker, it is clearly obvious that I will be supporting this legislation.

**Some Hon. Members:** — Hear, hear!

**Mr. Weatherald:** — Mr. Speaker, it is certainly not difficult to understand today why the problems encountered with area bargaining were encountered when one listened to the speech delivered by the Member for Melville (Mr. Kowalchuk).

**Some Hon. Members:** — Hear, hear!

**Mr. Weatherald:** — A person entrusted by the people of Saskatchewan as the head of his own board who for his own political reasons and for his own ambition was out to scuttle the whole scheme before it ever had an opportunity to begin operating, Mr. Speaker, along with the Member for Last Mountain (Mr. MacMurchy) who was also chairman of a school board, he, too, also after it had been debated in the House never once gave an opportunity to try and make the whole system work but attempted to scuttle it from the very start. The Press clippings made by both Members around the country would prove this beyond a doubt.

Let's take a look, Mr. Speaker, at the principles that we hear so much about from the Party opposite. Well, most of those principles have been born out of pure political opportunism and benefit to the NDP opposite. Let's take a look at potash pro-rationing if you want to talk about political principles. Speech after speech, Mr. Speaker, given by the Members denouncing potash pro-rationing, they found out that they were wrong when they got in office and they have been able to keep it because it didn't upset too many voters, so they kept it.

Hog marketing vote. In their convention platform, they put it into their platform, we'll have a natural products marketing board with the vote of producers. When the Government came in power they quickly forgot their principles, it was good political opportunism at the time when they made the promise. Reduction in automobile premiums, Mr. Speaker, a good political promise, a very good way to get votes, forget about them as soon as you get to be the political party in office.

Talk about the pollution problems with the Prince Albert Pulp Mill, again make great speeches, hope somebody votes for you, forget about it as soon as you get in office.

The one thing, Mr. Speaker, that they used to make a great cry about was the Homeowner Grant and how it was paid out by the Government of the day, the Liberal Government. They used

to cry long and loud that it should be paid directly to the municipalities, who have been waiting for that change for some time. Another political promise, a good way to get votes, but forget about it as soon as you get in office.

The one thing that this Government has done that they couldn't forget about after getting in office was the promise that they made to scuttle area bargaining. They knew, Mr. Speaker, that they had aroused too much feeling and they realized that despite the fact that today the program they are putting forward is not a solution to any of the problems, they knew they had to do something because they had sold the promise that they would do something about it even though they offered nothing better as an alternative.

Mr. Speaker, the one comment that I did agree with by the Member for Melville at the last of his speech was that the students and the parents have been totally forgotten in the whole thing. That was the one point that I would agree with and I might say that it is too bad, indeed. It should not be surprising to any of us that the Member for Melville has decided to go into retirement when one considers how far out of touch he is with the Saskatchewan School Trustees' Association of which he was a member.

I have on my desk a copy of the submission to the Executive Council by the school trustees, December 14th. The Minister of Education, addressing trustees in convention on November 23rd, 1972, confirmed unmistakably in the minds of trustees their suspicion that he neither needs or wants them in Saskatchewan's "School Boards' Trust, Authority and Power", closed its business session by adopting without a dissenting vote two resolutions expressing clear reaction to the Minister's address. It shouldn't be too surprising when we find that the Member for Melville has decided no longer to be a trustee, because it is quite obvious that his theory on how things should be run are a lot different from that of most of his colleagues.

I want to talk for a few moments, Mr. Speaker, about the little red school house. Certainly in those days — a little before my day — if you could call being about five or six years of age in the early 1940s and being informed of exactly how the whole system worked, I suppose you could say it was in my day. But in any event, the early 1940s the Member for Melville talked about the change that had been made in the system. I understand the change in the system was made all right in the usual NDP manner. I think they took the vote in February when the weather was about 20 below and everybody could go and vote if they wanted to drive eight or nine miles to town with the horses. So naturally, Mr. Speaker, then we change to the larger school unit, which I think was a little ahead of its time at that time, but certainly would be required as of now. Certainly it was ahead of its time at that particular time, there was a great lack of support for it in the rural areas, but the changes that were brought about as the years went by were well accepted.

Then we moved to the second area of educational control under the larger schools, Mr. Speaker, in which case it was a well known fact that the 100 odd school units that existed throughout the province were unable really to carry out their responsibilities simply because they were not professionally organized, nor did they have the bargaining power or the

necessary facilities and finances to be able to carry on negotiations, or the expertise as my colleague says, to carry on negotiations with various teachers with whom they were presumably to carry on these negotiations. In essence, we moved into a second era, we moved into an era in which, Mr. Speaker, the teachers became extremely professional and in which the school units and the trustees were not professional in any respect whatsoever. The trustees still represented going back to the days of the smaller school units, they represented the areas in a very forthright and honest manner, but they did not have the high paid technical type of personnel to carry on negotiations for them. The result was that the negotiating system became extremely one-sided. That then brings us up to the more current last few years and the area bargaining concept, which I believe, Mr. Speaker, was a very worthwhile compromise between the two groups. The area concept allowed for the development of the professional bargainer on both the teacher side, which existed for some time and the professional bargainer on the trustees' side. In other words, both sides were much more equal than they had been for some period of time. Still the local ratepayer or the person who was very concerned about his family could still talk to his local trustee in his own small town or in the neighborhood of his city and convey to him the views that he wished to express and wished to be carried out on his behalf.

I have dwelt for a short period of time on the reasons for the opposition of the political party opposite, opposition I suggest at the time was more for political purposes than on any basis of substance or fault with the Act itself. So now, Mr. Speaker, because of a political promise developed and now being carried out by the Party opposite, we have moved to what is essentially a provincial bargaining system, a system which I think, indeed, Mr. Speaker, is unfortunate for parents concerned and students alike. I think it is unfortunate for all intents and purposes, that the trustee to whom the average person can go to talk to has been completely eliminated from his sphere of influence. I would be most surprised despite all the glowing praises from both the Minister and the Member for Melville, if there is a very great willingness by many local people to even participate in the areas that he has spoken of in the assignment of jurisdiction to local people simply because the local people will find their powers so extremely limited to hardly make it worthwhile.

Mr. Speaker, the Member opposite talked for some length about all the changes in education. I am told by the people throughout both my own constituency and others, that the budget review still exists and, in fact, is more severe than ever before. I am told that the teacher-student ratio has disappeared in name only, it still exists because the Government limited the amount of funds and while you can hire as many teachers as you like it isn't much of a privilege when you have to put all the money up yourself.

Interference by the Minister of Education is well known in the Moosomin School Unit. One person, whom on the day that the Board was appointed, I asked how he thought it would be and he said, just after they had heard the three names, that he could pretty well tell what the outcome would be. I might say that they predicted very accurately. The Minister's interference in that particular situation is already well known and well documented. Even the Member for Nutana Centre, or Nutana South (Mr. Rolfes), while the Government piously says we have no

salary schedule as far as teachers are concerned and no limited, the Member I believe it was Nutana Centre sent out a letter saying that it had built into the Budget on that particular year, 7 per cent increase. This meant for all intents and purposes the ceiling limit on salary increases was 7 per cent for that particular year.

Mr. Speaker, my colleague even says the Minister even announced it over the radio. I think that this Bill is one more step by the Government opposite to take more and more power into its own hands which the Government had been demonstrating very rapidly in the last few months and, indeed, the last year throughout the Province of Saskatchewan. Parents now find themselves with little or no power whatsoever, because the local people who previously ran education have little or no power and, indeed, as I have said before I will be extremely surprised if dedicated and capable people are really that much interested in participating for the dregs that have been thrown them in the negotiations that will be taking place at their level. This has actually happened where the local school board still exists that used to run the little red school house, Mr. Speaker. That local board may exist on paper but for all intents and purposes it doesn't do anything. I think that in many respects this will be precisely what will happen under The Teachers' Salary Negotiation Act that we have today. I think that all of us, students, parents alike will live certainly to regret this change in our life, the lack of control over education, the lack of being able to have some say in our educational system because now the Government for all intents and purposes has taken that into its own domain. It is for this reason, Mr. Speaker, that I honestly believe the Government has totally failed to come up with a system which will improve the education in Saskatchewan that the children in Saskatchewan will be receiving, that I am opposing the Bill that has been presented to us.

**Some Hon. Members:** — Hear, hear!

**Mr. B. M. Dyck: (Saskatoon City Park)** — Mr. Speaker, it is a real pleasure for me to enter this debate. I want at the outset to congratulate the Minister of Education and the Member for Melville for an excellent presentation on Bill No. 80. I wholeheartedly support this legislation contained in the Bill and I believe it will end the bitterness and strife which has characterized teacher bargaining since 1968, when compulsory area bargaining was forced onto teachers and trustees. Through this discourse I hope to disprove a number of the comments made by the Member for Cannington when he suggested that it was the Opposition that caused area bargaining not to work.

If I may be permitted, I should like briefly to address myself to events of the past and how this whole matter has progressed over the years. There was a time, as all of us are aware, in which there was no legal structure to provide for joint decision-making. There was no legal structure for the determination of matters which affected teachers by way of salaries or other means. There was a straight employer-employee relationship in which teachers might talk to trustees but in the end the entire and complete decision was in the hands of the elected school board. Gradually this relationship changed, gradually a system evolved where more and more of these decisions were made jointly rather than unilaterally. This process, Mr. Speaker, is

very fundamental and very important and it was the CCF Government of 1949 that had the foresight to promote this decision-making process. At that time the concept of joint decision-making, of negotiation, of bargaining, was new and completely different. This concept was strange. It was new and it was foreign not only to the trustees of the province but, indeed, to the great majority of teachers as well. In order to ensure understanding among teachers, trustees and the public, the Government of the day took it upon itself to consult with these groups through public meetings. MLAs were invited to attend these public meetings and they did attend. Following these discussions there were further discussions between the organizations officially representing both groups. Out of this came a voluntary agreement. From this agreement we proceeded to institute on a voluntary basis collective bargaining across Saskatchewan. Once all groups understood the situation and when all groups were clear on all that was involved, the legislation was brought before this Assembly in 1949.

That consultation was very similar to what has happened again just recently. Back in 1949 the CCF Government of the day used consultation and negotiation instead of compulsion and force and our approach has not changed. After the 1971 election this NDP Government headed by Education Minister MacMurchy used the consultation and negotiation approach again. It attempts to modernize and improve existing bargaining legislation in this province.

Let me look for a moment at the method by which the previous CCF Government brought in The Teachers' Salary Negotiations Act of 1949. Prior to 1949 teachers' salary negotiations were taking place but there was no legal machinery by which this could occur. Nevertheless, boards and trustees in some of the larger School Unit systems of the province did carry on negotiations for teachers' salaries. In 1945 and 1946 salary schedules agreed to by the representatives of the Saskatchewan Teachers' Federation, The Saskatoon School Trustees' Association and the Department of Education were placed before teachers and boards as a guide in their local negotiations. Further thought, experience and work resulted in an unanimous agreement in late 1946 on the procedure to be used in salary negotiations. There was even further discussion between all parties and The Teachers' Salary Negotiations Act became law in 1949 by unanimous vote of the Members of the Legislative Assembly. This Act turned out to be a very workable Act and provided for fair collective bargaining between teachers and school boards. The main point, Mr. Speaker, that I should like to emphasize with respect to this is the fact that a good deal of negotiations took place between all concerned bodies prior to the passing of the Act in 1949.

It is very unusual, Mr. Speaker, that the Opposition through many speeches during this Session have talked about force being used by the present administration. Force from the Premier's office, from the office of the Attorney General, force from the Minister of Education's office. What about the force that was used in providing for compulsory area bargaining? Compulsory area bargaining was enacted by force and without adequate consultation with all parties involved.

Compare this with the approach employed by the present Minister of Education. In order to promote acceptance based on understanding our Minister bent over backwards to promote dialogue and negotiation; but to no avail. I believe that in

this instance the Saskatchewan School Trustees' Association were not interested in any solution except their own solution of area bargaining. Despite attempts which were motivated by a sincere desire to promote an amicable solution, the Minister was met with SSTA opposition. One can have some serious doubt about their motives in this regard particularly when one recalls that the trustees at the time were prepared to accept provincial bargaining and then they reversed their position and are now fighting it very fiercely. Since 1968 the School Trustees' Association has supported area bargaining. However, it has done very little to ensure that this process would work.

I should like for a moment, Mr. Speaker, to comment on compulsory area bargaining that commenced in 1968. My first comment would be that area bargaining didn't work and because it didn't work it resulted in a real preoccupation on the part of teachers and trustees alike in the bargaining process. This preoccupation was of such magnitude that important matters such as the student became secondary and sometimes almost forgotten. Program development, curriculum planning, research and other important educational issues were completely lost, lost and submerged by this fixation, this preoccupation with the problems associated with bargaining. This whole affair has been tragic for the students involved in our educational system and, Mr. Speaker, much of this was caused by events leading up to the institution of area bargaining in 1968.

I want to spend a moment, Mr. Speaker, in tracing through some of these steps which were taken by the previous Government prior to 1968. I should like to quote from Hansard, part of the late Woodrow Lloyd's remarks during this area bargaining debate. During the course of that discussion he raised a couple of questions and I quote:

Will this Act improve teacher-trustee relationships? Is it going to remove the cause of and reduce the areas of tension?

Regarding the latter point, Mr. Lloyd continued:

It is doubtful this will happen. In my opinion it won't happen because we have seen before that one of the big reasons for these tensions is financial. It is not going to be improved or affected by this particular arrangement.

And Mr. Lloyd could not be more right in his predictions because area bargaining did not work. Area bargaining did not remove and reduce tensions between teachers and trustees and parent.

Prior to 1968 the Saskatchewan Teachers' Federation was generally satisfied with The Salary Act as it was at this time. However, the Government of the day was completely unsatisfied. In 1965 the Moore Committee was set up, headed by Judge Moore, and during the whole year of 1966 the Moore Committee heard briefs from local school boards and local teacher groups and all in all they had 82 meetings across the province in eight different centres. The Committee also heard representation from the provincial organizations of SSTA and the STF. The Moore Committee presented its report to the Minister of Education on January 9, 1967.



Shortly after the Moore Report was made public in January of 1967 the Saskatchewan Teachers' Federation formally indicated that they were prepared to sit down with officials of the Department of Education and the SSTA to discuss the report. I ask you, Mr. Speaker, did the Minister of Education of the day, now the Member from Wilkie (Mr. McIsaac) respond to this request from teachers? The answer was, No. I want to point out at this particular point, and perhaps I'll take the Member from Wilkie off the hook to some extent, I believe that he was a victim of powers that were more forceful than he was. On that date a draft Bill was presented to the Saskatchewan Teachers' Federation. One of the major points in that Bill involved the provision of compulsory area bargaining. This part had already been given the green light by the Liberal caucus, in fact most of the Bill had already been rubber-stamped by the Liberal Members of the Assembly. The point was painfully clear that the teachers were not going to be given the opportunity to offer any input to the Bill. Teachers were presented with a fait accompli and to make the situation even more ludicrous the teachers were not even told that the document presented to them was going to be legislated at the particular session of the Legislature. In this draft presented to the STF, four out of eight recommendations suggested by the SSTA, were included in the Bill. It was obvious as early as that what the educational system was in for.

Mr. Speaker, I also think that it would be very worthwhile to compare for a moment the approach to salaries under the Liberals and then the approach under the present administration. As early as 1971 the Minister made it clear that there would be some legislation coming at this Session of the legislature. But he also made it clear that this type of legislation would depend on direct negotiations with the parties involved, namely the STF and the SSTA. Following through on that approach a series of meetings were set up in September and October and November and December of 1971 with teachers and the trustees alike. Neither party was prepared to suggest any compromises. There was a good deal of discussion but there were no solutions proposed. Subsequent to these meetings the Toombs Commission was set up. They heard briefs from both bodies as well as other interested groups. And one of the recommendations of the Toombs Commission was that we have provincial bargaining.

And what other steps did the Minister take to ensure that there was adequate consultation with all interested parties? In December of 1972 and in January of 1973 the Minister visited 30 different school boards in the province and he talked personally and he talked directly to the trustees involved. In February of 1973, this year, further dialogue was set up between the Minister of Education, teachers and trustees. The Minister stated that he was prepared to meet as long as necessary in order to hammer out an agreement that would be acceptable to all parties. The Premier of this province was brought into these discussions and he stated the case for the Government in saying that no fixed position was taken with respect to the structure of negotiations or the type of legislation that was to come forward. A good deal of thought was put into this, a good deal of study and a good deal of exchanging of ideas. And in spite of this the SSTA were not prepared to compromise, they were not prepared to accept any system that was a workable system. Clearly the position of this group was an uncompromising position. Clearly, they were not prepared to seek solutions in this matter.

And what about the role of the SSTA since 1968? They have insisted throughout that area bargaining could and would work. Yet they had two full years, 1971 and 1972, to demonstrate how functional this structure was. But again, they did not come through because salary negotiations were very delayed, they dragged on for months, and most agreements in the 13 areas came very, very late. I think the SSTA has failed miserably in their attempts to provide leadership for the trustees and for education in the Province of Saskatchewan. In my opinion this group of people did not believe that the Department of Education were serious about working out an agreement that was acceptable to all parties. And even at this late date, at the eleventh hour, they were suggesting that we hold further discussions. And, of course, as these discussions would be taking place the same structures for negotiations would have continued with all of its ill effects on education in this province and the students of this province.

The Liberals are the last people who should be voicing concern about force because they themselves were guilty of some of the most heavy-handed dictatorial tactics of any Government in this province's history. They can holler all they want. Let's list a few of their democratic moves while in office. The Member for Melville (Mr. Kowalchuk ) mentioned some of these and I don't want the people of Saskatchewan to forget them, so I am going to repeat them. Area bargaining, compulsory, six per cent wage guidelines with threats to school boards that grants would be cut if boards didn't knuckle under to the threats of the Member from Prince Albert West (Mr. Steuart); student-teacher ratios, penalties to boards which attempted to raise mill rates; compulsory arbitration. And the list goes on and on and on. Meaningful consultation was a process the Liberals only paid lip service to. They knew where they wanted to go, what they wanted and what had to be done to get there. They would trample any and all rights they needed to in order to satisfy their own lust for doing things the Liberal way. Mr. Speaker, the Liberal Government in 1968 did more to disrupt and damage the educational system in this province than any combination of events since Confederation.

The legislation which we have before us today, Bill 80, represents responsible action to a very serious problem. This Bill will end the preoccupation on the part of the teachers and trustees with salary negotiations. I sincerely believe that the intentions and emotional energies which have been expended by all parties since 1968 have done a real damage to the education process in Saskatchewan. In my opinion a serious and honest attempt has been made by this Government to sit down and discuss all facets of the educational negotiating process. This legislation, Bill 80, represents an honest and sincere attempt to resolve the difficulties which have tarnished the past. Individual members and officials of the respective organizations have a moral obligation to cast aside petty differences and make this new system work. It will not do any good or serve any useful purpose to dwell on the past. We must all make a conscious effort to move forward, to develop new programs and curricula and educational philosophy in the best interests of the student, for it has been the student, the young person, who has been the forgotten element in these discussion since 1968. And surely it is clear that the student must be the most important factor in the educational equation.

Mr. Speaker, I will be supporting the Bill.

**Mr. J. C. McIsaac: (Wilkie)** — Mr. Speaker, before making my remarks on the Bill I want to make a couple of brief comments on the remarks of the Member who just took his seat. He talks about area bargaining being compulsory area bargaining. Once the legislation was passed adopting that principle most certainly it was the law of the land, in the same way that today we are faced with compulsory bargaining with the Provincial Government, whether anybody likes it or not, be they teacher or trustee or ratepayer or anybody else. No more compulsory, no more compulsion involved in one than the other. The concepts, certainly, once adopted are law and I am sure that will be the case with this one. He went on to say that trustees have argued for some years that they were in favor of provincial bargaining. Let me tell him, Mr. Speaker, and Members opposite, they know very well that the trustees were in favour of provincial bargaining, bargaining on a provincial level, teacher committee with trustee committee, not the kind of provincial bargaining that's envisioned in this Act. So, Mr. Speaker, there has been no turn around insofar as the approach of the trustees in that particular area. He went on to point out that changes in the legislation prior to 1968, The Area Bargaining Act was brought in in a matter of several days. I point out to him and he well knows that the 1949 Act was there for many years, both sides had expressed criticisms of the Act, it wasn't adequate, it wasn't broad enough and the Moore Commission was set up in the 1965 or 1966. I think its report came in late in 1966, so surely in 1967 and early 1968 left lots of time and ample time for study of that report. So there was no haste in that particular respect, Mr. Speaker, with the introduction of that particular piece of legislation.

Now to deal, Mr. Speaker, with Bill 80, the Bill before us, it was introduced last week by the Minister with a great deal of fanfare. He made a great political speech. He was playing in front of a packed gallery and if one had read the Bill one could understand why the fanfare. He didn't really talk about the Bill until the last moments of his speech. And I think the reason was that there were a lot of things in there that he himself wasn't very proud of. For an hour's remarks and about five minutes on the Bill. Mr. Speaker, he finally got to the Bill and he started out by saying it has two main objectives, firstly, to remove bitterness in the confrontation. That's a laudable objective. I would share that as an objective of any legislation. I said words to the same effect when we introduced the area bargaining in 1968. But he says this Bill is designed to do that. He said, secondly, it's designed to guarantee free collective bargaining. Now, Mr. Speaker, I'll try and demonstrate in my remarks that his Bill will do neither of those two very laudable objectives. I don't quarrel with the objectives. He said it introduced a new principle recognizing the partnership insofar as education is concerned. He said nothing about the partnership between parents and trustees because that partnership is completely destroyed in this Bill that's before us.

**Some Hon. Members:** — Hear, hear!

**Mr. McIsaac:** — I suggest, Mr. Speaker, the Bill he has introduced will fail in those objectives. He went on to say or words to this effect to ask us in Opposition and others, I think the public, to give the Bill serious consideration. And this we

will. We will approach the Bill, as he asks, with an open mind, and, let me tell you we will do that even though he and his Party did not do the same thing to the area bargaining legislation. He went on to review some of the history, the evolution if you like, of the bargaining legislation respecting teachers and trustees in the province. He went on to point out, and correctly so, as far as the facts were concerned of the ever-increasing amount of money being spent on education that comes from provincial sources. He went on to point out because of this particular fact that today more money comes from the province, is a good reason for the province to be represented at the bargaining table, as I followed his arguments. He went on to point out that this new Act before us broadens the scope of what was heretofore brought to the bargaining table. Mr. Speaker, I suggest that it does not broaden the scope. The only one area that is included here that is new or different is the matter of bargaining for the salary for substitute teachers.

The fact that the province is paying today over 53 per cent, Mr. Speaker, is no reason whatsoever why the provincial Government should play the key role at the bargaining table. There may be good reasons why they should be there but that certainly isn't one of them. The Federal Government gives this province 40 per cent of its budget, the budget that they are spending the Estimates that we are debating in the course of this next few days. And in the case of education they got an extra \$26.4 million from the recent Federal Budget which would put, I would suggest to you, Mr. Speaker, over half of the spending on education coming directly from the Federal Government. So I suppose it should make sense then, according to the Minister's argument, that there should be three or four Federal representatives at the bargaining table. Now that is the logical corollary to his particular argument and it is absolute nonsense, Mr. Speaker. It is nonsense for him to suggest that that is the reason for the province to be at the bargaining table.

Where does the money come from, whether he spends it or whether the province collects or whether Ottawa collects it? We know where it comes from, it comes from the taxpayers, from the taxpayers' pockets. And not from that many corporate taxes. I think corporate taxes in this country probably amount to about 20 odd per cent of the total tax take. Some of you may recall in the last federal election campaign, it was very clearly demonstrated that Canadian corporations pay a larger share to the federal coffers than is the case in any socialist country in Sweden or any place else. So largely, the tax dollars that we are spending on behalf of education or anything else in this province comes from the local taxpayer, whether it has gone through his pocket to Ottawa and back here and back out. There are different routes that it can get there but the taxpayer is finally paying the bill. But in the case of spending the education tax dollar, that function has been from the beginning of Saskatchewan history, the responsibility of the Saskatchewan school trustee. I'll agree, yes, with budget reviews introduced a few years ago which I suggest to you have been a good procedure, Mr. Speaker. Which, I suggest to you, must have been because the present Government is maintaining the same policy. As a matter of fact the name is somewhat different, it is now called Budget Analysis, but I believe the province should have some involvement here. It is now a one-sided review. That's what the difference that presently exists, the school boards tell me, it is a one-sided approach with no actual consultation.

Now, Mr. Speaker, if the Government, the Provincial Government, wish to negotiate pensions and sick leaves with teachers, there is no reason why they shouldn't go ahead and do that if they wish, no reason whatever and there may well be an argument. They could certainly proceed to do that themselves without the exclusion of trustees. Or, indeed, they could let the trustees decide and be represented on that team and deal with these particular issues in the overall bargaining process. Pensions have been the purview of the province insofar as teachers have been concerned for something over 30 years and for the active teacher in Saskatchewan today, Mr. Speaker, the pension plan now in effect is the best that can be found anywhere in this country. Sure, there may well be improvements that can be made, I don't doubt that, but the fact that it hasn't been a part of a bargaining process formalized between the province and the teachers through the years has not hindered that plan from being the best we have got in the country today. I realize the same cannot be said for the pensions of older, retired teachers, That's a different situation and that, I suggest, is not the result of any discrimination as far as teachers themselves are concerned. It is the result of inflation and there are thousands of people with other pension plans, there are thousands of people with no pension plans, Mr. Speaker, who are suffering from the same problems that face anyone on fixed income or dwindling savings.

Mr. Speaker, the Minister advanced no valid reasons why he is excluding trustees as far as the bargaining for the salaries payable to their employees, the teachers, are concerned.

Now dealing with a few of the comments made in this debate by the Member from Melville (Mr. Kowalchuk). He went on to say that trustees for years really didn't know where they stood. Under area bargaining there was some confusion whether they lost rates, whether they gained rates and so on. And he said, Mr. Speaker, words to this effect, "Now they know where they stand." Well, you can bet they do, they certainly do, they have been given, in essence, no place to stand at all as far as this legislation is concerned. Mr. Speaker, I think the Members opposite will learn that if this Bill goes into law and after it has been in operation for a period of time.

The Member from Melville also discussed a point that has been pertinent to trustee thinking for many, many years, the size of the grant is a factor in arriving at salaries. That isn't going to change under the present structure. I have always argued that it shouldn't really matter to school trustees whether they are spending a provincial dollar or their own local dollar. It shouldn't really affect how much he chooses to pay or not pay as the case may be. That shouldn't be the determining factor. I don't suggest that that is an argument and if it was, it hasn't been removed by this particular legislation.

The six per cent wage guideline, they have been discussed by the Member from Saskatoon City Park (Mr. Dyck), the Member for Melville (Mr. Kowalchuk) and the Minister (Mr. MacMurchy) himself. I will be the first to admit, Mr. Speaker, that politically the implementation of the wage guidelines was certainly not a saleable move and perhaps in that sense not a wise one. I say again, it did hinder as far as the operation of area bargaining was concerned. The 7 per cent guideline didn't result in any better bargaining insofar as the results of the process were concerned. I point out again the 6 per cent guideline policy of the former government applied, not only to

teachers but to any and all wage groups in the province. It was implemented at a time when farm income and the farm economy was in a poor situation, Mr. Speaker, and we thought then it was a good move and as I say, I will be the first to agree that it did hinder the workings of the area bargaining legislation.

Mr. Speaker, Bill 80, we are told from Members opposite and the Minister himself, will remove political interference from bargaining. After 18 months of consultation and mostly stumbling and bungling, I suggest, by the administration opposite, we now have thrust the bargaining process directly and fully into the political arena. Directly and fully into the political arena. If this is what they want, that's fine, but that is where it is going. It certainly isn't going to be removed from the political arena. It is difficult, there is no procedure, there is no set of procedures or legislation that will, I suggest, ever remove it from the political arena. With this one you don't need any because you are putting it right into that arena.

Now the Minister and other Members went on to be critical of the development of area bargaining. That fact that area bargaining didn't recognize any of the suggestions, if you like, of the recommendations of the Moore Committee Report. Mr. Speaker, the Moore Committee Report did recognize that area bargaining could be a good procedure. They also brought out a recommendation with respect to changing the timetable of events insofar as bargaining, mediation and conciliation and possible arbitration is concerned. That timetable was part of the former Act and a similar timetable is in the Act in front of us. There was a timetable of events, the scope of bargaining itself was widened under the 1968 legislation. It was not restrictive as the Act before us is, this Act restricts bargaining and restricts those matters that can come to the table. It sets up a teacher classification board and sets out procedures for resolving disputes and so on and so forth. The Act in almost its complete entirety did follow the recommendations and the results of the Moore Committee Study.

Mr. Speaker, someone complained that the areas as such had no particular relationship to geography. Well I am not sure how much relationship you can get, they were all one adjacent to the other, they did represent a geographic area in that sense. And I say again what in the world does geography really have to do as such with the bargaining process? Certainly it isn't the most important item that is involved as far as the bargaining process is concerned. It was true then and it is true today. I suggest at that point in the time to have gone directly to a provincial setup, be it bargaining with the province or be it bargaining with a committee of trustees and a committee of teachers in 1968, that would have been too large a step at that time. I suggest the only reason the Minister can even think of bringing a Bill like this in front of us today is because of the developments that have taken place, the evolution under that area bargaining legislation that he is condemning.

He spoke also in his remarks, Mr. Speaker, of the power of the two major groups, the Teachers' Federation and the SSTA. I suggest to you that they both grew in stature in strength under that area bargaining legislation.

He went on to criticize, the Members from City Park, to criticize the fact that the Liberals put compulsion into

education and so on and so forth. Mr. Speaker, I will just remind the Members opposite of a very few of them, quite aside from the bargaining legislation and that is very arguable, the credit system in the high schools of Saskatchewan today. I think we have got one of the best high school programs of any province. There is no other one just quite like it. It was new and was innovative and was brought in with the help of teachers, trustees and educators and it is now law and it is now working well.

**Mr. Rolfes:** — Who put . . .

**Mr. McIsaac:** — The semester system, we certainly did bring that in, Mr. Speaker. The Member for Nutana South, the misguided guidance counsellor, speaking about school programs and he bloody well doesn't know whether they exist or not. I am not sure where he has been for the last two years before he came to this House but obviously he hasn't been in the classroom. The semester system, the accreditation of teachers and many other improvements in facilities throughout the province. Program improvements and facilities to accommodate those particular programs.

I think of the adult testing program which was a really worthwhile project that was brought in and is still the law in the province. I think of the four-fold expansion in technical and vocational training. A library development program, Mr. Speaker, that is giving us and is giving us more and better school libraries as days go on. It has given the best regional library system to date in the province.

Now the Minister went on from there to point out that the structure of the old area bargaining legislation was weak. He condemned and criticized area bargaining. Now mind you, Mr. Speaker, this isn't really surprising because along with the Member from Melville and others, he condemned and criticized that Bill from the moment it was first discussed. Before it came in and after it came in. He was the one board chairman out of 130 odd school boards in the province who decided to flout the law publicly to show his complete disdain for area bargaining, that was back in 1968. He proceeded to sign an agreement with his teachers in the Govan school unit, an agreement that he knew was meaningless at the time, an agreement that he knew had no basis in law and that showed his determination at that time to destroy area bargaining. He worked at it through his position as a school trustee, and he worked at it through his position as provincial NDP president, and he campaigned on it as did many of his colleagues in 1971. Certainly it was undoubtedly one of the reasons why the Members opposite are the Government today. Then the former chairman of the Govan School Unit was made Minister of Education. Here he was, he had condemned the legislation, torn it down, he had belittled it and he now had the chance either to repair it, reform it or replace it entirely. It could have been reformed, improvements could have been made and, indeed, improvements were due. I thought he would have had a new and exciting and innovative piece of legislation to put before us in the 1972 sessions because he had four years to tear this one down and four years to build another one, but he didn't. And he didn't because the NDP couldn't agree among themselves as to what they would replace that legislation with. The Minister cited the NDP platform in education in the course of his remarks, they

were going to bring in a new and worthwhile and workable and beautiful kind of process. I suggest, Mr. Speaker, this Bill 80 that is before us certainly doesn't fulfil that promise. More items and scope. There are no more items and scope.

He went on in his remarks to ask for the co-operation of all around, but I suggest because of the Bill and the provisions he has built into the Bill, that he doesn't really expect co-operation because he has provisions there for the Government to appoint trustees or to appoint teachers if indeed they don't put up their own people. All right, that NDP election in 1971, his appointment as Minister, gave him that opportunity. We went into the Special Session in July and August and everybody was looking for a new Bill, new legislation. We went into the 1972 session a year ago, and no new Bill and no new legislation. The Minister told us it was being studied, was being studied for many months and was made the subject of a committee that since brought in a report which has now become known as the Toombs Report.

Mr. Speaker, I will deal with that report and some of its recommendation in a few moments. But let me say right now, while I do have certain reservations on some of the sections in that, some of the theories behind it, in a general way I have no quarrel really with that particular committee report. They made a comprehensive study of the bargaining process. The basic argument I have against it is the powers of the Teacher Relations Board as envisaged by the Toombs Committee. They were too wide and are too wide. The concept itself for a Teacher Relations Board, a kind of labor relations board, if you like, as it pertains to educational teacher-trustee disputes, was, I think, a good one and is a good one. But the Bill before us, Mr. Speaker, completely ignores that Toombs Report and it completely ignores the principles enunciated in that report. Because the Teacher Relations Board as it is spelled out in Bill 80 is nothing but a name, it is nothing but a meaningless façade, it is short of all and any powers that it had, that may have been envisaged in the Toombs Report. As I say the Minister didn't agree with the Toombs Report either but certainly I think the Teacher Relations Board need not have been shorn completely of all powers and certainly should have been given some powers.

This Bill, Mr. Speaker, has been described as an abortion and I suggest to you that is most certainly what it is, an abortion. The Minister says that the bi-level aspect of it is unique and I suggest that it is unique like a two-headed set of siamese twins. We all know the life expectancy of siamese twins, they don't live very long joined together and they seldom survive the surgery necessary to separate them. I predict the Minister and his clumsy surgery on the process, will do nothing for bargaining, it will do nothing for education. It will be a retrograde step insofar as education is concerned.

Mr. Speaker, the NDP Government 20 odd years ago established and implements (and it has been spoken of in this debate) The Larger School Unit Act. And listening to some Members, I don't know where they were, they weren't here at the time, I wasn't either, it was a few years later. But let me tell you this, that for years that was a most controversial piece of legislation. I am sure all Members know. I suggest that on the one hand it was one that helped to maintain and improve the level and the quality of education in rural Saskatchewan. But it was controversial. And everybody in this House must be aware



of that. I suggest one other thing it did as well as eventually improve the quality of education in Saskatchewan. It also succeeded in removing parents that much farther from direct involvement and direct access to their children's teachers and to the process of education in the classroom.

Over the last few years, Mr. Speaker, that deficiency was gradually being overcome as people began to get used to the structure and began to get familiar with it and to feel more involved once again in the educational process.

Mr. Speaker, this Bill before us, Bill 80 is going to put parents effectively and completely and entirely in the background for here on and ever more insofar as education matters are concerned.

I suggest to you that the elected representatives of parents, school trustees of the province, have found themselves in this case pushed right off the playing field and relegated not to the role of spectator entirely, but not to the fifty yard line, but to the bleachers and almost off the field.

I suggest that the Minister hasn't improved the bargaining process between trustees and teachers. He has scrapped it completely in this Bill. And he has substituted the Government for the role traditionally played by teachers.

You know this Government has said, in essence, by this Bill to trustees, the representatives of parents, indeed, the elected representatives of parents, in whom parents entrust their God given rights to decide on the kind of education for their children, they say, you no longer have a say in negotiating salaries and working conditions or the people you employ to do that job, to carry out the teaching duties.

**Mr. Michayluk:** — Parents have never had that choice.

**Mr. McIsaac:** — They certainly have had that choice. The law is there, it is written in the United Nations Charter, it's in the 1905 Saskatchewan Act, Mr. Member for Redberry.

I have no particular axe to grind for area bargaining or any other kind of bargaining. I have no particular axe to grind for the trustees as individuals or as a group, let me tell you that. But I suggest, Mr. Speaker, that area bargaining did do a number of things for the teachers of the province and the trustees. It did result in major improvements on the fringe benefits for the teaching force of the province. The average salary for teachers in Saskatchewan increased by 39.8 per cent in the four years of operation of that terrible Act the Members are so condemnatory of. Almost 10 per cent a year, Mr. Speaker.

Rural and urban differentials in salaries throughout the province practically disappeared. Both parties to the bargaining process were on equal terms at the beginning and the end of those processes.

Difficulties and disputes, Mr. Speaker, were no more frequent in Saskatchewan than at the bargaining tables of any other Canadian province all under different legislative

procedures.

Scope was broadened under that Act, Mr. Speaker. This legislation before us doesn't broaden scope, it narrows it, it restricts it. The new Bill hasn't added one single item, except as I say, the bargaining for the pay of substitute teachers. And how much does that really mean to the overall enforcement?

It does nothing whatever to equalize or improve the rights of teachers or trustees. The Bill says the trustees, in essence, have lost their right to be a part of the bargaining process. And in so doing they have lost the powers and rights given to them under that 1905 Saskatchewan Act.

Now it doesn't restrict the rights of teachers of the province and I don't think it really enlarges or increases the rights of teachers. They are still bargaining for their salaries and their working conditions. But now they deal directly with the Provincial Government. And I know that meets a request of the Federation, to give them, in essence, more political clout. I suggest this, Mr. Speaker, and I would ask the teacher Members opposite to think about this, I wonder if, indeed, it will give the Federation, the teachers organization, any more political clout to be able to deal directly and immediately with the Government. There are no back door methods now available and let's face it, all of these methods are used, have been used and will be used in the future.

But it lets them go directly to the Government and I think time will tell that it was not an improvement insofar as the teacher political clout was concerned.

The Bill fulfils a campaign promise of the NDP opposite, Mr. Speaker. But it fulfils that promise at the expense of the right of parents of Saskatchewan. The group, as the Member for Melville said, for whom the entire structure exists.

Mr. Speaker, I suggest to you this Bill will do nothing whatever, this Bill will not remove the sources of conflict and points of confrontation, as the Minister hopes it will. It will increase them because there are more points of conflict. There are more opportunities in this Bill for conflict, for tension and for confrontation than there ever was in any previous Bill. And he says also as we go back to one of his objectives again, that this Bill is to ensure free collective bargaining.

Well, now, Mr. Speaker, it does that by removing completely, as I pointed out, one party from the process. Then we are led to wonder, the question comes to mind: What did the school trustees of Saskatchewan do to deserve this kind of treatment from the Government? Now, they were probably the best organized and the strongest group of local Government representatives by way of school trustees that you could find in any Canadian province today. And that really isn't surprising for the simple reason that local Government has been traditionally stronger in Saskatchewan than almost any other Canadian province you can name. It is true municipally in the province today particularly and it is true and has been true of the school boards of the province.

Now what about the other provinces, someone says, that do have bargaining between the provincial Government and the teachers of that province? And several of the provinces that come to mind are New Brunswick, Prince Edward Island, and the province of Quebec.

Let me say, Mr. Speaker, certainly provincial bargaining did not solve any problems for the teachers of Quebec or New Brunswick. The history of the evolution of that approach in those provinces is a totally different one than the case we have here in Saskatchewan. Prince Edward Island has dozens of small school boards. A few years ago they were scrapped and moved to three or four large ones for the whole province. New Brunswick had hundreds of local municipal bodies. And the process there, Mr. Speaker, came about as a result of major transformation of local government structure under Premier Louis Robichaud, seven, eight, nine years ago. And that was how they developed provincial bargaining in the case of New Brunswick and in the case of Prince Edward Island. Quebec was somewhat the same. It is only eight or ten years ago that the Province of Quebec, indeed, had a Department of Education. They had a wide diversity of school boards and there was no structure of trustees working together in the same sense that here has been here. It was in no way a compromise. They went to provincial bargaining in an effort to solve their problems. It not only didn't solve them, Mr. Speaker, it compounded the problems as far as Quebec was concerned.

Mr. Speaker, I have a few more comments I should like to make on this Bill. I want to discuss more of the objectives that were set out in the Toombs Report and other aspects of it, and how this Bill fails to measure up. I beg leave at this time to adjourn the debate.

Debate adjourned.

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