

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Third Session – Seventeenth Legislature
59th Day

Tuesday, April 17, 1973.

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

WELCOME TO STUDENTS

Mr. J. Wiebe: — (Morse) Mr. Speaker, before the Orders of the Day, I should like to introduce to you and through you to the Members of this House 14 grade twelve students from the high school at Eyebrow. They have had a very busy day I understand starting out this morning at 10:30. They toured the Computer Centre in the Administration Building and spent some time over at the RCMP Barracks. They are accompanied this afternoon by their teacher, Mrs. Agnes Wilson, bus driver, Mr. Depper. I understand that Mrs. Depper is along this afternoon as well.

I should like to sincerely welcome them here this afternoon and I hope that they enjoy the proceedings. I understand that I shall have the privilege of meeting with them around 3:15 and I am looking forward to that.

As well, Mr. Speaker, before I sit down, I should like at this time – I believe this will probably be the last group of students which will be coming from the Morse constituency during this Session – to thank your secretary, Mrs. Armstrong, for all the work which she has done in making the arrangements and the tours for the students which certainly has helped make my job much easier and has certainly been a benefit to the students who have come in to Regina.

Hon. Members: — Hear, hear!

Mr. P. P. Mostoway: — (Hanley) Mr. Speaker, I don't have a group of students to introduce right now, but I should like to go on record that a group of students from Allan School visited the building this morning and thoroughly enjoyed themselves.

Hon. Members: — Hear, hear!

Hon. J. E. Brockelbank: — (Saskatoon-Mayfair) Mr. Speaker, I should like to take this opportunity along with the other Members to welcome to this Chamber a group of students from Vincent Massey School in Saskatoon-Mayfair constituency. I understand that they are accompanied by Mr. Wensley, their teacher. They are grade seven students, 37 in number. I hope they find this day interesting. Since this is private Member's day, they'll probably see a greater variety of material coming before the House than they would on some other days. I am sure that all Members here will join with me in extending a welcome to these students from Vincent Massey School and wish them a safe journey back to Saskatoon-Mayfair.

Hon. Members: — Hear, hear!

QUESTIONS

Land Title Forms

Mr. D. G. Steuart: — (Leader of the Opposition) Before the Orders of the Day, I should like to direct a question to the Premier. I understand that in the House last night information was given in response to questions by the Opposition that the rules, regulations and policy have been changed so that when the Land Bank registers sales in the Land Titles Office, the true consideration or the price of the land does not now have to be put on that document. We have been told many times when we have asked for information in this House regarding the price paid by the Land Bank to pay 50 cents and go down to the Land Titles Office and the information would be available to anyone. If this is a fact, then we now have one set of rules for the general public and one set of rules for the Government. First, I should like to ask if this is a fact.

Mr. Speaker: — Order! I believe that information which comes out in committee should not be raised on Orders of the Day. I think it can be raised in Estimates of that department.

Mr. Steuart: — It wasn't in debate, Mr. Speaker, it was just a statement made. I don't know whether it was made in error. I should just like to have it clarified if that is a fact. I am asking the Premier if this is a fact.

Mr. Speaker: — I would say that information that comes out during debates in committee proceedings should be debated at that time or if Members want further information, they could put a motion on the Order Paper if they wish to debate it fully. I don't think the Chair can permit discussion of what happens in debates in committee to come up on Orders of the Day.

Mr. McIsaac: — Mr. Speaker, I don't think this is discussion, this is just a question asked of the Premier or anyone in the Government to confirm whether or not this is a fact.

Mr. Speaker: — I believe this was raised yesterday in committee and that is the time the committee should ascertain whether it is a fact or not. If they are not satisfied, put a motion on the Order Paper. I don't think the Chair can permit debates on Orders of the Day on details of things that happen in committee.

Mr. McIsaac: — Mr. Speaker, there are two points. First of all this isn't detail, it is a pretty key policy change. The Premier, I understand, wasn't here last night and neither was the agriculture critic. It is a very key question. It is just a matter of clarification, is this or is this not the policy, that's all the Leader of the Opposition asked.

Hon. A. E. Blakeney: — (Premier) Mr. Speaker, I quite frankly don't know the answer to the question. But may I point out something that is pretty obvious to the Member for Albert Park (Mr. MacLeod) — unless my memory

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plays me tricks — there are two standard forms of land transfer, one where the transferee is an individual and one where the transferee is a corporation. When the transferee is a corporation there is no affidavit of true consideration at any time. As I say, unless my memory is playing me tricks, that's the situation. I think, again, I am not aware of any form being used which is not a perfectly standard Land Titles form for the Land Bank. However, I do say that the matter can be pursued when the Land Bank Estimates are before the House. I am not aware of anything that is out of the ordinary at all.

Mr. Steuart: — It was the Minister of Agriculture that made the statement.

Mr. Speaker: — Order! I cannot permit debate on this question.

Mr. Steuart: — Then I'll ask a supplementary question.

Mr. Speaker: — I think this could be debated back in Estimates.

Mr. Steuart: — It is not a debate. Surely, it is a vital matter to this House. What I am saying is that the Government has been deceitful with the people, they have misrepresented their policy.

Mr. Speaker: — Order!

Mr. Steuart: — My question is to the Premier. When will they tell the Opposition and the public what they paid for this land? When are they going to quit hiding the facts and tell the public? I direct that to the . . .

Mr. Speaker: — I have to rule those questions out of order at this time. They can be raised in the Estimates and not on the Orders of the Day. That is not what this period is intended for.

Mr. Steuart: — Surely, this period is intended to find out information. Surely, that is the object of this period. If the Government wants to hide behind the majority and behind your ruling, I can't stop them. I'd like to know . . .

Mr. Speaker: — Order! The rule book says quite plainly that when questions are asked on Orders of the Day they are seeking information and not seeking to give information. We can get into a debate here which does not pertain to this order of business.

Mr. Steuart: — When can I ask for information? When is the Government going to tell the public how much they are paying for the land they are buying through the Land Bank? They have lied to us, they have been deceitful, they have misrepresented . . .

Mr. Speaker: — Order, order!

Mr. Messer: — In answer to the Leader of the Opposition . . .

Mr. Speaker: — Order! I can't permit this matter because it is out of order to start with. Two wrongs don't make a right.

Mr. K. R. MacLeod: — (Regina Albert Park) The whole matter may well have been approached in a more proper and somewhat different manner before the House. I think the question that we are really trying to find out is, can the Government explain to us how it discovered that there were two forms for the Land Titles Office after we had raised this point in the House? They told us, Mr. Speaker, as you will recall, that we only had to take 50 cents out of our pocket, go down . . .

Mr. Speaker: — What is your question?

Mr. MacLeod: — I am merely backgrounding my question, Mr. Speaker. The question is this. They suddenly, according to the Premier, point out that there are two forms in the Land Titles Act, one for corporations and one for non-corporations. They discovered that interesting little bit of news after we had drawn it to the attention of the House. We wonder if there is a change in policy . . .

Mr. Speaker: — Order! I am on my feet. Will the Hon. Member take his seat. These questions are definitely out of order. I cannot permit this line of questioning at this time. It can be raised in the Estimates under the Department of Agriculture or it can be raised in the Estimates dealing with the Land Titles Office or others. It is not a question that should be dealt with on the Orders of the Day.

Hon. E. I. Kramer: — (Minister of Highways and Transportation) Mr. Speaker, the Hon. Leader of the Opposition said that Members on this side had lied to him. If you are going to let him go, I am going to say there is not a bigger liar in this House than the Leader of the Opposition.

Mr. Speaker: — Order, order! I realize Members make statements at times in the heat of their argument and I don't think it is good to make issues of statements on these occasions.

MOTIONS

Additional House Sitings

Hon. R. Romanow: — (Attorney General) Mr. Speaker, before the Orders of the Day I should like to move, seconded by the Hon. Premier (Mr. Blakeney) by leave of the Assembly:

That on Wednesday, April 18, 1973, Rule 3(3) be suspended so that the sitting of this Assembly may be continued from 7:00 o'clock p.m. until 9:30 o'clock p.m.

QUESTIONS

Half-Ton Truck Rates

Mr. D. Boldt: — (Rosthern) Mr. Speaker, before the Orders of the Day I should really have liked to ask a question of the Minister of Finance but he is not in. I will direct my question to the Attorney General. I have in my hand a registration for a half-ton truck, gross weight 7,500 pounds. A good number of farmers have been advised by the licence issuers that they can register this truck at 7,501 pounds and then buy their licence plates for \$25 less. As a matter of fact, one licence issuer in my constituency has information from the Department of Finance that this is possible. A good number of farmers have bought their half-ton truck licence plates for \$40 or 45. Now I understand a directive has gone out asking these farmers to reimburse the issuing office with \$25. Is this a fact?

Hon. R. Romanow: — (Attorney General) I will have to check into it to see exactly what the wording in the directive said. I do know that a directive has gone out drawing to the attention of all motor licence issuers the fact that there are for the first time two categories, the 7,500 pounds and under and the 7,500 pounds and over in terms of registration for insurance purposes. This was not done by way of regulation at the time of the Automobile Accident Insurance rates, we did it subsequently. I asked the officials to issue a directive to advise all people involved. I should have to check into the exact wording of the directive in order to be absolutely sure what, in fact, is in it. I will so undertake for the Member and advise him as soon as I can.

Mr. Boldt: — A supplementary. Will these people be charged extra now.

Mr. Romanow: — Well the Order-in-Council is not made retroactive. The Order-in-Council is as of the time, making the differentiation of 7,500 under and 7,500 over, not retroactive. I am not sure whether on legal grounds we could. Certainly, I would have to check in the directive whether we are pursuing them in this area.

Mr. Boldt: — Is it fair to say then, I was honest and paid \$70 and some will get away with \$45? Is that right?

Contracts for Hogs in Manitoba

Mr. E. F. Gardner: — (Moosomin) Mr. Speaker, before the Orders of the Day I should like to direct a question to the Minister of Agriculture. It appears that Saskatchewan is going to be associated with Manitoba in marketing hogs. I should like to ask him if Saskatchewan will be associated in any way with the disastrous contracts already made between Manitoba and Japan whereby the people there are getting about 36 cents for their hogs while producers here are enjoying a much higher price?

Hon. J. R. Messer: — (Minister of Agriculture) Mr. Speaker, I know of no such contracts. I know

Manitoba has supposedly made a contract with Japan. I do not know that the price has been disclosed in regard to that contract. I don't know how the Member opposite can refer to disastrously low prices. We assume that the formation of this agency will strengthen the price for hogs as they relate to producers.

Mr. Gardner: — I should just as a supplementary question, Mr. Speaker. Incidentally, I have a newspaper report saying 36 cents, however, that is not my supplementary question. I should like to ask him if the producers will be informed in advance about the details and price of contracts that will be made in the future by this export board.

Mr. Messer: — There will be liaison discussions with the producer both at the Natural Products Marketing Council level, at the Commission level and the overall agency level.

RESOLUTIONS

Resolution No. 19 – To Bring the Potash Industry Under Public Ownership

Mr. J. G. Richards (Saskatoon University) moved, seconded by Mr. MacLeod (Regina Albert Park):

That this Assembly urges the Government of Saskatchewan to consider the feasibility of bringing the potash industry under public ownership.

He said: Mr. Speaker, we may be in some small way, establishing a precedent here. There have not been many occasions when back benchers have independently put forward motions on subjects which may, in part, be embarrassing to the Government or, at least, independent of government wishes at the moment. I plead guilty of setting that precedent and I hope thereby in some way to establish some valuable precedents in this House of the Legislature taking seriously its responsibilities to consider in detail policy developments in the general direction of government policy.

Substantively, Mr. Speaker, I am making a plea for public debate about new resource development policies and, in particular, new policies for the potash industry. What I shall say, Mr. Speaker, may seem tedious to some who are aware of the basic facts of the industry and who are intimately involved in it. I don't profess that at the end I am going to finish with a ringing solution to all the world's problems or even all the problems of the potash industry. There will be many unanswered questions, there will be many loose ends which will remain to be talked about and discussed. I am of the firm belief as a politician that progress is basically a function of people understanding and moving on issues and that once people get some basic understanding of the issues then and only then can progress be made in implementing them and drawing up the blueprints and the details of how these new policies should be implemented. I don't pretend as a back bench MLA to be able to give the detailed blueprint which would allow us to proceed along a new resource development policy in the potash industry.

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Mr. Speaker, let me take a historical perspective on this. Let me go right back to 1914 when MacLean and Wallace, two federal geologists, reported in the Geological Survey of Canada about their analysis of the mineral content and sample of saline water found in some Manitoba sloughs. I quote their comments:

The percentage of potash and the total solids is unusually high, much higher than in most of the waters which have been investigated for potash on this continent.

To my knowledge that is the very first reference to potash in the western Canadian prairies. These two gentlemen then went on with a very telling little economic piece of analysis and I quote again:

The fact that a powerful monopoly has been established in the potash industry renders it difficult to forecast the success of a venture in this field.

Those words were spoken in 1914, Mr. Speaker, and the monopoly referred to was in France and Germany but in 1973 I would submit that the analysis holds all too true and that the cartel dominated by the multi-national potash companies and, in particular, by International Minerals and Chemicals Corporation again renders difficult and uncertain the future of new potash development policies in the province.

After that nothing happened for 30 years until in 1943 accidentally in a deep hole for oil at the depth of 7,500 feet potash was again discovered in south east Saskatchewan. Then in 1946 potash was discovered at 3,500 feet in north western Saskatchewan and finally something had happened. Finally potash had been discovered at a depth which was subject to commercial room and pillar mining techniques. In the late 1940s expensive mapping proceeded throughout Saskatchewan and it became realized by 1950 that Saskatchewan possessed the largest reserves of potash in the western world matched only by the reserves in the Soviet Union and even including the Soviet Union reserves we have at least 40 per cent. Then came the questions, Mr. Speaker, how, why, when to develop a potash industry in Saskatchewan. At that time the CCF Government considered the feasibility of a Crown corporation. Feasibility studies were commissioned in the new Department of Mineral Resources and apart from a very serious underestimation of the problems of penetrating the Blairmore formation the estimates were moderately accurate.

The Cabinet of the day chose, however, not to proceed for two reasons. One, the CCF conceived its major concern to be in the people department, as it is sometimes called, health, education, welfare and not in the "thing" departments, minerals, natural resources, etc. This was perceived as putting too many eggs in one basket, it was perceived as not the high priority given the tasks to be accomplished in Medicare, for example.

Then there was a second argument, the argument that this was too risky, was too big for a mere provincial government to undertake. What would happen, people said with hindsight, if the Provincial Government had gone into this venture in the early 1950s and experience all the trouble of penetrating the Blairmore formation, the trouble which PCA, the Potash Company of America, for example, experienced at its Patience Lake mine near Saskatoon.

All of these arguments have some credibility, Mr. Speaker, and it is very easy with hindsight to say that the Government then should have proceeded with the development via a Crown corporation. However, the decision taken then not to proceed means that in some sense the CCF are as responsible as are the Liberals for the fiasco and the depression which later struck the potash industry, inasmuch as we absolved ourselves at that date from taking the responsibility for planning the development in the province.

Now it is obviously common knowledge to all Members what happened thereafter. For three basic reasons there was a tremendous potash boom in Saskatchewan during the 1960s. The annual growth in demand for potash grew from something in the order of six to something in the order of 10 per cent in the middle 1960s. There were high expectations of large purchases for governments for foreign aid assistance in developing the agriculture of underdeveloped countries in the world. Third, there was the depleting of the United States' reserves which made it seem increasingly necessary for developing Saskatchewan. At the peak of this boom in 1965 there occurred the symbolic event of the potash symposium in Saskatoon at which time Thomas Weir was quoted in his very famous quote, "Nothing but growth lies ahead." Thomas Weir, as Members, I hope will remember, was the Chairman of the Board of International Minerals and Chemicals, the largest potash company in Saskatchewan and one of the international corporate leaders of the '60s. "We're going to bring prosperity to Saskatchewan in the same way as the oil tycoons have brought prosperity to Alberta," Thatcher, the Premier of the day, at that same symposium was quoted. I'll repeat it again as it shows how far things have moved and how quickly. "The only thing wrong with American investment from Saskatchewan's viewpoint is that in the past we haven't been getting enough of it."

That was the continentalism which was rampant in the Liberal Party at that juncture and I suggest it is probably still rampant as the Members opposite see no danger in the unlicensed freedom they grant the large, primarily foreign corporations to come and develop our resources as they see fit.

Potash in that year was selling for over \$40 a ton in terms of K20 equivalent but 1965 was the last good year. By 1969 potash was selling below \$20 a ton. Thomas Weir, the Chairman of the Board of International Minerals and Chemicals had been deposed in a management coup in early 1968 because his company was on the ropes of bankruptcy. The US Customs Bureau in 1967 had instituted a study of alleged dumping of Canadian potash in the United States and in that year, 1969, they had ruled that dumping had, in fact, occurred and the United States Tariff Commission proceeded to examine what kinds of penalties should be imposed on Saskatchewan potash. In that year we have Mr. Thatcher singing a very different tune from what he was saying in 1965. "Seldom in the economic annals of Canada have we seen such responsible companies get into such an economic mess." And I quote this from a press conference given by the Premier in October of 1969. But it came from a situation in which the Premier said, "All we want is more," and which Thomas Weir had said, "Nothing but growth lies ahead," To a situation in which Thatcher is giving a Churchillian address about the worst possible economic mess that he had ever seen in his lifetime. Obviously, there had been over-investment, nearly \$700 million had been invested by nine mining companies in ten mines.

Not at all blame, however, should be put onto the Liberals. At the time of the change of office in 1964 five mines had been built or the intention to build had been announced. Four mines were announced since then. There is one great simple conclusion which I think inevitably must be drawn at this point before we proceed any further. It is foolishness that we can think that we can entrust our economic development to the experts of multinational corporations and that we can absolve ourselves from the great and difficult job of market analysis, of planning and public risk taking. We cannot put all the risks on the private corporations because that is never where they stay.

What did happen, Mr. Speaker, given this situation which had developed by 1969? Senator Montoya of New Mexico was threatening to impose tariffs on Saskatchewan potash. Washington was threatening all kinds of manoeuvres and accordingly Duval and IMC began the process of persuading the Saskatchewan Government to enter into a cozy little relationship which has gone under the name of the Potash Conversation Board. It might better be known as the Cartel Conservation Board. With negotiations among the potash companies, Premier Thatcher and Governor Cargo of New Mexico arrived at the formula whereby Saskatchewan potash production was restricted in aggregate for each individual mine in which a floor price was established at \$33.75 per ton K20 equivalent as opposed to the then ruling price which was in the order of \$20 a ton. In effect, the customers, the farmers who purchased fertilizer were being made to bear the brunt of the foolish and unwise decisions made by the potash companies in these mines. The price was set, production controlled so that the companies could earn a rate of return, so that their shareholders could earn a rate of return at the expense, of course, of farmers having to pay higher prices for fertilizers.

There is a great deal more that should be done in analyzing what has been the impact of the Potash Conservations Board which was established. The name is joke in some sense – using reserve figures involving solution reserves we have got supplies and current rates of production adequate for the order of 20,000 years. The name, of course, was used to try and get around the constitutional problems by implying that we were dealing with conservation. The only conservation going on here, Mr. Speaker, was the conserving of the shareholders' equity of these corporations, most of which were foreign. Mr. Speaker, the results were, one, the curtailment of Saskatchewan potash production to 50 per cent of mine capacity while the world mines have operated at 80 to 90 per cent capacity in the United States and in Western Europe. The growth since then has been five per cent annually compared with something in the order of 15 per cent annually. We have had the shimmer of the date of equality between supply and demand retreat further and further into the distance. With the realization of this problem in 1967 and 1968 people first prophesied that the problem would be over by 1972 or 1973. You now read industry documents and they are predicting that it won't be over by 1980. There was the first problem. Saskatchewan production was curtailed to 50 per cent of capacity while New Mexico mines and those mines in Europe continued to operate at full capacity. Because of the price increase it became increasingly probably that these New Mexico mines could continue to mine their low grade ore for a good deal longer than some of the more optimistic predictions that were earlier stated about their demise.

The second result was, of course, a loss of off-shore sales

which peaked at 29 per cent of sales in 1968 and fell to 20 per cent in 1970. Since then they have, of course, recovered considerably up to 26 per cent of sales in 1972. Sales in aggregate, however, are basically stagnating despite some good news such as the record sales as announced by the Minister of Mineral Resources for March 1973. Sales for 1972 were exactly equal to the sales for 1971, 4.1 million as opposed to 4.0 million tons of K20 equivalent. However, perhaps the most important veil to try and pierce is the financial veil. This Cartel Conservation Board was defended on the basis that it was necessary to prevent the bankruptcy of companies and according to the Department of Mineral Resources the price level only just allows for break even by the companies. However, very serious questions must be posed in this respect. It is public knowledge that there has been an increase in sales revenue from potash to the companies given the increase in price. In 1969 sales revenue, \$69 million; 1970 sales revenue, \$116 million; 1971, \$146 million; off marginally in 1972 at \$143 million. But is this Cartel Conservation Board set up just allowing these companies to survive or perhaps is there some very handsome profit-making going on? Who can tell? There is only one company for which we have any financial data publicly available and that is International Minerals and Chemicals Corporation which under new legislation passed federally has had to report on its profit figures.

However, Mr. Speaker, one can't be particularly optimistic about that situation. The companies, according to federal law are supposed to report within six months of the close of their financial year which in the case of IMC is June 30. Therefore, we should have had publicly available by now the annual report for the year 1971-72. When I checked on this two weeks ago it hadn't been released, it hadn't been received by the federal department involved. I would challenge IMC as to whether it has since then tabled its annual returns for IMC in Ottawa and whether it is willing to come forward with what, in fact, were its financial statistics for its operating year 1971-72. For in the year 1970-71 there were some very interesting results. IMC business activity is 90 to 95 per cent the potash which it sells through its mine in Saskatchewan, that is, 90 to 95 per cent of the business which this company conducts in Canada originates at its Esterhazy mine. IMC, of course, is a multinational corporation with its facilities in many countries. But in Canada in 1971 it had sales of \$44.6 million, its declared earnings before income tax and extraordinary items \$17.6 million for a profit rate of sales to revenue of 40 per cent. It had income taxes that year of \$6.3 million of which all but a nominal \$1,000 were deferred.

Mr. Speaker, maybe there is a great deal that is not revealed in the report which is tabled, maybe I am misrepresenting the financial situation of the potash industry, maybe it is staggering on the verge of bankruptcy as Premier Thatcher alluded in 1969 but the one concrete piece of financial data which we have available in the form of an actual tabled financial statement in Ottawa would indicate otherwise. This data would indicate that the Cartel Conservation regulations have made something very handsome in terms of rate of return to the potash industry. I should like to see not only the 1972 results for IMC but the results for many of the other potash companies which, because of the lack of corporate reporting laws which are in existence both in Saskatchewan and other provinces and in Ottawa, means that these companies can keep hidden their financial data.

That surely would be something in which the Members opposite would be actively supporting.

The fourth aspect we have examined is what has been the provincial return from the potash industry. Before last year's imposition of the pro-rationing fee, we were only earning two to three per cent even with the pro-rationing fee which raises provincial revenues to \$7 million. We've only got five per cent return to the Province from sales of these companies. That, of course, does exclude corporate income taxes but given the amount of deferments going on it is highly dubious how much income tax the Federal Provincial Governments are garnering from the potash industry.

I think it is a very nice and simple illustration of the points which Kierans has made so powerfully in his report recently published by the Manitoba Government. Provincial Governments are being taken to the cleaners by resource development companies and we haven't mustered the expertise or the political fortitude to challenge them in any serious way. In fact, the revenues that we have achieved are not net revenues. They must be offset by the various subsidies, one of which is the three year federal tax holiday to mining companies, another of which is the notoriously low rates for water negotiated by Members opposite when they were in power for water to be supplied to the potash companies by the Saskatchewan Water Supply Board. Because of these low rates negotiated this is part of the explanation for this Crown corporation having run up a \$2 million deficit since its initiation in 1968.

In conclusion to this section, Mr. Speaker, another very obvious and simple point must be hammered home. If we are to have new development policies, one of the keys to their success is whether the provinces thereby can earn large sums of money which we can use as provincial revenues to finance other needed kinds of development be it social services or subsidizing farmers to maintain them on the land.

We need to have a redistribution of the benefits from resource development industries. It is not good enough to have two or three per cent, it is not good enough to have four or five per cent return from these industries. We must be prepared to challenge the corporate power of these mining companies so that the people of Saskatchewan earn the profits from them and that these profits accrue to the people through their Government.

Mr. Speaker, at the time that the Cartel Conservation Board was initiated in 1969, Woodrow Lloyd had the following terse comment.

It is not the responsibility of the Saskatchewan Government to make the world safe for potash.

I think Woodrow's comments very aptly sum up what, in fact, the Members opposite had done by the creation of the Potash Conservation Board. IMC, of course, would disagree. In a glossy little pamphlet they put out last year they have nothing but glowing praise for the Cartel Conservation Board.

These regulations (referring to the regulations of the Potash Conservation Board) serve as one of the world's outstanding examples of industry-government co-operation. They have made possible the orderly exploitation (good word, that) of Canada's mineral resources to the benefit

of everyone assuring the world a stable supply of potash at fair prices. They have provided steady employment to those concerned with its production and distribution and have offered the prospect of increasing income to the companies and governments concerned.

That, I would submit, Mr. Speaker, is hogwash.

Certain stability of employment in aggregate I suppose has been maintained, although it has been poorly distributed throughout the province, given the obvious facts of the collapse of employment at Esterhazy itself.

The Liberals have defended the Conservation Board with their honest colonialism as I have referred to in talking about the oil industry.

The Liberals' position is that nothing better can be done, that it is impossible for us to seriously challenge the power of these companies, that it is impossible to strike a better deal for the people of Saskatchewan, that we should be content that we don't have financial disaster and all the mines closing, we should be grateful to the potash companies for keeping open their mines.

What was the experience, Mr. Speaker, as we lived through the Potash Conservation Board in the last several years? There was initially a very complicated A plus B formula in which every company was guaranteed sales up to 40 per cent of its capacity with supplementary B quotas dependent in some sense on the ability of the companies to gain markets.

Well, there was cheating all around. Never have I heard, in talking to managers of the potash companies, more enthusiastic denunciation of private enterprise. Each manager is full of stories about how everybody else is cheating, how everybody else is trying to compete by lowering the price. They, of course, are dutifully following the letter and the spirit of the regulations but those so and so's, those other mines they were hiding things, giving hidden discounts. They were competing. My goodness gracious me. And even the Hon. Premier found that he had to compete. Even the Hon. Premier found that he had to cheat in order to save the situation, thus in a fascinating letter in 1970 written to a Japanese importer, the Premier offered potash on the basis of 70 per cent of the floor price and 30 per cent at \$22.95 a ton. We even had cheating by Premier Thatcher who had to violate his own regulations which he had established giving a floor price. It wasn't a very optimistic situation, Mr. Speaker.

We had arrived at the situation in 1972 that the companies which had some access to markets had achieved disproportionate capacity. Central Canada in 1971-72 produced at 71 per cent of capacity as opposed to Silvite and Kalium down at 47 per cent. Kalium, in particular, protested. Kalium requested flat formula based solely on capacity which is what was instituted in the summer of 1972.

However, at this point Central Canada protested. Central Canada which is 51 per cent Noranda and 49 per cent CF Industries, CF Industries being a conglomerate of mid-western United States co-ops. Central Canada had the mining expertise of Noranda, ironically a Canadian company and the market potential of

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CF Industries in order to garner a very large and healthy market. But under the new regulations Central Canada was cut back from 71 per cent to approximately 52 per cent and in an attempt to create the maximum embarrassment to the NDP proceeded to lay off over 100 employees during the Federal election from their mine at Colonsay. And it resulted in the NDP finding itself in an ironic situation because we had failed to develop a potash policy and program of having to go to the courts to defend the cartel against an attack on it by Central Canada.

This cartel which had been established by multi-national corporations spearhead by Duval and IMC for the benefit primarily of the American potash producers was being attacked not by us but by a Canadian mining company outside the cartel. And we found ourselves, because of our failure to develop programs, in the unhappy position of defending the cartel. I quote, for example, from the Hon. Minister Thorson at the time:

The Provincial Government will strongly oppose attempts to break the prorationing scheme if even one company violates the quotas. The result could well be the closure of some mines and massive layoffs as chaos and low prices return.

Mr. Speaker, we have reached a dead end. We didn't have potash policies. We had Premier Lloyd's statements in opposition to the cartel. We had the Leader of the Opposition, Lloyd, talking in general terms about the desirability of a marketing board. We had an NDP program which in 1971 called for an end to the present government collaboration with the potash cartel that restricts Saskatchewan in providing jobs. All of that was good, it was opposition to the cartel but it was analogous to the opposition to the Meadow Lake Pulp Mill. It was a negative policy. It was calling for an end to disastrous policies but never stated what should be the positive alternative and what, in fact should be the positive alternative.

One suggestion has been joint ventures, that the Provincial Government buy up the shares presumably on a minority basis in some of the mines. There are advantages to such a move as a relatively easy way to gain access into the industry and learn more about its financial and operating characteristics. There is one very strong argument against joint ventures. If the ventures are negotiated at a price which is satisfactory to the private corporate shareholders, the private companies will capitalize what they consider to be their returns and the people in paying the high price for these shares will not gain any of the benefits which are needed from a new policy. I would repeat, the problem of mushy bargaining which has plagued so many joint ventures in the past, not excluding Intercon.

Another option is that of the marketing board. A marketing board which would presumably have the power to engage in all transactions and would sell all Saskatchewan potash. It was obviously favored by Woodrow Lloyd. There are advantages to it. It is in the tradition of provincial concern about orderly marketing, about public agencies taking the responsibility to develop, discover, find and locate markets. It too, as with the joint ventures, would allow more direct government participation in the industry in order to learn more about its nature. Another advantage, it would deny to Can Potex the contracts which they will be developing in the most lucrative markets in the Far East.

Can Potex, Mr. Speaker, is a private consortium of private companies which is trying to rectify the situation of the disastrous off-shore sales and assure to the private companies that they maintain their contracts and that they have the access to new developing markets.

I would submit that a prerequisite for a new policy would be that the Provincial Government develop these contracts, that the Provincial Government learn about the potential of long run sales to Japan, China and other countries which are going to be needing increasing supplies of fertilizer. Certain analogies are obvious to the recently announced joint Manitoba-Saskatchewan Hog Marketing Company.

There are negative aspects involved in the joint ventures route. It would have increased industry opposition and there is also the very interesting entangled constitutional problems of whether we would be guilty of interfering in federal jurisdiction in the matters of interprovincial and international trade.

The third basic option, Mr. Speaker, is that implied by the NDP program and that implied by my motion which says:

Urging complete public ownership of the potash industry.

The NDP program and I quote:

The NDP Government will consider the feasibility of bringing the potash industry under public ownership.

The key problem here, Mr. Speaker, is what kind of market can we guarantee if we challenge the multi-national companies? The success will be contingent on access to these markets. Two-thirds of the present potash from Saskatchewan is sold in the United States. What would be the reaction from Senator Montoya and the boys in Washington? Can we guarantee long run contracts with the Chinese and the Japanese in order to supplement and replace United States markets if necessary? These are questions which I cannot answer. These are the kind of questions which should be debated and I hope that Saskatchewan people do.

It brings me to another question and that is the question of research in the potash industry. Saskatchewan and Canada, if we extrapolate as the largest potash industry in terms of capacity, have a pitiful level of research into economic matters and into technical matters. Whereas other countries have large potash institutes, we have failed to develop anything analogous. What little research has been done has primarily been done by officials of the Department of Mineral Resources and the Saskatchewan Research Council in Saskatoon.

The Saskatchewan Research Council is dependent upon the good graces of the potash companies because it receives a large bulk of its financing from them. Accordingly, the Research Council lacks objectivity in its analyses. It has failed to explore with any degree of thoroughness problems which might be embarrassing to the company. One of these questions is that of safety. It has been alleged, for example, that there are potentially dangerous reefs which could contain gaseous matter near the Silvite mine analogous to reefs which caused explosions in mines in Germany. There has been no thorough research by the Research Council on this matter. In fact, the Research

Council has been guilty of trying to suppress what little research has been done on this subject.

There are many other obvious questions which I think people who have worked in this industry are fully familiar with. It has taken a long time and a long hard struggle to unionize the mines and still a number of them remain non-unionized. There have been repeated labor conflicts in the mines. And the Department of Mineral Resources has failed to perceive itself as the defender of the people's interest in this industry or the miners' interests but the Department of Mineral Resources officials have, by and large, conceived themselves as the representative of the mining companies faced with conflicts on the part of the public. There is a long and sordid history, for example, of the Department of Mineral Resources resisting labor involvement in mine safety inspection.

There are environmental problems, in particular, I could quote, leaks from the Silvite, dykes into the surface and ground water system, other problems. As I said in the beginning, Mr. Speaker, I am trying to establish some precedents for this Legislature taking seriously the issues involved. I don't pretend to resolve these marketing problems. But I submit if we are to have the answers, the Members of this Legislature and the people of Saskatchewan must take it upon themselves to talk and to discuss and to find the answers and we cannot leave the responsibility to any government bureaucrats.

With that I would move that this Assembly urges the Government of Saskatchewan to consider the feasibility of bringing the potash industry under public ownership.

Some Hon. Members: — Hear, hear!

Mr. K. R. MacLeod: — (Regina Albert Park) Mr. Speaker, there has been some speculation on the reason for the dropping of this motion on April 10 without the usual courtesy of having it stood to a later date.

Mr. Speaker: — You can't reflect on the previous actions of the Assembly.

Mr. MacLeod: — Well, I have already reflected. I want to make my position clear with respect to this particular motion, Mr. Speaker, that I must be a seconder. This requires a seconder or it could not properly be considered by the Legislature according to the rules as they now stand. I believe it is fair, Mr. Speaker, to speculate upon this particular position and discuss it because we have on several occasions, in fact, on many occasions I have been one of those who felt somewhat frustrated by the rules as they now stand. I believe that this or any motion, Mr. Speaker, ought properly to have the right to be brought before this Legislature, have Members record their position on it without the necessity of having at least two Members concur to begin with by having their names stand as mover and seconder. When I was elected as a Member for Albert Park I certainly didn't make it clear to the people, perhaps I didn't properly understand that it was necessary to have some Member from some other constituency concur with me before I brought a matter to the Assembly. I am sure that this would be a matter of some disappointment not only to Members of the House but to people who

elect Members to this House.

Mr. Romanow: — Did you have a seconder to your nomination?

Mr. MacLeod: — Yes, I did. Now, Mr. Speaker, this brings to mind and in particular with respect to this motion, another difficulty as to the rules. The Government in each and every case forces all Members . . .

Mr. Speaker: — I should like to draw to the Hon. Member's attention, at this time we are not debating the rules of the House, we are debating the resolution of which you have the pleasure to second and I wish we could bet to the resolution and not to the rules.

Mr. MacLeod: — Mr. Speaker, I recognize the anxiety of Mr. Speaker and others to restrict my right to speak here.

Mr. Speaker: — Order! I will ask the Hon. Member to withdraw that. The Speaker is not trying to restrict anyone's right to speak. He is trying to keep the Members in order.

Mr. MacLeod: — Perhaps, I should rephrase that, Mr. Speaker.

Mr. Speaker: — I am asking the Member to withdraw.

Mr. MacLeod: — I withdraw that, Mr. Speaker. If Mr. Speaker, would be kind enough to invite the Members on the opposite side of the House to contain their enthusiasm I could perhaps make my point far better and far more quickly.

Now, Mr. Speaker, the point that I wished to make deals with the amendment to this particular resolution. Now there is no amendment to it, Mr. Speaker, but I think I have the right to draw the attention of the House to the fact that there is an invariable habit in the House to avoid facing up to this or other kinds of resolutions by the simple expediency of amending the resolution. Now, Mr. Speaker, this is a point I believe ought properly to be dealt with . . .

Mr. Speaker: — I ask the Hon. Member to stay with the resolution. If he wishes to suggest that the rules should be changed then there is a way of doing it and I think the Members may co-operate with him on changing the rules. But at the present time we must abide by the rules that are the rules of this Legislature.

Mr. MacLeod: — Now, Mr. Speaker, what I should like to know then is, and I hope that other Members will speak on this resolution, I propose to make my position fairly clear and directly. I will be voting against this motion. I do not intend to vote in favor of it for a number of reasons. The prime reason . . . Mr. Speaker, the Hon. the Attorney General insists upon interjecting and insinuating into the debate without rising. I have

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no doubt that in a moment he will rise or get someone on his side of the House to rise and adjourn the debate thereby preventing effective discussion on the resolution. But I would invite the Hon. Members to give us an opportunity to discuss this calmly and reasonably. As the later Lyndon Johnson said, "Let us reason together," it is very difficult in this atmosphere, Mr. Speaker.

Now, Mr. Speaker, as I have said I intend to vote against the motion. I intend to do so without trying to avoid my responsibilities, without attempting to try to amend it and I encourage other Members to do the same. But I am opposed to an unproductive activity and Mr. Speaker the prime productive activity of this motion at the present time would be the employment of large numbers of planners and studiers and committees. Having seen the record of the Government in the past, its use of committees is nothing more or less than political activity at the people's expense. I am becoming less and less enchanted with the prospect of a committee being struck for the purpose of dealing with this particular motion. Mr. Speaker, as a result at this stage when potash development and investment has now almost reached a conclusion in the province, it is almost like locking the barn door when the horse has disappeared. This situation is now fairly static, the time to have moved this motion and to have proceeded with this kind of debate properly should have been in the early '40s and early '50s. Perhaps if the Government of the day had been on its toes, which it was not, it might well have made such a study and who knows what the result might have been. They may well have decided to leave it exactly as it is or maybe they would have decided to go into public ownership. The fact is they didn't look at the problem at all.

The first and initial failure with respect to this resolution is the failure of the CCF Government between 1944 and 1964. Now it may well be regrettable that the Hon. Member for Saskatoon University was not a Member at that time because obviously the Government of that day needed a little prodding. But in any event the time has now long since passed when this assumes anything of priority and there are many things that this Legislature could do, many ways that planners could be involving their time, many ways that studiers could be working more productively than in this type of resolution.

Now the result, Mr. Speaker, then is that such a resolution could involve meaningless political activity, the engagement of additional people without any worthwhile result at this stage.

Now in closing my remarks I should like to compliment the Hon. Member for Saskatoon University (Mr. Richards) firstly, on his persistence in bringing this motion. It is a matter that he has obviously high in his priorities and I compliment him for insisting that it be brought to the House and I am proud to have participated in that democratic action. I also want to compliment him on his obvious research and industry and private enterprise shown by him in the work done to bring the facts before the House. I am not surprised, of course, because he has won our admiration on previous occasions, particularly his courage that he has shown heretofore compared with the military precision of obedience shown by other Members on the other side of the House. It makes him stand out in the field of courage, I would say like Native Dancer in a pasture of donkeys and I do compliment him.

I oppose the motion but I defend in every way his right to bring this resolution to this House.

Some Hon. Members: — Hear, hear!

Mr. D. G. Steuart: — (Leader of the Opposition) Speaking to this motion, I should like to . . .

Mr. E. C. Whelan: — (Regina North West) Mr. Speaker, I beg leave to adjourn the debate.

An Hon. Member: — He wasn't on his feet.

Mr. Speaker: — The Member from Shaunavon (Mr. Oliver) and the Member from Regina North West (Mr. Whelan) were on their feet at the start of the speech but the Member for Albert Park was on his feet and I recognized him as a seconder. It is not the discretion of the Chair.

Debate adjourned.

ADJOURNED DEBATES

Second Readings

The Assembly resumed the adjourned debate on the proposed motion by Mr. Steuart that Bill No. 65 — An Act to amend The Motor Dealers Act, 1966 (No. 2) be now read a second time.

Hon. E. L. Tchorzewski: — (Minister of Consumer Affairs) Mr. Speaker, I thought I would say a few words on this so that the House is not left with the impression that we are not getting anything done here this afternoon. My comments are going to be brief. I believe the Leader of the Opposition, prior to his introducing or speaking on this amendment in second reading, knew that I was going to indicate that we were prepared to accept this amendment because we felt that it is a good amendment. I should like, though, to make a few comments on some of the comments that were made by the Leader of the Opposition in his second reading speech. First of all, he suggested by his amendment and I quote:

We are suggesting this is in line with the philosophy of the five or six other Bills that we have introduced in the House in this Session.

Well, Mr. Speaker, I don't know where he gets that impression and I submit that is rather inaccurate. I also submit that certainly one would have to question which philosophy this amendment fits with, the philosophy of the Liberal Party in Opposition or the philosophy of the Liberal Party when it was in Government. Certainly, they seemed very little concerned at that time about individual rights and individual powers as the Leader of the Opposition indicated. But as that does not detract from the principle of the amendment I shall not say much more on that.

I found it rather odd to read the comments in the Hansard transcript, Mr. Speaker, by the Leader of the Opposition when he spoke on this Bill when he very strongly indicated that it

was to provide more power to the individual. I am not so sure whether it provides more power, Mr. Speaker, but it certainly does increase or provide certain rights for an individual motor dealer which he certainly should have and, in fact, has had, although it was not written in the statute books. If the Members opposite are so interested in the rights of the individual to be protected from the actions of civil servants, and they certainly should be, it is peculiar that they did not support the legislation which established the Ombudsman. There seems to be a lack of consistency in that as well.

Now another comment that I should like to correct, Mr. Speaker, is that the Leader of the Opposition said that it didn't require, and I am referring to The Motor Dealers Act of 1966 which was passed by the former Government and certainly was supported by both sides of the House, the Leader of the Opposition said it didn't require that civil servants give them any reason. He just cancelled it and that was all. That's not completely correct, Mr. Speaker, because in the legislation, and I am not so sure whether the Member meant it that way, but just for the sake of correcting it for the record, in the legislation which established the Act respecting motor dealers on motor vehicles, first of all, in section 15 it says that the Registrar may suspend or cancel a licence on any grounds on which he may have refused to grant the licence or where he is satisfied that the licensee . . . and then there are a number of reasons given. Further to that in section 18, Mr. Speaker, it says:

A person who is dissatisfied with a decision of the Registrar under sections 11, 12, 13, 15, 17 may within 30 days after the date of the decision apply in writing to the Registrar for a hearing and thereupon the Registrar shall fix a date for the hearing not to exceed unless otherwise agreed, seven days from the date of the receipt of the application for the hearing. The Registrar shall within ten days of the conclusion of the hearing render a decision to the applicant or licensee in writing and he shall in his written decision give reasons . . .

And so on, it continues. It also says in the Act under section 21, which the Member opposite referred to and I am certain he was correct in it, that there was recourse to the courts under the section, "appeal from Registrar's decision," it says in section 21.

A person who is dissatisfied with a decision of the Registrar under section 11, 12, 13, 15 or 18 or 19 may within 30 days from the date of the decision appeal to the judge of a Court of Queen's Bench who may upon hearing the appeal make such other . . .

And it continues on and I shall not repeat that because it is stated in the Act, Mr. Speaker. So to say without qualification that their licence was simply cancelled or the Registrar simply cancelled the licence and that was all is not exactly the case. I just wanted to correct that for the benefit of the record and this House, Mr. Speaker.

Now as I indicated when I initially began to make my remarks, we are, as a Government, prepared to accept Bill 65, an Act to amend The Motor Dealers Act, 1966, because we agree with the principle of it. In saying it, I want to make it very

clear that all this is doing, and it is important that it does that, is that it established this principle in law. The practice has always been in the past that the motor dealer or one who wished to be, who made an application for licence, if that application was refused, did receive the reasons from the Registrar who is the Deputy Provincial Secretary. This has been the practice in the past I am told and simply what this does is put it in law in the statutes and I am certain there is nothing wrong in that.

Now, Mr. Speaker, most of our Acts as I have seen provide for a hearing with written reasons to be given by the Registrar just as The Motor Dealers Act does, so there has been some protection, a considerable amount of protection to motor dealers. The experiences that I have had, and I did some checking into this with the officials in the department, the experiences have generally been very good. I am told that there has never been a request for a formal hearing as provided in the Act, for example. So it seems to me that the events that have occurred over the years since 1966 when this Act was first passed indicate that things have been going well and that the decisions made have been based on very good reasons.

In closing I should like to say, Mr. Speaker, that we are going to support this Act as proposed by the Leader of the Opposition because we believe, in principle, that it is a good thing, it puts into law something that has already been in practice over the years.

Some Hon. Members: — Hear, hear!

Mr. D. G. Steuart: — (Leader of the Opposition) Well, Mr. Speaker, I just pointed out to the Member who just took his seat, the Hon. Minister, that it was their Government in the last 21 months that has taken unto itself the right to close down any business without a by your leave of the Cabinet, or of the Government, or of the Legislative Assembly or of the Courts. It is their Government who just finished ramming a compulsory Hog Marketing Commission down the throats of the hog producers without so much as a vote. Their Government is in the process of dismantling any real rights and privileges the University might have and I understand they are backing off that now and I hope they do. It's their Government that brought . . .

Mr. Speaker: — Order, order! I should like to remind the Hon. Member, the Leader of the Opposition, in closing the debate you can only answer what has been said in the debate, you cannot bring in new material.

Mr. Steuart: — Yes, well, Mr. Speaker, if you listened to what the hon. gentleman said, he got up and he accused us when we were the Government and denied the claim that I made that the reason we were bringing in this Bill was to protect, to give some small protection to the individual. He said when he was talking that their Government had not taken away individual rights and our Government had. So I am just pointing out some of the mistaken points that he tried to put here. It is their Government that has been taking away the rights of the individual at a record pace in the last 20 months.

Regardless of that, I might also point out that when he talked about the appeal – they can apply for a hearing – and they can. Of course, they can, but there is no need and there is no requirement in the Act that the Registrar still can have the hearing. He can give them a decision in writing. He must give them a decision in writing about the results of the hearing. He still is not required to give them a decision in writing as to why he originally refused to give them the licence or why he originally cancelled their licence. So now this will do it. He says they are doing this. Well, I wouldn't want to depend on the tender mercies of this Government too long with their track record so I am pleased they are going to support this. I hope that all the Members on both sides will support this particular Bill.

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

YEAS — 50
Messieurs

Blakeney	Whelan	Lange
Dyck	Kwasnica	Feschuk
Meakes	Carlson	Kaeding
Wood	Engel	Steuart
Smishek	Owens	Coupland
Messer	Robbins	Loken
Romanow	Tchorzewski	Guy
Snyder	Taylor	Grant
Kramer	Matsalla	Boldt
Thibault	Richards	McIsaac
Larson	Faris	Gardner
Baker	Cody	Weatherald
Brockelbank	Gross	MacLeod
MacMurphy	Feduniak	McPherson
Pepper	Mostoway	MacDonald (Moose Jaw N.)
Byers	Comer	Wiebe
Thorson	Rolfes	

NAYS — NIL
Messieurs

**FIRST REPORT OF THE SELECT STANDING COMMITTEE
ON PUBLIC ACCOUNTS AND PRINTING**

Mr. D. M. McPherson (Regina Lakeview) moved, seconded by Mr. F. Meakes (Touchwood), That the First Report of the Select Standing Committee on Public Accounts and Printing be concurred in. He said: Mr. Speaker, I should like to bring this report before the House.

1. Your committee met for organization and appointed Mr. McPherson as its chairman and Mr. Meakes as its vice chairman.
2. Your committee held ten meetings and examined both the Provincial Auditor's Report and the Public Accounts for the year ended March 31, 1972 with the Provincial Auditor (Mr. Lutz), two of his officers (Mr. Jacoby and Mr. Bucknall), the

Comptroller (Mr. Kerr), and other officials of the Department of Finance.

3. The committee reviewed the matter of sinking funds and recommended that the Provincial Auditor report to the Legislature annually as to whether individual sinking funds may be adequate or inadequate to retire the debt.
4. Your committee discussed the matter of federal-provincial cost sharing agreements and notes the recommendation of the Provincial Auditor for reviewing the status of cost sharing agreements to ensure that claims are submitted at the earliest possible date. In addition the federal authorities should be pressed to hasten their review of these claims so that final settlement may be made as soon as possible. The committee recommends that there be a complete categorization of all such programs with an indication given as to the stage of completion of the various claims. Moreover, the committee recommends that cost sharing agreements be maintained at a status as nearly current as possible.
5. Commencing April 1, 1968 the Provincial Auditor began charging on a fee-for-service basis for audit services provided to Crown corporations and certain other boards, agencies and commissions. The committee recommends that the Government provide legislative authority for the Provincial Auditor to charge such audit fees.
6. Your committee is pleased to note that the revised consolidated Treasury Board Regulations for 1972 have been issued and wishes to commend the department for their activity in this regard. Furthermore, the committee hopes that the department will continue its work in updating the Treasury Board Regulations and recommends that the Provincial Auditor report annually to the Legislature the status of the Treasury Board Regulations.
7. Your committee recommends developing a uniform system of records and procedures to control public property and that Treasury Board issue regulations to Government departments and agencies immediately requiring such records and setting out procedures to be followed. In this way, the Government will have an up-to-date inventory control in every department and agency.
8. In item 10(iv) of the Provincial Auditor's Report it was reported that an advance payment of \$12,000 was made without proper authority on February 3, 1972 by the Department of Industry and Commerce on account of a printing order for 250,000 "Travel Guides, 1972". The committee notes such action with strong disapproval and recommends adherence by all departments of the Government to the controls which are presently defined.
9. The Public Accounts Committee of 1971 recommended that there should be uniformity in the reporting of trust and deposit accounts. The Public Accounts Committee of 1973 notes that certain trust or special funds have not been reported in Schedule "G" – Trust Funds, Special Funds and Suspense Accounts of Public Accounts – and accordingly recommends that such funds as the Municipal Employees' Superannuation Fund (December 31, 1971) of \$10,357,503 be reflected in the aforementioned statement.
10. The committee considered the suggestion that housing

grants to individuals not be recorded in Public Accounts. However, your committee feels that the purpose of Public Accounts is to report any expenditure of public moneys and also notes that the Public Accounts Committee of 1967 recommended the reporting of grants individually when they are in the amount of \$100 or more. Consequently, your committee recommends that the present practice of reporting grants be continued. However, consideration should be given to revising the structure of the Public Accounts text.

11. Your committee has considered the matter of sessional printing and recommends as follows: (a) that 350 copies of the Journals be printed including therewith the "Questions and Answers" as an appendix; (b) that 400 copies of the Debates and Proceedings be multilithed with all convenient speed, one copy each to be supplied to Members of the Assembly; and (c) that 100 copies of the Minutes and Verbatim Report of the Proceedings of the Public Accounts Committee be multilithed with all convenient speed, one copy each to be supplied to Members of the Assembly.
12. Your committee advised that copies of the Minutes and Verbatim Report of Proceedings of the Public Accounts Committee will be tabled as a Sessional Paper.

Mr. Speaker, I should like to say that the committee worked long and hard and I should like to thank all these people, the auditors, our secretarial staff, for the excellent job they performed this year. The committee is getting more and more efficient at bringing the finances of the Province up to the way they should be with their recommendations. I am very happy to move this report, seconded by Mr. Meakes, the Member from Touchwood, that the First Report of the Select Standing Committee on Public Accounts and Printing be now concurred in.

Some Hon. Members: — Hear, hear!

Mr. K. R. MacLeod: — (Regina Albert Park) Mr. Speaker, I should like to draw the Legislature's attention to an illegality which was uncovered by the Provincial Auditor and referred to in his report and studied by the committee. The chapter mentioned and the clause mentioned by the report hardly does justice to the full extent and seriousness of that illegality.

I refer specifically, Mr. Speaker, to an order which was given by the Government through the office of the Queen's Printer, to Service Printing to print a quarter of a million brochures entitled "Travel Guide, 1972" at a total cost of \$28,894.32. Now despite the fact that those goods had not been received and no benefit apparent to the Province of Saskatchewan had been obtained, Service Printing typed up and printed a bill dated January 28, 1972 in which it requested an advance or interim payment of \$12,000 cash and submitted it to the Queen's Printer in Regina. And the travels of that particular invoice on that particular day are worthy of some study because they are enlightening as well as disturbing.

Mr. Speaker, on the 28th day of January, 1972, the invoice was prepared by Service Printing Company and it was sent to the Queen's Printer. When it arrived at the office of the Queen's Printer the Queen's Printer then rerouted it as is the

custom, rerouted it to the Tourist Branch for which these brochures had been ordered. The purpose of that travel to the Tourist Branch was to obtain the approval of the Tourist Branch for the payment of the \$12,000. So that is the third step. On the same day, the 28th of January, this bill went, first of all from Service Printing Company to Queen's Printer, then it was processed by the Queen's Printer and then it went down to the Tourist Branch in the Department of Industry and Commerce where it was processed at that time by the Department of Industry and Commerce and it received a stamp by the Department of Industry and Commerce and a signature of the officer of the Tourist Branch responsible. That wasn't all. It was then sent back down to the Queen's Printer's office.

An Hon. Member: — Same day?

Mr. MacLeod: — Same day. Again, on the 28th day of January, 1972. The Queen's Printer then did its final processing. It said, "Printing Approved." It received a stamp dated January 28, 1972 saying "Printing Approved, For Payment, Queen's Printer", and the signature of the proper officer of Queen's Printer approving the payment. This invoice then, somewhat harried with its hustling around the city on that particular day, then went on to the Department of Industry and Commerce for the purpose of having a voucher on behalf of the Deputy Minister authorizing the actual preparation of a cheque prepared. And so on it went and it arrived at the office of Mr. Switzer with instructions that this account be paid. It was followed by a telephone call to Mr. Switzer telling him that this was going to be there on his desk and that he should authorize the payment. This telephone call was made from the office of the Queen's Printer alerting Mr. Switzer and instructing Mr. Switzer that this account was urgent and should be paid. This, again, was on the 28th day of January.

All of these steps occurred on the same date. Now Mr. Switzer was the Director of the Administration Branch of the Department of Industry and Commerce. He recognized that this was an illegal payment requested by the Queen's Printer for Service Printing Company and Mr. Switzer refused to pay the account. Now there were some additional phone calls, there was a demand that MR. Switzer pay but he said he would not pay unless he had further authority and that authority had to come from the deputy ministerial level at the very least or the ministerial level.

Mr. Speaker, this payment was subsequently found to be illegal but I want to summarize quickly the nine steps, all of which occurred on the day which I mentioned – the preparation of the invoice dated January 28, the travel and the processing by the Queen's Printer, the travel to and the processing by the tourist Branch, the travelling back to and the final processing by the Queen's Printer, the travelling to for processing by the Department of Industry and Commerce, and the various telephone calls and the instructions to the Director of the Administration Branch requiring that he pay this account. But this gentleman refused to disobey the law, he refused to take it upon himself to do something which he knew was patently wrong and this held up and stalled the account. As a result, of course, the weekend intervened. That was Friday, so the weekend intervened until presumably the return of some person who was prepared to take upon himself the illegal payment of this account. And that

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occurred, not when the Deputy Minister was around because the authorization did not come from the Deputy Minister, and we are left to speculate on whether he too refused to countenance an illegality in the handling of the funds of the Province.

In any event, on the 1st of February, 1972, in response to the requirements of the Director of the Administration Branch, Kim Thorson, the Minister of Industry and Commerce prepared and sent a memorandum authorizing this payment. This was directed to Mr. Switzer. He then, having had it in writing from the man right at the top and having been relieved of the responsibility of this illegal action, then processed, undoubtedly with reluctance, a payment which he knew to be wrong.

And so on that day, these events occurred: First of all, the memorandum signed by the Minister of Industry and Commerce was rushed over to Mr. Switzer on the same date, February 1, and the Department of Industry and Commerce prepared the voucher directed to the Department of Finance directing the preparation of the cheque for \$12,000.

And this is a very interesting voucher indeed because it leaves no doubt at all about the urgency with respect to which this was to be treated. It had these words:

Approved, Priority please, funds requested as soon as possible.

And so that there would be no doubt whatsoever about the urgency with which Service Printing seemed to need the money, a rubber stamp appeared upon this particular payment which said, "Priority Voucher". It almost seems that there was a fright upon some person, despite the word or two they had to emphasize the urgency – "approved, priority please, funds requested as soon as possible" and "priority voucher". All of these separate notations upon the voucher requesting payment and all on that date.

Now, Mr. Speaker, this was then rushed away to the Department of Finance and it was processed, at least in part, that day because formal approval was given to it because under the "Audit Approved" part it received this stamp, "Passed, February 1, 1972". So the approval of the Minister, the preparation of the document by the Department of Industry and Commerce, the demand for urgent payment in that department and the processing of this voucher in the Department of Finance all occurred on that day.

However, it may well be that there was some edge taken off the urgency, perhaps more than one person had some uneasy feeling. In any event, it was not paid until the 3rd of February. A matter, I might say, which virtually sets even at that something close to a record in the annals of the handling of vouchers in government circles. Certainly, people are accustomed to waiting for weeks and weeks for payment from government. It seems that despite a demand by an officer that he receive written approval, despite the hold-up of a payment because of its illegality, despite that by an officer of the Government, it was still paid, despite a weekend intervening, on the 3rd of February.

I am led to quote from Mr. McIsaac's remarks in the committee as they appear in the report. I quote:

It is rather a remarkable example of expeditious treatment of an invoice, mailed from a firm in the city on January 28, apparently received in another building, it may have been delivered, then it went to a third office, the Department of Industry and back to the Queen's Printer, four different steps and transactions in one period. It is rather remarkable. One would wonder if all invoices received that kind of expeditious treatment by Her Majesty's mail.

Truly, he was, with tongue in cheek, wondering about the tremendous speed with which this invoice was handled.

Mr. Speaker, this is a very serious matter. It was, of course, ferreted out by the Provincial Auditor and he reported to the committee that this was an illegal payment under section 58 of The Department of Finance Act.

Mr. Romanow: — Wrong . . .

Mr. MacLeod: — I don't know whether the Member is saying that the Provincial Auditor was wrong. It may well be that the Hon. Members have failed to read or are afraid to read the report of the Provincial Auditor. But that was reported to the Public Accounts Committee and to the Members of this Legislature as being a transaction which was not authorized. It is an illegal transaction under section 58 of The Department of Finance Act.

The report of the committee, in very gentle terms, condemns the activity of the Government.

Now, Mr. Speaker, what has happened on numerous occasions is that we on this side of the House have condemned the Government for its almost thumb-to-nose treatment of the Opposition, for a thumb-to-nose treatment of the people of Saskatchewan, for its hand-in-the-pocket of the people of Saskatchewan. What this Government has done by this activity is, again, taken unto itself a profit of some \$5,000 or \$6,000 for its political party. It has done so without the least sign of embarrassment. It was done in the most open-handed banditry that I have ever seen.

Mr. Speaker, this should receive the condemnation of every Member of the House. It should receive the condemnation of each and every person in the Province of Saskatchewan because it is a flagrant violation of all honest treatment of the moneys of others, the moneys of the Province of Saskatchewan under trust handed over to the Government for proper and fair treatment. It is to be handled honestly. And what has happened is that this Government is simply and deliberately stealing money from the people of Saskatchewan.

This payment we completely illegal. We wonder why the Service Printing got government business in the first place. One now wonders if maybe Service Printing was not bailed out of a financial difficulty. We wonder if maybe Service Printing did not find itself, having subsidized the printing of many Members of the other side of the House during the last election, having found itself short of funds, was required to bail itself out at the expense of the people of Saskatchewan.

And the very urgency of the cheque on the 28th of January,

Mr. Speaker, indicates a shortness of funds on the part of Service Printing. An officer of the Treasury stated the obvious when I questioned him on the reason for having such an urgency for money, the official said this:

It is fairly obvious that the principal reason for priority is because people want money quickly.

And the reason that Service Printing wanted money quickly, one might well assume, is because it may have had some financial obligations, such shortage of money arising out of subsidization of the Members opposite during the last provincial election. And since it occurred in the last provincial election, it is, no doubt, going to do the same and subsidize the printing of Government Members opposite in the coming election. And what is happening here today, Mr. Speaker, is that this Government with the people's money is building up a fund with which to finance the election expenses of the Members opposite in the coming provincial election.

Mr. Speaker, it is part of an overall scheme and we will see the rest of the scheme when we see the election expenses Bill shortly to be dealt with in this House. What the Government intends to do is blatantly use the people's money, take this, fatten up its campaign. First of all, it has to fatten up what is a skinny treasury in Service Printing, otherwise they would surely not need money so desperately at the end of the month. But it is all part of the arrogant attitude of this Government, the determination of them to hold on to power at all costs and particularly at the cost of the people of Saskatchewan.

And from the remarks I have heard in the past, they are definitely afraid of spending any of their own money and they have commented to that extent on more than one occasion.

Mr. Speaker, in receiving this report, and I will support the motion of the Hon. Member from Regina Lakeview (Mr. McPherson), it is to be noted that the report has slapped the wrist of the Government with respect to its illegal handling of this transaction. I suggest, Mr. Speaker, that this point should be emphasized, the Members should recognize that when they vote for the report that they are recognizing that it is a condemnation of the Saskatchewan and I think that it is not nearly severe enough.

Some Hon. Members: — Hear, hear!

Mr. F. Meakes: — (Touchwood) Mr. Speaker, my first words in speaking to this motion are to say that I appreciate and I want to congratulate the chairman, the Hon. Member from Regina Lakeview. I believe he conducted the meetings of the committee in extremely able, and I was going to say, hurried, but I don't mean it that way, I mean that he kept the meetings going and I want to thank him very much for his chairmanship of the meetings.

Some Hon. Members: — Hear, hear!

Mr. Meakes: — I want now to turn to the remarks of the Hon. Member from Albert Park (Mr. MacLeod). I travelled with the Hon. Member last summer and I grew to have some respect for him, but after what I listened to today, I must say that I have a

harder time to respect him. He, as usual, “MacLeod” the issue, and if there was ever a tempest in the teapot, it was this one.

The first words that I want to argue with is what he said about the illegality of it. I want to say that he quoted the auditor wrong and I want to read from the auditor’s report, the last paragraph of page 10:

Therefore, it would appear that the payment of \$12,000 was made without proper authority.

Now, Mr. Speaker, I am not a lawyer but there is a heck of a difference between proper authority and illegality and stealing, and these are some of the words that my hon. friend was using. I just think that he has downgraded, really downgraded, this House by using this kind of language.

I said that he made a tempest in the teapot and I want to quote and try to prove that he made a tempest in the teapot. I shall quote from the verbatim of that day, March 21, page 156. He wondered about the speed of this payment and he went on and talked about this terrible urgency and he said, and I don’t want to quote him wrongly, that it was nearly a record in terms of getting the payment through. I am going to quote now, in part:

Mr. MacLeod: What date was that voucher actually paid?

Mr. Switzer: Well, it would appear from below that it was passed on February 2. It says “Audit Approved”.

Mr. Meakes: Mr. Chairman, just on that point. I see these three stamps “Audited By”, “Audit Approved” and another one, “Checked Audit Three”. Whose stamps are those? Is that the Audit Department?

The Chairman: Mr. Lutz, can you answer that?

Mr. Lutz: No, it is not.

The Chairman: Whose department is this?

Mr. Lutz: I believe the Treasury Pre-Audit. Is that right, Mr. Kerr?

Mr. Kerr: That is correct.

The Chairman: Treasury Pre-Audit. Go ahead, Mr. MacLeod.

Mr. MacLeod: Do I understand that this voucher, which was typed up and prepared by you on February 1, 1972, was sent over to the Industry and Commerce Department and the “Audit Approved, Passed February 1, 1972” processing occurred in the Department of the Provincial Treasurer on the 1st of February? Is that correct?

Mr. Switzer: They would pay the cheque.

Mr. MacLeod: But that “Audit Approved” stamp at the bottom, that’s the Treasury Department not yours.

Mr. Switzer: That is the Treasury Department stamp.

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Mr. Faris: Mr. Chairman, here is one more stamp, I think, "February 3" in the right hand column. Whose stamp is that and what would that relate to?

The Chairman: Mr. Kerr, can you answer that one?

Mr. Kerr: Mr. Chairman, that date was put on on our mail desk. That indicates the date the cheque was mailed.

The Chairman: It was mailed on February 3.

Mr. MacLeod: Was the cheque actually mailed or was it delivered by hand.

Mr. Kerr: I would suspect that it was mailed, Mr. Chairman, It could have been picked up but usually when they're picked up there is a signature acknowledging receipt of the cheque and there is no signature so I would assume it was mailed.

Mr. McIsaac: What's the normal time that elapses in Treasury from the receipt of a voucher like this from departments before they are audited and a cheque issued?

Mr. Kerr: It is very difficult to generalize on this point, Mr. Chairman, because it varies considerably from one period to another and from one season of the year to another, but generally we try to put things through within a period of five days but sometimes it can be a bit longer.

Mr. Faris: Mr. Kerr, there must be a pattern.

Mr. Kerr: We have a system of giving priority where priority is required. We have two levels of priority, the matter of an hour or two . . . (Inaudible)

And here my friends was talking about what a record time it was, that it was three days. I just want to re-emphasize that what Mr. Kerr said way, "We have a system of giving priority where priority is required. We have two levels of priority the matter of an hour or two . . . "(Inaudible) . . . the machine didn't pick up here.

Mr. Faris: There must be a category of priority voucher as would be indicated by this stamp. This stamp was originated just for this voucher?

Mr. Kerr: No, we use it 100 times every day.

Mr. MacLeod: How many cheques are written in a day?

Mr. Kerr: About 4, 000

Mr. MacLeod: So if this is used 100 times, I assume that's a figure of speech. Is that correct?

Mr. Kerr: Yes, it's used many times every day.

Mr. McIsaac: Would it be normal treatment for a priority voucher to be handled within a number of hours?

Mr. Kerr: That's correct, Mr. Chairman.

Mr. Speaker, I could go on and quote much more but I quote this to show that when I said that the Hon. Member was creating a tempest in the teapot, when the Comptroller of the Province of Saskatchewan says that it is done 100 times a day some days.

I really think that the Hon. Member is playing cheap, cheap politics. If that, Mr. Speaker, had been Commercial Printers or some other printing establishment in this province or in this city, nothing would have been said, they wouldn't even ask the question.

Before I sit down, Mr. Speaker, I want to say that I am quite prepared to go along with the report and I agree with the report and I am satisfied with the report the way it is worded but I do object to a Member of this House getting up and saying it was illegal. I am not a lawyer so I am not going to get involved in words. But when he gets up and says these accusations of stealing money from the Government and that we on this side are going to be feathering our pockets with this money, I must, Mr. Speaker, say that this is very, very cheap politics and I object to it.

I am happy to support my hon. friend's motion but I object to the remarks made by the Hon. Member from Albert Park.

Some Hon. Members: — Hear, hear!

Mr. J. C. McIsaac: — Mr. Speaker, on this particular report that is before us and the question of whether or not the payment that has been referred to was illegal or whether it was not legal, I think there has been some argument here.

The Attorney General and many others opposite seem to feel that it is perfectly all right to make an illegal payment as was certainly demonstrated very clearly in the committee's report. I am very surprised, Mr. Speaker, that my old friend the Member for Touchwood (Mr. Meakes) would get up and try and pull a snow job on this particular principle, arguing as to when the cheque was issued. It's a matter of how the cheque came to be issued that's the case in point. How did this cheque come to be issued? That is the illegal aspect of this particular payment, Mr. Speaker.

And I refer you, Mr. Speaker, and the Attorney General and all Members opposite to page 10 of the report of the Provincial Auditor for the year ending March 31, 1972. He quotes section 58 of The Treasury Department Act and I shall read from the report for the benefit of the Attorney General:

No payment shall be made for the performance of work or the supply of goods, whether under contract or not, in connection with any part of the Public Service unless in addition to any other voucher or certificate that is required, the deputy of the appropriate minister or other officer authorized by that deputy certifies: (a) that the work has been performed and the material has been supplied or that the work has been performed and the material has been supplied and that the price charged is according to contract.

Now that's section 58. It's been referred to and I'll refer to it later in a few moments. Further down the page, page 10,

quoting from the report of the Auditor, he says, and I quote:

There was no provision for any advance payment in the order placed with the supplier. The goods ordered had not been received by the Department of Industry and Commerce up to the date of the advance payment although they were subsequently received on March 28.

One month later, one month after this request for payment. Mr. Speaker, this is where the fact can be stated that this was indeed an illegal payment, one authorized by the Minister of Industry who sits in this House today. We haven't heard him get up in this debate to give any justification as to why he ordered a move like that.

I want to quote also from page 140 of the verbatim account of the proceedings of the committee on March 21. I'll begin about the middle of page 140. It's a question from Mr. Engel and he says:

If Service Printing would have waited until they had the job completed and got their \$28,000, there would have been no comment or no problem. It was quite in the idea that somebody authorized the \$12,000 advance.

To which Mr. Lutz, the auditor replied:

Under section 58 of The Treasury Department Act an advance payment is not legal.

Now if it's not legal, Mr. Speaker, I think the Hon. Member from Albert Park (Mr. MacLeod) is justified in concluding this case was illegal. This is the point, Mr. Speaker, and this is the basis for the remarks made by the Hon. Member for Albert Park. And I'd have to say in a general way as far as the work of the committee in studying the various departments, it was the only serious misdemeanor, if you like, that was uncovered. And I say it was, I say it was more than a serious misdemeanor in that sense because it involved this Government and their family-owned printing corporation, hustling in to bail them out at the authorization and request of the Minister of Industry. We haven't had an explanation from the Minister as to why he felt it necessary to authorize and rush advance payment when they didn't get the pamphlets for a month later. It seems to me, Mr. Speaker, we had contemplated asking the Minister as to why he felt it necessary to authorize a rush advance payment when they didn't get the pamphlets for a month later. It seems to me, Mr. Speaker, we had contemplated asking the Minister to appear before the committee but we felt he would have the opportunity in this debate in the Legislature to get up and tell us why he made such a move at that particular time. And I'll be anxiously awaiting his entry into this debate.

Some Hon. Members: — Hear, hear!

Mr. A. R. Guy: — (Athabasca) Mr. Speaker, I thought we could perhaps hear a word from the Minister of Industry but I'm sure now after I make a few comments that he will. You know, it's serious enough at any time or under any circumstances for the Government to act in the way that they did. It was serious enough for the Provincial Auditor to see fit to put it in his annual report. And it would, as I say, have been serious enough for any expenditure. But it's doubly serious due to the fact that out of all the payments that were made during the year under review, there was only one payment that was made on an illegal basis. And that was a

payment to the Government's own printing company. I think the question has been very well raised by my two colleagues. It was illegal because the auditor said it was not legal. It was not legal and it's not legal to make an advance payment when goods have not been received and the goods were not received, I understand, for another three or four weeks. That's what makes this such a particularly heinous crime because they have, out of all the hundreds of thousands of payments that are made every year, and made this year under the previous budget, made only one where the advance payment was made without authority and without the receipt of goods and that was a payment to their own printing company.

The Member for Touchwood (Mr. Meakes) said if it had been one of the other printing companies we probably wouldn't have heard about it, if it has been any of the other printing companies nothing would have been said. I want to tell you, Mr. Speaker, if it had been one of the other printing companies it wouldn't have been done. They would have waited the full time. The company wouldn't have received one penny until their absolute commitment of providing the services had been completed. All the printing would have had to be on the desks of those who had ordered it. It would have been checked to see that every piece was there before any payment was made. But, oh no, not with Service Printing. All they have to do is pick up the phone and say, we're in financial difficulties, I want my cheque today. And thank heavens Mr. Switzer was enough of a civil servant to know that this was wrong and he refused to do so. So what was the next step? Service Printing gets on the phone and he phones Mr. Thorson, the Minister, and he says, "Kim, old baby, we're going broke, we're going broke, we need money, we have to pay our staff." So what happens, Kim gets on the blower, phones down and says, "I want it stamped top priority," and it goes through. He says, "Don't worry whether we got the goods or not, that doesn't matter, Service Printing needs the money. Give them the money, give them an advance. I'm the authority. We don't have to go by what the law says. I'm the law for the Department of Industry and particularly, I'm the law for payments to Service Printing." And so the money goes, \$12,000, illegally to Service Printing without any of the goods being provided that they had contracted for just because the Minister is sympathetic to his own company which he and the Members over there have to take full responsibility for.

Well, Mr. Speaker, you know, for some time we have questioned the propriety of the Government giving the taxpayers' money to its own printing company. \$465,000 from 1944 to 1964. Then they started it again when they became the Government in 1971 and \$92,000 was given to the end of 1972. 48 orders were given to this printing company and only two of them tendered and 46 are allotted. The other companies didn't even have a chance to tender on them. The taxpayers' money was taken and given to their own printing company deliberately by the Government opposite. Not only was it morally wrong, wrong to do it without tendering it, but now they've started making payments to the company without ever receiving the work. That's where it's getting even worse. The taxpayers' money going to their own completely and solely owned printing company and now they don't even have to provide the work. They phone the Minister and say, "Look, we're short of cash, please get a cheque to us." The Minister picks up the phone, phones the Treasury Board and says, "Get some money down to Service Printing. We haven't received the printing order yet, but don't worry." Well, if they can do it once,

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Mr. Speaker, they can be doing it day after day, week after week, month after month.

An Hon. Member: — And minute after minute.

Mr. Guy: — And maybe minute after minute. You said it, I didn't. You're in the know, you're one of the shareholders of this company. Well, they've taken \$92,000 since they came back in 1971. As I said, 48 orders, 46 of them handed to them, two of them tendered. And then the Members sit opposite and they laugh. I think that the Minister of Industry, as a Minister of the Crown, who took the oath when he became the Minister that he would, to the best of his ability, carry out his responsibilities in the best interests of this province, must be hanging his head in shame today when he is the first Minister from that side to have been condemned by the auditor for giving authority to a company that he is part owner of, that his party is part owner of, without receiving any of the goods that had been contracted for. Does he call that carrying out his responsibilities that he took the oath for when he became a Minister? I would suggest, Mr. Speaker, that the Minister should very seriously consider resigning his seat on such a serious matter as this. Yes, Members laugh over there, but I'll tell you, Mr. Speaker, that if they continue to carry out these practices in regard to Service Printing the people of Saskatchewan won't be laughing and the Government will feel the full thrust of their condemnation as soon as they get the courage to call another election.

Some Hon. Members: — Hear, hear!

Mr. E. F. Gardner: — (Moosomin) Mr. Speaker, I've sat here rather appalled and amazed at these charges of an illegal act by this NDP Government. Perhaps all of the Ministers over there, particularly the Minister of Industry Commerce who is responsible for this would like a little more time to check into the facts. This is certainly a very serious charge and I'm sure that some other Members would like to speak on this. I, therefore, ask leave to adjourn the debate.

Debate adjourned.

SECOND READINGS

Mr. H. Owens (Elrose) moved second reading of Bill No. 101 – An Act to amend The Medical Profession Act be now read a second time and referred to the Select Standing Committee on Law Amendments and Delegated Powers.

He said: Mr. Speaker, this Bill contains only one amendment. It is concerned with the age at which a person may lawfully consent to receiving a medical service.

Prior to 1970 the age of majority of this province governing virtually all matters over which the Province had jurisdiction was 21 years. In 1970 this age was reduced to 19 years by The Becoming of Age Act, 1970. In 1972 this age was further reduced to 18 years by The Age of Majority Act, 1972.

For the purpose of giving consent for medical treatment as well as for all other matters over which the Province of

Saskatchewan has legislative jurisdiction the age at which this may legally be done is, therefore, 18 years of age or over. In recent decades in this country people have become much more mobile than was previously the case. Persons working for national business concerns may be quickly transferred from one part of the country to another. In addition, the accelerated use of the automobile, together with a marked improvement in our highways since the end of the last war has resulted in thousands of persons travelling to other parts of the country for vacation purposes.

In addition to the general mobility of our population the younger members of our community have tended to become much more mobile and transient than was formerly the case. Persons who are 16 or 17 years of age will often be employed in positions requiring them to be located away from home. In addition, high school students either in groups or individually spend much more time travelling while on vacation than was formerly the case.

At the present time a physician does not, except in cases of emergency, have the authority to provide a professional service to a person who is 16 or 17 years old and who is for the time being or permanently away from home unless the parent or guardian consents. The practical problem is that in many cases it is difficult or impossible to contact the parent immediately thereby delaying the provision of a service that should be provided.

The proposed amendment will resolve this problem by authorizing a 16 year old to consent to receiving a medical service. When the 16 year old does give consent, the consent of the parent or guardian is not required.

These provisions are similar to the provisions contained in The Family Law Reform Act which was enacted in the United Kingdom in 1969.

It should be noted that the reduction of the age of consent to 16 years of age does not apply to the procurement of a miscarriage. In any such case where the patient is under 18 years of age, the consent of the parent or guardian for the provision of medical services will continue to be required.

Therefore, Mr. Speaker, I would move that Bill No. 101 an Act to amend The Medical Profession Act be now read a second time and be referred to the Select Standing Committee on Law Amendments and Delegated Powers.

Mr. K. R. MacLeod: — (Regina Albert Park) Mr. Speaker, I must say that this particular Bill is one that causes me more than a little concern, though I have some sympathy with the general outline and the remarks of the Hon. Member from Elrose. I do find, however, that the Bill, as I studied it, gives effect to what he said. This, of course, is one reason for it to go to the Law Amendments Committee which has not, as I understand it, power to amend these Bills. In any event, Mr. Speaker, this is a matter which would require, I think, some severe and full debate in this House. There is a particular problem with respect to persons 16 years of age and over and for that matter, some persons of 14 and 15 years of age who are away from their parents, people who are travelling through the province from other parts of the country, people who cannot readily get in touch with their parents but who,

nonetheless, require urgent medical services.

There is another problem and that is the fact that many of our young people nowadays have been contracting diseases as a result of the more liberal society. Perhaps I should reword that one – the problem of the contraction of diseases by many of our young people arising out of their more frequent attention to each other on a more definite and intimate scale. The transmission, therefore, of germs of this type seems to have reached an all time high. And as the law now stands people cannot, 16 year olds and 17 year olds, cannot be treated for social disease without having the consent of their parents. This represents a very severe problem because of the emotional and moral difficulties that the parents may have. The consequent result that many young people requiring medical attention do not get that attention and they do not seek that attention because they do not want this information transmitted to the parents.

Because of that, Mr. Speaker, I recognize the difficulty in the problem raised by the Hon. Member for Elrose (Mr. Owens). The Bill, however, as drawn (section 69A) is entirely too broad, and does not solve the problem without throwing the gates wide open. There are many, many cases nowadays where children are leaving home, they are ignoring parental authority, they are doing what they want and when they want. And the laws more and more are destroying parental authority without which eventually the very legal and moral fabric of the nation will be destroyed.

And because of the continuous reduction in the age of maturity – the legal age of 21 has in rapid order been reduced to 19 and then to 18 and now for a large and very significant matter is proposed to be reduced to 16. And that is really what this Act proposes, that people of age 16 for the matters referred to in section 69A are to be regarded as full and consenting adults. Mr. Speaker, that is farther than I would be prepared to go, at least at this stage.

I have concluded, after some personal struggle with this question, that I would have to oppose this Bill, not because I do not want to see some of the changes made as suggested by the Hon. Member for Elrose, but because this one goes so far that a child may have a serious operation, a 16 year old girl may well desire to be sterilized, and she may give the consent to be sterilized perhaps thinking momentarily and foolishly that this was a good thing to happen. She has the legal power under this Act to give that consent. I would oppose that. She should not have that power. She should not be able to give that consent at the age of 16.

It is unfortunate that people have the power to make decisions which are lasting and permanent in their life at a time when they are least able to apply mature judgment to the making of that decision. A 16 year old is not mentally and emotionally mature enough to make many of the decisions that they would be called upon to make under this Bill. Consequently, while I would support a more restricted Bill, a Bill which sets out more specifically and carefully those circumstances where her or his consent would be effective, I will not support this Bill. Surely, it is not beyond the power of the Department of the Attorney General to draft a Bill which would to a considerable extent outline those particular problem areas where consent cannot effectively be obtained and bring that Bill

to the House and I would support it, because I do realize that there are cases of people 16 and 17 who find themselves desperately in need of medical service and the doctors are reluctant to go ahead with it, reluctant in many cases wrongfully because they are afraid of a law suit by taking the consent of a 16 year old without consent of the guardian. It is the reluctance of the medical profession to proceed in these cases that has caused part of the problem although I am certainly not blaming them and I support their position on this matter. I support the general theory outlined by the Hon. Member for Elrose the the examples he gave.

I will oppose this Bill for the reasons that I have outlined.

Mr. D. Boldt: — (Rosthern) Mr. Speaker, I want to say a few words on it as well. I certainly cannot support this Bill. I am surprised that the Member from Elrose (Mr. Owens) having the age that he has he might not care. His children are grown up and he has no responsibility in that regard.

But I think parents who have children that are 18 years and younger are certainly concerned about this Bill.

Firstly, we have given in to, if this is a concern with the medical profession, we have given in to them from the 21 year old down to the 18 year old, and now we are going to go another step to the 16 year old. I certainly think that it is a very dangerous Bill to go ahead with.

A 16 year old girl or boy can make many decisions now which the parents are not aware of. And certainly a 16 year old is not mature. As the Member from Albert Park stated, a girl can go ahead and be sterilized, a boy can be sterilized at age 16 and 17. Then later on at 21 they would regret this very much. I think we have the responsibility to tell our parents and our children that they are still children at 16, 17 and 18 and that their place is at home not scattered all over the country so that parents know where they are.

I want to go on record as opposing this Bill.

Mr. D. G. Steuart: — (Leader of the Opposition) Mr. Speaker, since this an open and free vote and it's a question of everyone's outlook I am sure that no one will be surprised when we differ as we do differ obviously on this side of the House about this particular matter.

There are some possibilities that will be opened up if this Bill is passed that concern me and, I am sure, concern everyone in the House. It will concern the medical profession, parents and a great many people as well.

However, I think we are tending to look at this always from the point of view of the worst that might happen. I think that speaking of the vast majority of doctors, I would say 95 or 98 per cent of the doctors, I have confidence would not perform some types of operations on children or on 16 or 17 year olds that they know are in their own home or in their own area without seeking the approval of their parents to begin with.

In the second place, I think that if there are doctors who

may do this, then I think they are the kind of doctors who would do it anyway. This does happen. We have had abortions committed when they were illegal, we still have illegal operations done. So I think that if they are going to do it in an irresponsible way they are probably doing it now and this will neither help or hurt them.

In regard to the children themselves, or the young people themselves, I think if they haven't by the age of 16 or 17 developed a relationship with their parents, an honest relationship with their parents and a feeling of mutual confidence, then they can, I am sure and it does happen unfortunately, find unscrupulous medical men or sometimes quacks who will perform operations or give them drugs that will be harmful to them. Unfortunately, this happens and what we should look at in this Bill is the positive viewpoint that right now there are not just people wandering around the country but there are young people who need medical attention. Sometimes they can't find their parents, sometimes they come from broken homes and they can't find their parents and this doesn't mean they are scattered all over the country. We sometimes tend to think always of the irresponsible child or young person, let's start looking at the irresponsible adult and there are lots of them in our society, unfortunately.

I am sure doctors are being put on the spot too often where there should be some medical attention given to people who are 16 and 17 year olds and they just can't find the parents and sometimes because of certain reasons they might not be able to get their permission, yet it might be very vital to the health of the individual concerned.

While I do have, as I am sure everybody has, some honest misgivings about the side effects that might be produced from this Bill, I think that it is worth an experiment and we are never that far away from the Legislative Assembly if we find that a result of passing this Bill, if indeed we do pass it, some of the things that the Members who are opposed to this genuinely fear might happen, in fact, find that they are happening to any great extent. It isn't inconceivable that we couldn't at the next sitting or subsequent sitting of the Legislature change the Bill and take away that privilege, if it can be called that, it is a privilege in some ways. It is a very serious responsibility both to the doctors and to the young people concerned and take it away from them, we say I am sorry but the indications are that either group or both groups can't handle this or aren't handling it properly. What we do, we can undo. So for those reasons I intend to support the Bill.

Hon. A. E. Blakeney: — (Premier) Mr. Speaker, I should like to take the same position with respect to this Bill as the Leader of the Opposition. I will be frank in saying I had some misgivings about this Bill partly because of the reasons expressed by the Member for Albert Park (Mr. MacLeod), that there is a real difficulty in maintaining the family as a social unit, that certainly we ought not to do anything which undermines the stability of the family, and that it can be argued that this Bill might have such an influence.

I do feel, however, that I should like to see this House pass this Bill in principle, refer it to the Law Amendments Committee where the representatives of either the Saskatchewan

Medical Association or the College of Physicians and Surgeons will be there and we can at that time put to them the questions which are of particular concern to us and receive from them their comments on the situations with which they would like to deal.

This Bill is not in any sense a Bill which sets out Government policy. Otherwise, of course, it would have been introduced by a Minister of the Crown. This Bill, as I am sure the Minister of Health will make clear, was requested by the College of Physicians and Surgeons or the Saskatchewan Medical Association. The medical profession wanted this Legislature to deal with genuine problems which they encounter in the practice of their profession. I know that they would not be requesting this if they felt that it was likely to be abused by a significant number of their profession. I feel that this would be the responsible way to deal with this Bill.

I should like to emphasize again one of the points made by the Leader of the Opposition. We sometimes feel that when young people are separated from their parents, it is always because the young people are away from their home. In fact, the reverse may be the case.

The fact is that young people are travelling a great deal more, and travelling on perfectly legitimate trips, perfectly legitimate journeys. My own children have been making a practice during their teens of journeying up to northern Saskatchewan in the summer time to take canoe trips and they are very far separated from their parents. I am not suggesting that under those circumstances any medical attention that they might need might not fall into the category of an emergency. Nonetheless it is difficult to put a medical practitioner into the very difficult position of having to decide whether or not this young person who stands before him and asserts that he needs some care is in an emergency situation. In such a case, the separation is surely not one that is in any way destructive of family life.

I think back on occasions when, perhaps improperly, my wife and I have gone away in the car and left a 17 year old home to look after the House. I frankly admit I have neglected to leave any certificate appointing anyone a temporary guardian to deal with any situations which may arise. Perhaps all of the situations would be ones dealt with under the category of an emergency and then again perhaps they wouldn't. Perhaps my wife and I would be able to be reached and then again perhaps we are on the road and not easily reached.

It is not only young people who are travelling much more. It is parents who are travelling much more. Parents are travelling and leaving their responsible 16 and 17 year old young people at home. I think that all of us who have teenagers have probably been guilty of that particular conduct. I doubt whether we regard the guilt as very heavy.

I share with the Leader of the Opposition the general view that if I as a parent have not made my mark on my sons or daughters by the time they are 16, I am not likely to influence them very effectively by any regulations after that time. If I feel that they are responsible and can look after themselves for a day or two or even more while my wife and I are away, that is surely not bestowing upon them any excessive measure of responsibility.

So I think that the situations that this Bill seeks to deal with are arising much more frequently. That this is the case I think is evidenced by the fact that the medical profession is asking us to cope with it. It may be that the choice of language is too wide. A specific effort has been made, as those who have perused the Bill will note, to exclude any suggestions of authorizing therapeutic abortions, where other considerations may arise. And we are trying to deal with what might be thought of as ordinary medical situations. It may be that we haven't been sufficiently restrictive. But I think that the particular circumstances with which we are trying to deal would better come out in the Committee of Law Amendments when representatives of the medical profession will be there. I believe that the responsible way that we can deal with this Bill is to pass it, reserving the right to reject it on third reading if we don't like the proceedings as they develop in the Committee of Law Amendments, if we feel that the explanations of the medical profession are inadequate.

I think that this would be a responsible way to deal with this Bill, to send it on from this House to that committee and to reserve our right to differ from it when it comes out of the committee. That will be the position I will take, I emphasize that I am speaking as the Member for Regina Centre and not as the Leader of the Government. This is a measure on which we on this side of the House, and I gather Members on the other side of the House, are taking the view that it is a totally and completely free vote. It does not represent the party policy of the party on your left, Mr. Speaker, or on your right. We are dealing with a social problem which has been raised with us by the medical profession. We offer this solution. We offer to the House the opportunity to question the medical profession on why they have suggested this to us. I believe this to be a responsible way to deal with what is apparently a growing social problem. I invite the House to follow that course of action.

Mr. D. F. MacDonald: — (Moose Jaw North) Mr. Speaker, I should like to say a few words on this. I have taken the liberty of contacting the medical profession and I don't propose to speak for them but I am convinced that they endorse this Bill completely, without reservations, as I understand it. I understand that this is unanimous as far as I am able to determine. I have no doubt about the problems that physicians have, especially with transient youth. I recognize their problems and I am in sympathy with the position that they find themselves in.

I think that we have a problem. I think that if we don't pass this kind of legislation we are going to have such problems as treatment is not going to be given when it is needed. I think that it goes further than treatment, I think that it also includes advice. If there is a need for advice, this, again, under present laws the physician is not able or should not give advice. I think this leads to treatment of the young people by quacks and leads to the taking of poor and substandard medication. So I do feel that there is a need for this type of legislation.

I think one of the arguments that we are going to hear, and I think that it is a serious argument, is that somehow this legislation erodes some of the rights of the family. I am not really sure that this is a valid proposition. I think that parents and families even with the legislation still have the

authority and the rights that they do have now.

I don't think, or I will say this, that it will allow 16 and 17 year olds legally to disregard the parental authority, but I think that if they are so inclined to disregard parental authority then do the parents really have the authority or do they just think they have? They don't have the authority or do they just think they have? They don't have the authority in any real sense. I am not sure that it is a valid proposition.

I think that we should also remember that with this Bill, it still leaves moral and medical judgment in the hands of the doctor. This doesn't compel a doctor to do anything. I don't think that I am willing to accept the premise that this Bill will affect the morals of our young people or that it would encourage sexual promiscuity as some people will suggest or that it will encourage or stimulate more transients or unnecessary youthful transients nor do I think that it will encourage a disrespect for parental authority.

At this point I intend to support the Bill. I am not rigid on this position and I should like to hear further debate. I think that it is a very difficult question. I know that my wife is opposed to it and we have had serious discussions and she is very opposed to it. It becomes a very difficult question to decide.

I think that I should like to listen to further debate and I should not like to see this legislation hurried through the House. I think that some publicity should be given the question so that the public have the right to know that it is being dealt with in this House and have a chance to react. It is a social and moral question and I think that our constituents should have the right at least to know that this debate is going on and to register their feelings with us.

At this point I intend to support the Bill.

Some Hon. Members: — Hear, hear!

Mr. E. F. Gardner: — (Moosomin) Mr. Speaker, I might say at the outset that I intend to oppose this Bill. I am reluctant to take an extreme position on it. I agree with the arguments of people on both sides of the House who feel that young people are more mature. We talked about the number of transients and I can't see that this is that terrific a problem. I believe the percentage would be rather small.

I would have hoped that some arrangements could be made, could be looked at, whereby the Department of Social Services could give their consent in these particular cases. Now if this is impossible perhaps someone would point this out. But when people are 16 or 17 years of age it is very difficult to make decisions of this type. It is a decision that they might regret later. I think at that time they need someone whom they can sit down with and discuss the problem with. It is a difficult decision often for people of an older age, 20 or older, but certainly at 16 or 17 it is a difficult decision at times. If no parent is available I would think that there could be some guidance counsellors from the Department of Social Services. This would apply not only to transients but to young people who are living away from home. Some type of regulations whereby they could be contacted, they could sit down with the person,

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the young person, discuss the problem and see if some solution could be worked out. Perhaps they could get some guidance in this way.

I am sympathetic to the medical profession. I realize the problem that they face but I really believe that there is some other way of handling it rather than insisting that the person at this age, 16 or 17, make the decision on his own. I realize certainly that parents aren't always available because of travelling, broken homes or just don't care for some reason other than that. I would hope that someone could be substituted for the parents in this particular case and this is why I would like to suggest that it should be a guidance counsellor from the Department of Social Services. Because I feel that perhaps it could be done in a better manner, I will be opposing the Bill.

Mr. A. W. Engel: — (Notukeu-Willow Bunch) Mr. Speaker, I should like to enter this debate for several reasons.

If for one minute I should think that this piece of legislation is condoning permissiveness I would be very strong in my remarks as far as opposing this piece of legislation.

When you look at the problem that exists today and the number of young people who are that involved, possibly because of a permissive society, those young people who have contracted possibly venereal disease and don't want to share this problem with their parents, that kind of problem exists today without this Bill or without this kind of legislation.

How do we help these young people? How do we develop a society that will have the answers? How do we assure that this up-coming generation will have the proper environment where young people can grow up? Like the Member for Moosomin just suggested, they should be in a position where they can get some advice, some parental advice. This, to me, presents a serious problem. On the other hand when I think of the many cases where the putting off of treatment and putting off seeing a doctor, and from doctor friends that I have contacted since this Bill was first discussed in our caucus, I have changed my view considerably on this matter.

I believe in the value of a family structure. I believe that to maintain a good family relationship and a place where I can develop the confidence of my son to communicate with me on problems that he is facing, I don't think this piece of legislation is stepping in the way and breaking down that kind of communication.

I agree with the Premier when he says that by the time the young person is a 16 year old he will have either found a home where he can communicate, where parents are there and are taking an interest in making themselves available or will have a group in our society like we are facing today, that need help and yet won't go for it because there is a breakdown in communications between themselves and their parents or their parents have been divorced or separated or gone and they are not available for consent.

My colleague's comments at the opening, I would really

question. I am not so sure how many young people between the ages of 16 and 18 have positions with companies that are likely to transfer them away from home. I don't think the problem really exists on that level.

The young people who have a job and are working and have a security are usually young people that have had that kind of parental background that have found themselves stable in society.

I feel that there are young people who need help. I feel that this Bill is going to reach that kind of people so, therefore, I will support this Bill.

Some Hon. Members: — Hear, hear!

Hon. W. E. Smishek: — (Minister of Public Health) Mr. Speaker, I am going to support the Bill. I am pleased to hear the expressions of support from so many Members, at the same time I want to say that I respect the opinions expressed by those that have some doubts about this Bill.

I might advise the House that in the last 20 months there have been parents, physicians, hospital administrators and people from the family planning associations who have talked to me about bringing in legislation of this nature. Doctors and hospital administrators, particularly, from time to time experience difficulties in providing urgently needed medical and hospital services to 16 and 17 year olds.

At a meeting held on January 22 of this year, representatives of the Saskatchewan Medical Association and the College of Physicians and Surgeons expressed to me their concern over this question. I might say that they also made the same kind of representation a year ago. I am also aware that they made representations to the Hon. Mr. Grant when he was Minister of Health. At that time they assured me that they would publicly support measures to lower the age of consent to 16. And you will have noticed in our paper, the Leader-Post, last night the medical profession council met on the weekend and gave endorsement and support and commendation to this proposal.

In Saskatchewan today a person below the age of majority can be living away from home, can be supporting himself, can possess his own social security number, can have a valid and distinct Saskatchewan Medical and Hospital card. In short, a person whom his family, community and his associates recognize to be managing his own life, because of age restriction, can be barred from giving his own consent for medical treatment. For most people the age of majority is not a pressing problem but one of increasing concern to physicians and 16 year olds.

In modern society the age of 16 implies a certain landmark. 16 years old may leave school without fear of reprisal and seek employment. They can drive automobiles and be held criminally responsible in case of accidents. They may marry with consent of parents and guardians and these practices have gained increasing acceptance by the society.

In recent decades people have become much more mobile than was previously the case. Young people in particular have tended to travel more widely and for longer periods of time. 16 and 17 year olds will often be employed in positions

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requiring them to be located away from home. In addition, high school students, either in groups or as individuals, spend much more time travelling away from home while on vacation.

At the present time a physician does not, except in case of emergency, have the authority to provide professional services to a person who is 16 or 17 years old unless the parent or guardian consents.

Because of practical problems of delivering medical treatment to adolescents and the real needs of some teenagers for special medical treatment, the legal restrictions of age of consent may stand as a barrier to good health and care.

In many cases it is difficult or impossible to contact the parents immediately thereby delaying needed treatment. A special treatment problem arises where the juvenile is experiencing an overdose of drugs, a young woman asks for contraceptive devices, or a single moth-to-be requires prenatal care.

Let me give you some examples. Among adolescent drug users, it is increasingly prevalent for juveniles to refuse to supply the name of the parents or the guardians. A doctor is caught in a legal squeeze. Attempts are made to determine the whereabouts of parents and failing that medical care must be given.

Let us look at the case of a married teenager. When teenagers under the age of 18 get married does the authority for medical consent pass to the underage married couple or does it remain with the parents. Legal opinion on this particular question is divided.

Let us look at the case of the single mother who has left home. A single mother has permission to leave the protective care of her parents and to assume custody of her child, but can the single mother give legal consent for her own and her child's medical treatment before she has reached the age of 18? As I said legal opinion on this is divided. The legal opinion would suggest that the underage mother cannot consent to medical treatment for herself and there is some question as to whether or not she can legally consent to treatment for her child until she has reached the age of 18.

The fact is that the legal barrier of parental consent may stand in the way of the provision of medical and hospital services to young adults when they need it most.

I cannot give the House any statistics on the cases of drug overdoses because this information is not available. I can tell you as far as pregnancies in the 16 and 17 year old groups are concerned, there were a total of 751 reported in 1971 of whom 426, approximately 60 per cent, were illegitimate. I have no reason to believe that these figures have improved since 1971.

However, the proposed amendment does not allow for therapeutic abortions to be carried out on 16 and 17 year olds without parental consent. I want to make that particular point quite clear and I think that is pretty well understood. Section 3 of the proposed amendment specifically excludes this kind of procedure.

In this day and age many youngsters by the time they reach the age of 16 are in some ways more mature and sophisticated

than our generation was at 18 or even 21. I don't know whether this is a desirable situation or not. But the hastening of maturity has been recognized to some extent in the reduction of the age of majority in this province. What is being asked for now is authority for 16 or 17 year olds to give consent to his or her own medical and hospital treatment without necessarily having first to obtain the consent of the parents.

In this regard I draw your attention to the fact that we have already gone some way in the province in dealing with the problem since our Venereal Disease Prevention Act authorizes the necessary treatment can be provided to 16 and 17 year olds without parental consent. This was a point which was raised by the Hon. Member for Albert Park (Mr. MacLeod) of whether the Act will provide for this. Well, the truth is that The Venereal Disease Prevention Act does provide for treatment of 16 and 17 year olds without requiring consent of the parents. This same situation exists in other provinces.

The Child Welfare Act in our province also sets 16 years as the age limit for neglected children. In other words, this is the maximum age for which the provincial authority or authorities may assume responsibility for ensuring care including medical and hospital services of a child when a family is unable or unwilling to do so. It also means that according to our Child Welfare Act the 16 and 17 year old can exercise the legal right to leave his parents or the parents can legally abandon responsibility to provide for the children. If there is no legal provision for them to consent to medical and hospital care themselves this somehow does not make sense and it seems to me that this is an undesirable kind of situation. Prevention, early care, treatment and knowledge of special medical problems of adolescents is sometimes hampered by the law that says the 16 and 17 year old cannot receive attention without parental consent. There are over 40,000 young people in Saskatchewan between the ages of 16 and 17 years of age. Last year 750 of these young people received marriage licences, just for the information of the House. Are these young people to be denied the right to give their consent or to their children for medical treatment?

As I mentioned before hospitals and physicians are regularly faced with persons between the age of 16 and 18 requiring emergency care in the absence of parents or unwillingness of the adolescents to have parents notified. Let us make it possible for our physicians and hospitals to give them this needed help without the patients feeling harassed about the parental consent and the doctors and hospitals feeling guilty that they are breaking the law.

Mr. Speaker, this amendment has been discussed with representatives of the medical profession, the College and the SMA. It has the support of these groups. I know it has the support of others. The proposal is to have a free vote on this Bill and to have it referred to the Law Amendments Committee. There are several questions that have been raised by Members in debate, perhaps these can be reviewed by the Law Amendments Committee.

With these few remarks I do urge you to support this Bill.

Some Hon. Members: — Hear, hear!

Mr. J. C. McIsaac: — (Wilkie) Mr. Speaker, just a few brief words on this Bill. I was interested more so than on most occasions when the Minister of Public Health speaks in a debate. I think he did clear up a number of points here that should help set out the issue that we are really debating here. I was pleased to hear him say, I wasn't completely aware before, that the question insofar as treatment of venereal diseases to 16 and 17 year olds not in any way to be affected by this Act because that is now provided in other legislation. Also, of course, it is clearly set out in the Bill the question of abortions in any way, shape or form is not included so that certainly does, in essence, narrow the field about which we are talking when we speak of reducing the age of consent from 18 to 16.

Mr. Speaker, I personally support the Bill as it stands and I think there have been a number of good points made on both sides this afternoon with respect to the debate. It could be when we get into the Law Amendments Committee there may be other facts and other angles and other aspects that I haven't thought of. I am sure there will be. Perhaps that will be true for all of us, other aspects might develop but at the moment we are really debating whether or not we shall refer this Bill to the Law Amendments Committee for some further study. On that basis I certainly support it, Mr. Speaker.

I think some Member mentioned and it's a good point, Mr. Speaker, to remember that as parents I suppose you could say we are delegating parental authority in this case to the medical many which certainly is a very respected profession and one that has had a pretty dominant tie-in or relationship with families throughout history. So that while we are delegating we are delegating in a pretty good direction. I think the Member from Moosomin (Mr. Gardner) did make a point when he said perhaps we could consider some other mediation group or individual or the Department of Social Services, I believe he mentioned, as being a part to the decision here and perhaps that point is worthy of further study and consideration.

I would hope, Mr. Speaker, that Hon. Members would support it and get it into Law Amendments Committee where it could be discussed more fully that it is here.

Mr. H. H. Rolfes: — (Saskatoon Nutana South) Mr. Speaker . . .

The Assembly recessed until 7:00 o'clock p.m.

INTRODUCTION OF VISITORS

Mr. E. C. Whelan: — (Regina North West) Mr. Speaker, I wonder if I might interrupt the proceedings for a moment to introduce some visitors to the gallery.

Mr. Speaker, I am pleased to introduce to you and all of the Members of the House, 15 parents from North Regina who are seated in the Speaker's Gallery. They are a parent group who are here under the leadership of Mrs. Rita Preuche. All Members of the Legislature are glad that you took the time to visit us here and see the Legislature in action. On behalf of the MLAs a sincere welcome to you and may your visit to this Assembly be pleasant and informative.

Hon. Members: — Hear, hear!

The Assembly resumed the interrupted debate on Bill No. 101 —An Act to amend The Medical Profession Act.

Mr. H. H. Rolfes: — (Saskatoon Nutana South) Mr. Speaker, from the congratulator notes that I received before supper, I felt it necessary to say a few well chosen words on the amendment to The Medical Profession Act. I want to say from the outset that I will oppose the amendments to The Medical Profession Act and I do so, Mr. Speaker, for several reasons. Whether they are right or wrong in my judgment or in some else's judgment, I believe that it will be an invasion of the parental responsibility and also that it will deteriorate the family unit which I think needs support in this day and age.

One of the arguments that has been given by Members of this House for supporting the amendments is that the medical profession would like to have these amendments. Number one, let me say that I am not concerned whether they want it or not. I have had some discussions with medical people who have tried to persuade me to support the amendments. At the same time, Mr. Speaker, I have also had discussions with the legal profession and at one time I had a member of the legal profession and a member of the medical profession together at the same time. A comment that a Saskatchewan judge made to a member of the medical profession was simply this, "Look, you know as well as I do that no court would ever sue you for actions taken on behalf of a patient." I should like to repeat that, "No court would ever sue you on actions you would take on behalf of a patient. So the argument that doctors are sometimes afraid to go ahead with action on their patient because they do not have parental consent really, in my opinion, does not hold any water.

The other argument, however, I have some sympathy with and that is the argument of the transient youth. I can well understand that a youth who might have a problem as far as drugs are concerned and needs help. It is very difficult to contact the parent but he would need medical assistance. I am in full agreement with this. But again, if the judge that I referred to was right, then doctors have nothing to fear and could certainly go about their practice of giving the assistance that they can to that individual.

I am, however, concerned that many of the members of the medical profession want this particular amendment because they would like to use it in the area of family planning. There are many people who are opposed to the use of contraceptives or artificial means of family planning. I think we need to respect those beliefs of parents and I would not want to support amendments to The Medical Profession Act which would go against the wishes of the parents. I think if the parents are opposed to artificial means of birth control and they would like to have their children seek their consent first before they receive counselling from a doctor who might not believe or have the same standard of morals, I think that we must respect that right of the parent. Therefore, I would oppose the amendment.

I am glad the Member from Wilkie is back because I don't share with him the same high regard for the medical profession that obviously he does. I say this, Mr. Speaker, for this

reason. I read in the Star-Phoenix the other day that 100 per cent of all applications made for therapeutic abortions were approved at the City Hospital in Saskatoon. I find it very, very difficult to believe that all of these therapeutic abortions were within the Criminal Code. Therefore, I am simply saying that I don't place that same trust in some of the members of the medical profession that possibly the Member from Wilkie does. For this reason I would much sooner have the trust go back to the parents rather than place that faith in the medical profession. I will oppose the amendment because I believe it interferes with or deteriorates the family unit and secondly because I believe it will add to the permissive attitude that we have in our society today. I think that we must tighten up on the moral issues and the moral problems that beset our society and this Act, in my opinion, will not do that.

Thirdly, I should like to ask a question. Why do we limit it to age 16. The Minister of Health has indicated to us that there were many illegitimate births with those of 15, 14 and 13 years of age.

Mr. Smishek: — I did not say that.

Mr. Rolfes: — All right, the Minister of Health says he did not say that. I will say that there are because I know that there are many illegitimate births in the age range of 14, 15 and 16 and even 13. If one of the reasons we have the Act before us today is to prevent some of these illegitimate births, doesn't it make sense then that we should have no age limit. Maybe there should be no age limit. How many of us would support this Act if there were no age limit. How many of us would support this Act if there were no age limit. We must bear in mind that what this Act asks us to do is to accept the principle for all ages and therefore it should, in my opinion, refer to all people of all ages. Otherwise we should oppose the amendment in its entirety.

Some Hon. Members: — Hear, hear!

Mr. W. A. Robbins: — (Saskatoon Nutana Centre) Mr. Speaker, I should like to make two brief comments with respect to Bill 101, The Medical Profession Act. I, like the speaker who just sat down am opposed to this Bill. I base my thinking on it related to the fact that I do not believe that any chronological age indicates maturity. I have said that before in this House and I repeat it. I have heard arguments, people saying that a 16 year old can be just as mature as a 50 year old. The same argument can be held that a 14 year old can be more mature perhaps than some 50 year olds. Therefore, I do not believe that simply setting an age level is very meaningful. In addition we have been informed that under another Act venereal disease has been covered and 16 and 17 year olds can secure treatment in this regard. Therefore, that diminishes to a considerable degree the necessity for a Bill such as this one.

Mr. Speaker, I realize the merits of the argument presented by the Hon. Member for Prince Albert West (Mr. Steuart), the Hon. Leader of the Opposition, by the Hon. Member for Regina Centre, the Hon. Premier (Mr. Blakeney) and other Members in the

debate but nevertheless I cannot come to the conclusion that this is a proper procedure and a proper step. One other reason I take this stand is I do feel and I must conclude that it is a foot in the door leading to the probability of new pressures to again lower the age of maturity. I must admit, Mr. Speaker, that I find myself in rather strange company with the Hon. Member from Moosomin (Mr. Gardner) and the Hon. Member from Albert Park (Mr. MacLeod) and even in opposition to my seatmate, the Hon. Member from Elrose (Mr. Owens) and incidentally I get along pretty well with him. But, as I said before, I think I was saved to some degree by the last speaker and I do find myself back in good company with the Hon. Member from Nutana South (Mr. Rolfes).

Mr. Speaker, people sometimes say to Members, at least I think this is implied, that you should find out what your constituents think and then present their view. I don't hold that view, Mr. Speaker. I disagree with it although I realize you must have some sensitivity in relation to the people you represent, that you should be aware of their viewpoint. I think particularly in terms of moral questions you stand for what you believe to be correct, you have that conviction and irrespective of the consequences you follow it through.

I say, Mr. Speaker, when I entered this House, when asked by someone what I would do and I said I would do what was right in my own view, I would please my friends if I had any and I would astonish the rest. I intend to follow that rule. I will oppose the Bill.

Some Hon. Members: — Hear, hear!

Mr. J. Wiebe: — (Morse) Mr. Speaker, my remarks were going to be rather brief tonight. However, after the Member from Nutana South (Mr. Rolfes) spoke they are going to be briefer as many of the points which I intended raising tonight have been made by him. He uses many of the same reasons as I do in opposing this particular Bill. I feel very strongly that it is an invasion on family responsibilities. As well it is an invasion on parental duty and erosion as well on the family, as we like to consider it, as a unit.

He mentioned the concepts of birth control and the value that different parents may place on this in terms of their daughters and, of course, because of this reason I have the same doubts in this regard.

Basically, the Act is not needed so much for children, for young people who are living with their parents, who stay with their parents. It might be, for some of the reasons given today, needed for the young people who do not live with their parents. But here again, why is it necessary to pass a law to correct a problem or a mistake that has been made somewhere in the past. Why don't we instead direct our energies and our efforts to find solutions so that a problem such as this would not have happened in the first place.

Just to sum up, Mr. Speaker, in my own mind, I am not convinced that this Bill is the correct approach and for this reason I am not going to support it.

Some Hon. Members: — Hear, hear!

Mr. L. Larson: — (Pelly) Mr. Speaker, I want to say a few words with regard to the amendments to The Medical Profession Act. I want to say at the outset that I will not be supporting the amendments. I think basically some of my concerns have been expressed by my colleague and some of the Members on the other side of the House. I think the principle is wrong. I have some sympathy for the intentions of the Bill, I have some sympathy for the problems that exist in society today. But I fail to see where passing this kind of amendment to The Medical Profession Act will do anything to correct the situation.

Much has been said about the family unit both for and against, both pro and con. Say what you will, Mr. Speaker, the family unit and its purpose is still the best we have in society today. Whether it is weak or whether it is strong, whether you agree with it or disagree, it stands as the corner stone of the present social structure. It is rather easy to get biased about some of the so-called modern concepts of society and it is rather easy to say that we ought to open the door even wider. It is equally easy, Mr. Speaker, to quote and to live in the old fashioned time tried clichés and habits. It is easy to live by the lessons of the past as they are proven either wrong or right to some extent. But I suggest that this approach to society's problems today is neither modern nor is it of the old school. I suggest that society today, if we are to meet the challenges of tomorrow, must seek different solutions. I am reminded of my young daughter who has two young children. She was brought up in the society of the 50s and the roaring 60s, no problem insofar as her mother and I were concerned. Today she is a mother in her own right. Some of her concerns, some of the expressed concern with regard to the directions that governments today tend to go by loosening legislation, some of her concerns with regard to the control of society are expressed to me and she is really very concerned about them. She says, "Dad, for goodness sake don't loosen the flood gates any further," This, to me, Mr. Speaker, is an indication that the so-called permissive modern society today is quickly outliving its usefulness and that we must move and think in a different direction.

By passing this kind of legislation I suggest that we are merely accommodating, merely sanctioning a society that has pretty well worn itself out. If we are to keep abreast and do our duty and responsibility we have to look at much deeper, must better thought out concepts than this amendment will do. It is for these reasons and many others that have been expressed that I will not be supporting the amendments to The Medical Profession Act, Mr. Speaker.

Some Hon. Members: — Hear, hear!

Mr. R. Gross: — (Gravelbourg) I should like to add support to this Bill. I feel it is a Bill going in a positive direction. I feel it is high time that governments started concerning themselves with some of these problems. I know that we cannot legislate social needs and social requirements but perhaps this Bill could be a step in the right direction in that it provides young people an opportunity to be able to use health services as they see fit and at their own discretion. I believe the old Neanderthal argument saying that children at 16, 17 and 18 years of age are not responsible and cannot make decisions in the right direction is

completely archaic. I don't believe that Members on this side of the House or on the opposite side can realistically say that young people at age 16 and 17 are not responsible. In regard to the family unit, a subject that has been brought up, consideration has been given to the family unit saying that it is going to be the beginning of the end of the family unit, that we are perpetually eroding the family unit. I feel that this is absolutely incorrect. I don't think that we are destroying any part of the family unit. If by 16 years of age the family unit is not in a tight position in terms of relationships, it never will. A Bill of this nature will not destroy in any way, manner or form the family unit.

I should like to tell the Members of this Assembly about an incident that just recently happened in my constituency, in fact, in our immediate area. It was in regard to a young fellow, 17 years of age whose parents had taken off to Hawaii for a vacation. He was left to stay with another neighbor. It happened during the winter time. While they were out skidooing one day he managed to fall off his skidoo and got his leg tangled in the skidoo and as a result he was seriously injured. They immediately took him to Gravelbourg where he had some preventative treatment and a decision was made to send him to Regina. In the interim, between Gravelbourg and Regina, Dr. LeBlanc of Gravelbourg, had some very serious deliberations to make. He had to figure out what he would recommend to the doctor in Regina. The fact that they tried to reach his parents in every desperate way and there were no relatives in the immediate area that they could get to consult with. As a result somebody had to make a decision. The decision was made by the local doctor for the area. He advised the doctor in Regina that he should proceed to do whatever possible to save the leg. As a result the young man still has his leg, but it was questionable at the time whether they could save it or take it off.

There are many serious things that come up in terms of what can happen and what cannot happen. I feel that it is about time we had this type of legislation that would make it fairly clear to the medical profession what they can do and what they cannot do and who has decision making power and who has not. Therefore, Mr. Speaker, I would urge Members of this Assembly to support an progressive piece of legislation like this one and give our younger generation a chance to make their own decisions.

Motion agreed to and Bill read a second time on the following recorded division. (Referred to Committee on Law Amendments and Delegated Powers.)

YEAS — 33
Messieurs

Dyck
Meakes
Wood
Smishek
Romanow
Messer
Kramer
Kowalchuk
MacMurchy
Pepper
Michayluk

Thorson
Whelan
Carlson
Engel
Owens
Cowley
Taylor
Richards
Faris
Cody
Gross

Feduniak
Mostoway
Oliver
Kaeding
Flasch
Steuart
Grant
McIsaac
Weatherald
MacDonald (Moose Jaw N.)
Byers

April 17, 1973

NAYS — 14
Messieurs

Thibault
Larson
Robbins
Matsalla
Comer

Rolfes
Coupland
Loken
Guy
Boldt

Gardner
MacLeod
McPherson
Wiebe

The Assembly adjourned at 9:40 o'clock p.m.