

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Third Session — Seventeenth Legislature
64th Day

Wednesday, April 25, 1973.

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

Questions

Municipal Elections Act

Mr. G.B. Grant: (Whitmore Park) — Mr. Speaker, before the Orders of the Day I should like to direct a question to the Hon. Minister of Municipal Affairs (Mr. Wood).

I notice in the Leader-Post yesterday that the Bill amending The Municipal Elections Act apparently is politically motivated and backed by the NDP Party locally. They have a bit of a campaign on, based on the democratic principle involved. It strikes me that there is not too much democratic principle involved in this particular amendment. I should like to ask the Minister if he has been swamped by letters and telephone calls by the citizens as suggested in the newspaper article?

Hon. E.I. Wood: (Minister of Municipal Affairs) — I have to say, Mr. Speaker, in regard to this on my recollection I haven't been swamped. I have received some letters about the divisional system in the cities, if that is what is being discussed. But I can't give him the number but I haven't felt that I was being swamped by them at all.

Mr. K.R. MacLeod: (Regina Albert Park) — Mr. Speaker, if this report is true it represents a subversion of the civic government. I wonder, Mr. Speaker, if the Minister would — by the way, perhaps before I go ahead I should welcome him back — yesterday was a hot time in the old town and I don't blame the Minister for not being present. But this represents a subversion of civic government and I wonder if the Minister would consider withdrawing the Bill so that this whole matter could be resolved in a more calm and reasonable atmosphere. This ward system or division system, Mr. Speaker, cannot get off the ground properly with the kind of subversion that is going on and I wonder if the Minister would defer the whole matter for three years to allow the whole thing to cool?

Mr. Wood: — Mr. Speaker, I must apologize to the House for not being here yesterday. I was engaged in some discussions with the mayor and the staff of the city of Saskatoon. I think that it was a well spent day on the part of all concerned, including the people of the Legislature. I think that I was working in your interests.

But so far as some implication by the Member opposite, the

April 25, 1973

Member from Albert Park . . .

An Hon. Member: — Postage stamp constituency.

Mr. Wood: — Well it's the size of the constituency that lends itself to not being able to remember it too well from time to time.

Some Hon. Members: — Hear, hear!

Mr. Wood: — But in regard to subversion of civic government, I think I have to reject this insinuation out of hand.

An Hon. Member: — Liberal gobbledegook.

Mr. Wood: — If he is referring to some organized input into any situation as being subversive? I think possibly that he is being so naïve as to become ridiculous.

Some Hon. Members: — Hear, hear!

Mr. Wood: — Years ago when I was a private Member in this House on the Government side, the Women's Christian Temperance Union of Swift Current organized a write-in campaign to C. M. Fines. Now the Hon. Member opposite may consider the Women's Christian Temperance Union as a highly cynical and subversive organization.

Some Hon. Members: — Hear, hear!

Mr. Wood: — I kind of looked on it as an innocent exercise that they were going through. I know it had an effect upon Mr. Fines. He said to me one day, there sure are a lot of people down in Swift Current that are interested in regard to liquor. But I don't think that he was fooled in any way. I think that he recognized that there must be some organization behind it.

I want to go on to say, if I may, Mr. Speaker, it may be beside the point with that type of organization they did keep Swift Current dry for four to five years, just by way of interest.

Some Hon. Members: — Hear, hear!

Mr. Wood: — We have this sort of thing going on continually. It is a recognized thing that is done by people throughout the country. I am sure that there is no subversive thought or intent or any organized effort on the part of anyone in regard to opposition to The Natural Products Marketing Act amendments.

Some Hon. Members: — Hear, hear!

Mr. Wood: — There is no organization in regard to the write-in campaign concerning snowmobile legislation. This sort of thing is implicit in Saskatchewan public life. And so far as withdrawing a Bill because someone has organized, allegedly organized

input into a phone-in program on the radio, to withdraw a Bill on that account, I think it goes past bordering on the ridiculous.

Some Hon. Members: — Hear, hear!

Mr. MacLeod: — A supplementary question, to the Minister. I thank him for his folksy humor. But is he the leader, is he part of the plot that is involved here to subvert another government which is quite distinct, Mr. Speaker, from sending letters to the Minister or Members of this House, the efforts of this Government to subvert another form of government. I wonder if the Minister is in on this himself?

Mr. Speaker: — Order! I think this is very entertaining but I think it would be better discussed on the Bill. I think when the Bill comes before the House that is the time when we can have a full discussion. We are having two and three questions on the same topic. I think we are going a little too far.

Mr. D.G. Steuart: (Leader of the Opposition) — Mr. Speaker, on a Point of Order, I don't think you should try and protect the Minister. He puts a sanctimonious front on and he is part of this grubby plot.

Some Hon. Members: — Hear, hear!

Mr. Steuart: — Let him answer the question. He puts on a show that he is very much above all this sort of thing. He was on the air yesterday encouraging those phone calls. Let him answer the question; were you part of this little dirty underhanded plot?

Some Hon. Members: — Hear, hear!

Mr. Speaker: — I don't think it is up to the Speaker to have to try to protect anyone. I think I have to protect the rules of the House. If there is an item on the Order Paper then this can be discussed successfully. I think it can be discussed on second reading of the Bill. All members can have a full say at that time.

Mr. Wood: — Mr. Speaker, on a Point of Order, there have been some insinuations put out across the floor and I feel it is my right to be able to reply to them. If I may, Mr. Speaker.

Mr. C.P. MacDonald: (Milestone) — Mr. Speaker, on a Point of Order, what is he going to reply to, is he going to reply to the question?

Mr. J.C. McIsaac: (Wilkie) — Mr. Speaker, I think there is a point here in that the Press release that was referred to in the question by the Member for Whitmore Park, the Member for Albert Park, is a very serious allegation. If the Minister himself was part of the plot, if he was in on Monday night's meeting, I think that makes it that much more serious. We have every right now to know

whether he was part of that plot.

Mr. Speaker: — Order! I think as I read to the Members the other day from the rules that questions should not be based on papers. We have had questions, I will allow the Minister to answer this statement then we must go on until the second reading of this Bill comes up. I would kindly ask Members to refrain and have their questions ready when he comes up in second reading.

Mr. MacDonald: — Mr. Speaker, on a Point of Order, this question has nothing to do with the Press release, Mr. Speaker. This man is the Minister of Municipal Affairs. The man who is here to protect and foster local government in Saskatchewan and here is the man who is destroying it.

Some Hon. Members: — Hear, hear!

Mr. Speaker: — What is your Point of Order? The Hon. Member rose on a Point of Order, what is your Point of Order?

Mr. MacDonald: — That he should reply to the question, Mr. Speaker.

Mr. Speaker: — That is not a Point of Order.

Mr. A. Thibault: (Melfort-Kinistino) — Mr. Speaker, on the Point of Order. I think that the Minister of Municipal Affairs (Mr. Wood) should never lower his dignity in answering this sort of thing.

Mr. Speaker: — This is not a Point of Order either. I will allow the Minister to answer this question and then I would ask the Members to refrain from discussing this further until the Bill comes up. I want to try and be fair to both sides.

Mr. Wood: — Mr. Speaker, the Hon. Member from Prince Albert West (Mr. Steuart) indicated that this was a dirty dark, low-down plot and asked if I was party to it. And the Member for Milestone indicated that I was endeavoring to discredit the municipal system in the province. It was not a question but a statement that he made which has absolutely no foundation in fact. The only part of that that had any truth in it was that I am the Minister of Municipal Affairs that I will recognize.

So far as being engaged in this . . .

Mr. MacDonald: — Plot!

Mr. Wood: — . . . yes, plot, the organized input into the phone-in program. I was asked to meet a delegation on Monday night, which I did. If it is improper for Ministers to meet delegations and to ask them to resign because they meet delegations, I should like to know about it. It seems to me that maybe the inference should be on the other side, the Minister should be asked to resign if they don't meet delegations.

Some Hon. Members: — Hear, hear!

Mr. Wood: — I was asked to meet a delegation and I did go to meet a delegation. So far as any organization of this delegation, I had nothing to do about it. I had no knowledge of it until I was asked to meet the delegation shortly before I went. I was aware, at that meeting, that there was some organization going forward. But, again, I repeat I had no indication, so far as I was concerned, I had no thought that there was anything nefarious or illegal about this. It was all part of public life in Saskatchewan which has been going on for generations, so how could the people at this time endeavor to make something really subversive out of this sort of thing. I never thought of such a thing!

Dr. Ron Faris

Mr. E.F. Gardner: (Moosomin) — Mr. Speaker, I wonder if I might ask a question of the Minister of Education.

I noticed that the meeting which was held the other night the chairman was said to be a Dr. Ron Faris. I wonder if he is the brother of the Member from Arm River and how he came to call a meeting in the Legislative Buildings. He called a meeting, apparently in the Legislative Buildings, and is he now, or has he at any time, being doing any work or employed in any way with the Department of Education or the Department of Continuing Education?

Hon. G. MacMurchy: (Minister of Education) — Mr. Speaker, in reply to the question of the Member for Moosomin. I report to him that Dr. Ron Faris is now on contract with the Department of Continuing Education.

Announcement

Pacific Transportation Advisory Council Convention

Hon. R. Romanow: (Attorney General) — Mr. Speaker, before the Orders of the Day I should just like to make a brief announcement to the House about the proposed establishment of the Pacific Transportation Advisory Council and the founding convention of the Pacific Transportation Advisory Council to be held in Vancouver on Friday.

The Pacific Transportation Advisory Council is composed of representatives of the four western provinces of Manitoba, Saskatchewan, Alberta and British Columbia, the railway companies, port authorities and industrialists and trade unionists, with respect to transportation problems in western Canada.

The goal of the Council will be to reduce, both physical and other barriers that impede the efficient use of our transportation system, which is particularly required for the movement of goods out of western Canada to world markets and primarily to world markets on the Pacific Rim.

Some of the specific objects of the Pacific Transportation

Advisory Council will be to encourage co-ordination and co-operation among diverse groups such as industrialists, railways and trade unionists, to identify transportation problems and handling distribution problems associated with them, to monitor transportation needs of the western provinces, to explore better economic development opportunities with respect to those matters. Perhaps also to act as a clearing house for information and matters of research on transportation and to serve as a focal point for the implementing of recommendations both to industry and the government, on transportation requirements.

Mr. Speaker, the council will comprise representatives from the governments and industry, as I have already indicated. It is my pleasure to attend the conference on behalf of the Government of Saskatchewan. We have been involved in the establishment of this body now for some several months and we are looking forward to a new focal point, a new form of western identification, a new form of western support, for much needed resolution of pressing transportation and economic problems.

I am sure that all Members of the House would join with me in hoping that we can establish this body and get it rolling in the interests of all western Canadians.

Some Hon. Members: — Hear, hear!

Second Readings

Hon. R. Romanow (Attorney General) moved second reading of **Bill No. 120 — An Act respecting the operation of Snowmobiles.**

He said: — Mr. Speaker, I rise to move second reading of Bill No. 120, The Snowmobile Act.

The phenomenal rise in the recreational use of snowmobiles in Saskatchewan in the past few years has been a very good aspect of recreational development in the province, certainly to ease the long burdens of very hard winters. But at the same time, accompanying the corresponding increase in the use of snowmobiles, we have seen a corresponding increase in the number of accidents resulting in injuries, death and property damage through the use of snowmobiles.

At the same time I am sure all Members will have experienced personally complaints by landowners of damage to property, harassment of wild life, as well as livestock by snowmobilers. I believe it is a minority of snowmobilers who show this irresponsible attitude toward others.

Complaints about excessive noise, of snowmobiling in late evening hours are being received on an increasing level by government, MLAs and local authorities, and as well, some concern by environmentalists has also arisen with respect to the use of snowmobiles.

Mr. Speaker, when one considers that during the winter of 1971-72 there was one fatal accident and at least 39 reported injuries directly attributable to snowmobiles in Saskatchewan, I think it begins to give us some cause for consideration. Then when you add to that the 1972-73 winter figures, which I have but are not yet complete, of six fatalities, four of them

involving persons under the age of 19 years and of the four under 19 three were 12 years of age or under, you can appreciate the concern that members of the society have.

I believe that something has to be done about what will quite obviously be a growing problem. Therefore, we propose to the Members' consideration, this Bill before you, Bill 120.

Members are also aware that almost daily in the popular Press some form of outright legislative control on snowmobiles is being passed in some jurisdiction of Canada or other parts of the world. I have a series of clippings which I am not going to quote from or belabor, but they talk of councils in parts of Ontario banning snowmobiles, councils and local governments in northern Saskatchewan banning snowmobiles. They talk of snowmobile accidents and injuries.

It is reports of this kind that indicate there is a need for action to control snowmobiles to ensure the safety and property of those persons affected by their operation, which includes owners and non-owners alike. It has become evident that the provisions of The Vehicle Act have been effective but only to a limited degree.

There are instances, particularly in the off highway environment where control has been definitely lacking and where, I say, The Snowmobile Act will perhaps satisfy this apparent void.

I am pleased also to note that the Saskatchewan Safety Council endorses snowmobile legislation of the general type that is introduced this morning. I am also very pleased to note that the Saskatchewan Safety Council has further recognized these problems in the operation of snowmobiles not only by approving the proposed legislation but by recognizing the need for education programs.

Implementation of such things as Snowmobile Safety Week, which this year was held during the week of January 14 to the 20th, is a commendable piece of work on the part of a very valuable body, the Saskatchewan Safety Council.

More of this is needed. Not enough is being done. I am sure, Mr. Speaker, all will agree with me that merely setting aside a week for concern about snowmobile safety is surely not enough.

Mr. Speaker, it is estimated that Saskatchewan has approximately 40 to 50,000 snowmobiles in this province. It has experienced a popularity, perhaps beyond the expectation of many. As this growth in snowmobiles increases, I have already indicated quite obviously that a corollary will be the increase in accidents, injuries and property loss.

Educational programs are fine. But they must be supplemented by good legislation which will help to cut down this loss in injury, properties and even life.

Mr. Speaker, what does the proposed Bill seek to do? I will only deal with it in the most general of terms and in Committee of the Whole if there are any specific questions we can answer them later.

One of the areas of concern is obviously the matter of identification of a snowmobile. It is vitally necessary since many of the problems really relate to the lack of identification of the snowmobile. It is one thing to see an offending snowmobile, but if there are no identification markings on the vehicle, apprehension and possible correction is near to impossible. The provision therefore exists in the legislation for registration for all snowmobiles. We say this will certainly do much to alleviate this particular aspect of the problem.

The Bill provides for registration of snowmobiles that will be operated in areas other than on private property and where they operate it must be by the express permission of the land owner.

So to summarize, snowmobiles will be registered. They don't have to be registered if the operator and owner only uses it on private property.

It is recognized that when a person is operating a snowmobile on his own property or some other person's property, say a neighboring farmer's land or whatever, and he has the permission to do so, he is not in a position to adversely affect any other party.

But when he is in the public domain, it is the opinion of this Government that some form of registration should be required, some form of licensing of the operator should be required. And that is what the principle of registration in this Bill will seek to do.

Mr. Speaker, this Government has recognized that it is not practicable to require a dealer in snowmobiles to register every vehicle and therefore the proposed Act provides simply for dealer plates to be issued to snowmobile dealers.

Another area of concern, Mr. Speaker, is the age of snowmobile operators. As I pointed out in my earlier remarks there were six fatalities in the winter season '72-73. Three were under 12 years of age. During '71-72 of the 39 persons injured nine were under 16 years of age. Most of this problem originates undoubtedly from the lack of parental supervision and proper instruction to youngsters in the safe and proper operation of snowmobiles. This proposed Act will provide that no person under the age of 16 may operate any snowmobile.

There are two exceptions. One, if he is accompanied or supervised by a person who holds a snowmobile operator's licence. If you study the Bill, supervision means either actually riding on the same snowmobile as the youngster or in an accompanying snowmobile right beside the youngster. The Bill will allow youngsters between the ages of 12 and 15 to operate a snowmobile in public areas if they are supervised by an adult operator. Of course, if he is on private domain he can operate it no matter what his age is.

Snowmobilers between the ages of 12 and 15 in many cases, I believe, are responsible persons even at their very tender years. However, because of their very young age, they do require supervision and further education. They are driving a machine with considerable horsepower. This legislation will allow them to develop safe snowmobile habits and attitudes.

I realize that this is a family activity and I think the provision which allows for person 12 to 15 years of age to operate a snowmobile as a family enterprise in a public domain where supervised by an adult, is not unreasonable, that it will meet the public objective of increased safety and better road habits while at the same time preserving this form of family recreation.

Mr. Speaker, just one final word about the age aspect of the Bill. I think that supervision has been sadly lacking by parents in this area. Responsible parental supervision will be still necessary even if this Bill is passed. No one can legislate the responsibility of parents to look after their children. But we certainly think that the Bill will at least help this objective along.

Further, Mr. Speaker, the proposed Bill will provide for licensing of snowmobile operators. So we have (i) registration of snowmobiles and (ii) licensing of snowmobile operators.

The Act will provide for the issuance of snowmobile operators' licences to persons 16 years of age or over. How will this licensing be carried out? We think, very simply. Any person who is a holder of a valid Saskatchewan driver's licence, an ordinary driver's licence under The Vehicles Act, is not required to obtain any other licence because our Bill says he is deemed, therefore to be properly licensed under The Snowmobile Act.

But where he is 16 years of age or older and does not hold a valid operator's licence under The Vehicles Act, then he will have to obtain a special snowmobile operator's licence at a nominal fee.

Mr. Speaker, and Members of the House, officials of the Highway Traffic Board are presently working on a proposed snowmobile operators' course. I don't know if we can complete it in time for the coming winter season, although I have certainly instructed the people at the Highway Traffic Board to try and work with that objective.

But hopefully this course will be offered to many people throughout the province and many will take advantage of it. Courses such as that one will ensure that only knowledgeable, responsible and competent persons will be allowed to operate snowmobiles in public areas of this province.

Mr. Speaker, since a large number of snowmobile accidents involve collisions involving other vehicles, it is the opinion of the Government that snowmobiles should be prohibited from operation on public highways. We realize, of course, that there are situations where a person must cross a highway and, therefore, the proposed Act will allow snowmobile operators to cross public highways subject to certain rules such as stopping, taking a look and the like, which the operator must obey before crossing. We think this is a reasonable provision as well.

Mr. Speaker, further, The Vehicles Act provides for rules of the road for cars being operated on public highways. And if it applies for cars I think it equally valid and a logical extension for rules of the road to apply with respect to the operation of snowmobiles. In this Bill we propose that snowmobiles and operators must be equipped with respect to certain

safety equipment in accordance with certain regulations that, frankly, I don't have yet but will be drafted by the Highway Traffic Board in due course.

Some things we can mention are set out in legislation. Snowmobiles when operated at night will be required to display a headlight and a tail light. It almost goes without saying but is nowhere really set out in the law at present. Other requirements will relate to matters of mufflers and brakes on snowmobiles and other safety regulations as may be required after due consultation with snowmobilers, with the manufacturing industry and with other people.

Mr. Speaker, further provision has been made in the Act to provide for penalties for imprudent driving, excessive speeding and other such violations that have been found to precipitate accidents and have been a source of serious complaints to MLAs and to local authorities. Provision too has been made for accident reporting and drivers of snowmobiles who, through their own actions become involved in accidents, are liable to conviction.

Another problem, Mr. Speaker, involves snowmobile operators drawing or towing skiers, toboggans and such vehicles at high speeds behind snowmobiles. The proposed Act will prohibit such operations, except where the towed vehicle is attached to the snowmobile by a rigid drawbar.

Mr. Speaker, when we license and register we will also be able to provide automatically compulsory AAIA coverage. This coverage is now available in a limited way. The same form of coverage with respect to deductibles and part two, part three liabilities that apply to motor vehicles will apply to snowmobiles. Officials at SGIO are working on the completion of this package which will be further elaborated upon by SGIO people in the weeks and months ahead.

Further, Mr. Speaker, I mentioned one other major problem and that is the infringement of rights of other land owners by some snowmobilers. This Act will provide land owners with a right to post their land to prohibit snowmobile operation if they so choose. In other words, they simply post "Snowmobiling Prohibited". This provision is taken out of The Game Act, "Hunting Prohibited". And where that's posted the snowmobiler must respect the law. Failing to do so he is subject to penalties, trespass, etc. which is the case now with The Game Act provisions.

Mr. Speaker, I want to close by saying that this Bill will provide regulation of snowmobiles and snowmobilers in public areas which will do much to alleviate the problems of safety which trouble all of us.

Some may argue that this Act will exert undue hardship on operators and destroy the whole family sport. I don't believe that to be true for one moment especially this Bill that's before us. This Bill is not, by its nature, restrictive. It's rather a Bill which is long overdue and sets out common sense guidelines on the operation of snowmobiles by placing the responsibility for safe operation squarely on the shoulders of snowmobilers and placing the responsibility in the interests of society at the proper level.

I see no reason to impose restrictive legislation on snowmobilers in this province. This Act, I am confident, will gain a wide measure of approval by most people in the province. It's my contention that the concern voiced by various individuals and groups regarding pollution and disruption of the environment and the harassment of wildlife and trespass and noise and all of these things I talked about at the outset will be alleviated. And I sincerely believe the provisions of the Act will do much to remove the source of these fears and these complaints. Statistics do not lie, Mr. Speaker. There is an increasing toll of accidents and death as a result of snowmobiling. We as legislators must meet the challenge as responsibly as we can. In my opinion, this Bill will guarantee the rights of individuals and the rights of society. Therefore, I move second reading of Bill No. 120, an Act respecting Snowmobiles.

Mr. J.G. Lane: (Lumsden) — Mr. Speaker, we were most interested to note the remarks of the Attorney General. The Attorney General has basically outlined the regulatory provisions of the Bill — registration of all snow vehicles, licensing of drivers, dealer plates exceptions. We did not, however, get an answer to what is set out in section 4 of the Bill. There is a question which is bothering us and which is bothering many people because by and large the provision for regulation as set out, they are very specific and can be understood by all, but then we run into section 4 of the Bill which allows the Highway Traffic Board, after inquiring into the circumstances and upon being satisfied that it is in the public interest to do so, issue a permit to anyone to operate a snow vehicle. There is no indication in the Bill when these very broad powers are going to be or how they are going to be used, or what the reasons for the very broad powers are.

The Bill makes no specific definition of such things as permit, license and registration. Certainly we can accept the usual Vehicles Act definition on them, but then again we were, as I say, disappointed that when a very broad power is set out within section 4 and that no reasons were given for the use of that specific provision and what the intentions of section 4 are. Section 4 as it now reads can require, or allow the Highway Traffic Board to require, after a hearing of every individual snowmobile operator to decide whether or not they will allow a permit. We did not get a satisfactory answer for the necessity, the desirability of that specific provision.

The Attorney General has quite properly stated the reasons and the necessity for this legislation to deal with a very specific problem. We have isolated a problem with this particular piece of legislation in that we have dealt with the problem of snowmobiles. We have not dealt with the very broad problem of recreational vehicles. That such things as snowmobiles are designed primarily, certainly, as the definition says "for operating over snow", but I think everyone of us has seen snowmobiles being used in the summer and we have even seen advertising when snowmobile manufacturers show their units being operated in the summertime on dry ground on the fields when there is no snow. We hope that any problems that arise in that regard will be considered.

We certainly sympathize with the necessity of dealing with a very growing problem. The drastic increase in the number of deaths is a very sad situation that exists in the province. We foresee other problems that are not dealt with in the Act. I

don't know what you do about snowmobile manufacturers who advertise and put their units and their machines through some various dangerous activities that promote a very improper use of their machine. They show in their advertising racing and jumping these units. That type of advertising does nothing but encourage the young people to put the units that they buy through the same steps and through the same procedures. We think that that is wrong. We don't think that the Bill deals with that particular aspect — I don't know whether it is proper for the Provincial Government to be involved in that and perhaps it is a field for the Federal Government to ensure that this type of advertising does not continue. It's unnecessary and it is undesirable.

We express very serious concern about the matter of posting. Posting, for all practical purposes, is not that effective under The Game Act. I think, again, every Member in this House knows examples of posted land that have had the postings torn down, removed and a farmer that is miles away from his own land can't do anything about it. He can't possibly enforce it and yet we put the onus back on the farmer to put the sign around. I think really what should happen is that anybody, first of all, cannot go on land unless they have the permission of the farmer, either verbal or in writing and prove that they have the permission. I think, too, that there should be an onus on the snowmobile driver and the Attorney General has talked about putting the responsibility back on the snowmobile driver. I think that the responsibility should be placed on the driver so that if he goes onto a farmer's field and the farmer has equipment on the field or anything of this nature that becomes a trap or a hazard for the snowmobile operator, the responsibility is on the operator if anything happens. The liability is on the operator if anything happens. The way the law is at present, if somebody goes onto somebody else's land, with an implied permission, and he runs into some snow-covered equipment or something like this, it's the farmer that is liable. We don't think that that's right. We would hope that the Attorney General would consider some amendment to ensure that the farmer who, if somebody uses his land to operate a snowmobile, is not liable for any reasonable activities, and I think it should be stated in the Act that this liability does not apply to the farmer.

We note the acceptance of the legislation in principle and in detail by the Saskatchewan Safety Council. We note too that the Saskatchewan Snow Vehicles Association has accepted, in principle, the legislation. I believe that we will have other comments on the specific provisions of the Bill and I would beg leave to adjourn debate.

Debate adjourned.

Hon. R. Romanow (Attorney General) moved second reading of **Bill No. 109 — An Act to amend The Automobile Accident Insurance Act.**

He said: — Mr. Speaker, Bill 109 is an amendment to The Automobile Accident Insurance Act and I really want to simply say that this Bill is consequential upon the first Bill that I introduced, Bill No. 120 — The Snowmobile Act.

The AIA amendments simply will allow the insurance provisions that I've talked of to take effect and, therefore, you

will see that it includes basically one amendment — inserting the words “The Snowmobile Act, 1973” throughout. So I don’t think much more need to be said about this Bill if we are going to license and register and go into the area of AAIA we need this consequential amendment. Everything I’ve said about it, I think has been said already under Bill No. 120.

Therefore, Mr. Speaker, I move second reading of Bill 109 — An Act to amend The Automobile Accident Insurance Act.

Mr. D. Boldt: (Rosthern) — Mr. Speaker, I should like to say one word about bringing in this Bill. I hope that the Saskatchewan Government Insurance office is going to take a very close look at the accident claims on snowmobiles so that automobile operators will not be subsidizing the snowmobile operators. If this is done I see no reason why we should not support this Bill.

Motion agreed to and Bill read a second time.

Hon. R. Romanow (Attorney General) moved second reading of **Bill No. 107 — An Act respecting the Tabling of Documents.**

He said: — Mr. Speaker, this Bill again can be very briefly explained as a Bill which relates to the tabling of documents to the Legislature. Members will know that the Government is, by law, required to table documents — SGIO annual report; Power Corporation annual report; SEDCO annual report and so forth, and there are time limitations set out for us. It varies — 15 days, some of them are 90 days and the like. I think it is no secret also that Members will know that the Premier, and I think this has been supported by the Leader of the Opposition (Mr. Steuart), are viewing the possibility of moving toward a fall session. It may very well be that if we go into a fall session we’ve got an adjournment rather than a prorogation at the end of the fall session. That means the session could conceivably start sometime in middle or late fall and continue on and end in the middle or late spring. Then we get into all sorts of problems with respect to fiscal years, accounting and the like with respect to the tabling of documents. So we seek to regularize or at least standardize the provisions with respect to tabling of documents. That’s what this Bill is.

Now first of all I think that these principles should be kept in mind and I think you will find that it’s really not controversial but I leave it for your consideration:

1. The Bill would apply to all tabling of documents that would be required;
2. The procedure would be as follows — that a report, an annual report that is required by law to be tabled. Some are and some aren’t, we haven’t changed that at all. But an annual report that is required to be tabled must be prepared and forwarded to the responsible Minister or Premier within 90 days after the fiscal year concludes of the reporting agency or the reporting department. If their fiscal year ends March 31st, which is what the Government fiscal year is, they would have April, May and June — the end of June by which to table the report.

Now having done that, if the session is then in progress,

either a fall session in progress or a spring session in progress, (those are set out by definition) then the Minister is obliged to table the report within 15 days, if the session is sitting. The 15 days are after receipt of the report. If the session is not in sitting when he receives the report he must table it at the next earliest ensuing session, within 15 days of the start of it. In my example, (and I don't know what the fiscal year is for SGIO) — I'm not sure — I think it's March 31st, the same as the Government, SGIO would have 90 days after that date in which to prepare the report and we would be required to table it within 15 days of a fall session or within 15 days of any other ensuing session. If the report comes down when the session is actually sitting, I've got to table it within 15 days of the date that I receive it. In other words, the obligation is to table it at the time of the operation.

That is basically the procedure. We think we can get around the fall-spring difficulty in those ways and to regularize it for all Crown Corporations. There are a tremendous number of reports that are tabled — must be something like 30 or so of one kind or another that are required and I, therefore, move second reading of Bill 107 — An Act concerning the Tabling of Documents.

Mr. A.R. Guy: (Athabasca) — Mr. Speaker, just one or two comments — I don't think the Minister has completely cleared up our major concern over here that the documents from the Crown Corporations would be available for the Crown Corporations Committee meeting. You see at the present time even though the year-end of many of the Crown Corporations is December 31, we get them in time to debate them in the next session. This is in about three months, which I think is desirable, in fact I think it almost has to be that way. Now if we follow procedure that the Attorney General, or at least the way I followed his comments, there would be 90 days after that year-end in which time the report would have to be provided to the Minister in charge. Then it must be tabled within 15 days of the next ensuing session.

Mr. Romanow: — If there is a session.

Mr. Guy: — Then really what has happened, the major difference here is that instead of having it as it is now, where you do table it during the session, it could well be that you wouldn't get the report before the Crown Corporations Committee until the following year at which time even if there was a fall session there is no saying that the Crown Corporations Committee would sit. So, it could well be over a year old before you get a chance to review the reports in committee. I don't think that this is desirable.

An Hon. Member: — . . . the way it works now?

Mr. Guy: — No, because at the present time all the Crown Corporation Reports are discussed at the spring session of the Legislature. At least I don't recall at any time a Crown Corporation Report in the 12 or 13 years that I have been here that did not go to the Crown Corporation Committee during that spring session.

Mr. J.C. McIsaac: (Wilkie) — Mr. Speaker, just a few comments, basically reiterating the points made by the Member for Athabasca to the Members of the House.

The concept and the idea of getting the annual reports in a little earlier for the fall session is a good one. I think that is one nobody can argue with. Presently these annual reports are left as long as possible by most of the departments it seems. So the idea of getting them in earlier is good, but it will certainly change the entire structure of the Assembly and of our present methods of operating and maybe that's all right, but I don't think it is. If we are going to say 90 days before the Crown Corporations Reports are in, and then 15 days later for the Minister to table the reports, let us assume he used all of the time, it would mean we would get the majority of the Crown Corporation Reports about April 15th. Presumably, Mr. Speaker, Mr. Attorney General if we do go for a fall session, a period of time in the fall it should conceivably or might tend to shorten the spring session. If we did begin in January — February, March, April — there's three months, we'll be getting it at the very end, if indeed we get it at that session. I think this is the point . . .

Mr. Romanow: — You'll get it at the fall session.

Mr. McIsaac: — No you won't Mr. Speaker, Mr. Attorney General, because the year-end of the Crown Corporations is generally speaking, I believe the calendar year. I know STC, the bus company I can recall, their year-end is October 30th. So, November, December, January, you could have it the 15th of February. But those corporations that do have a year-end on the calendar year we certainly wouldn't be getting them, in the year that they are current and in the year when we should be discussing them.

I would ask the Attorney General, Mr. Speaker, to look at that and take an assessment of the various Crown Corporations to see whether or not an amending section could be introduced if necessary. To give him the opportunity to do that, Mr. Speaker, I beg leave to adjourn debate.

Debate adjourned.

Hon. R. Romanow (Attorney General) moved second reading of **Bill No. 121 — An Act to amend The Legal Profession Act.**

He said: — Mr. Speaker, I should like to move second reading of Bill No. 121 which is an act to amend The Legal Profession Act. I would just simply have this to say with respect to this Bill. In 1971, Mr. Speaker, The Legal Profession Act was amended providing for a Law Foundation. The Law Foundation is a body corporate and the 1971 enactment provides for seven members to constitute a corporation called The Law Foundation. One member was the Attorney General or his appointee; one member who is not a member of the law society was appointed by the Attorney General and five members of the society appointed by the Benchers.

Mr. Speaker, this Government feels that there should be a

greater percentage of public representation on the Law Foundation. The proposed amendment to Section 44 (a) increases the number of members appointed by the Attorney General and reduces by one, from five to four, the numbers appointed by the Law Society to the Law Foundation. Under the new formula, at least one and possibly two of the members of the corporation need not be members of the Law Society, in other words, members at large; thus the representative members of the Law Society is being reduced but remains at four. Mr. Speaker, this is in accord with the principle that this Government feels should be with respect to matters of this nature that there is a need for greater percentage of public representation and involvement. I might say that we have discussed this with the Law Society of Saskatchewan, at least my officials have, they advised me. I am advised that they have communicated no concern with respect to this proposal.

The Foundation was also created for the purpose of establishing and maintaining a fund to be used for legal education, research and law reform. That's the way it was initially set up in 1971. An amendment is being presented in this Bill in Section 44 (c) to extend the purposes for which the money in the fund may be used, so as to include such things as, for example, the provision of legal aid, the establishment and maintenance of law libraries throughout the province in addition to those powers of education, research and law reform which remain untouched.

Mr. Speaker, funds for the Foundation were to be acquired from interest earned on solicitors' trust accounts. These accounts at the time of the 1971 amendment were not as a general rule placed in interest bearing accounts. When the 1971 amendments were prescribed, it was felt that if solicitors were allowed by law to place money in trust accounts on a voluntary basis that substantial funds would indeed be derived from the interest on these funds to be used by the Law Foundation for its research programs and the like. However, experience has shown, certainly in other areas of Canada, that in order for this type of a scheme to work the voluntary aspect of depositing money in interest bearing trust funds must be removed, and it be made a requirement that trust money be placed in interest bearing accounts subject to any arrangement between a solicitor and a client to the contrary. If this Bill goes through, the lawyers will be required to place it in interest bearing accounts, unless of course, the lawyer and his client in the interests of the clients, and the client directs otherwise, in which case then there would be no further requirement. The wishes of the client would be respected and honoured.

Having this in mind and following discussions with the Law Society of Saskatchewan, therefore, Mr. Speaker, it was felt necessary to amend Section 44 by adding a new Section 44 (e) requiring trust funds held by solicitors on account of clients generally to be deposited in interest bearing accounts so that the funds could be used for the expanded purposes. With the increased and expanded representation from the public these functions, I think, will receive even greater importance and meaning. We want to have the foundation established. We want to get on with the program of legal research and legal reform and other activity. I, therefore, move second reading of this Bill.

Some Hon. Members: — Hear, hear!

Mr. Lane: (Lumsden) — Mr. Speaker, the remarks of the Attorney General have certainly set out the thinking of the Government opposite that has pervaded this whole session. We note that on at least three occasions he said, “the Government feels”, “the Government feels”, “the Government feels” that this should be done. Last session we hear that 55 per cent of the people of Saskatchewan wanted the legislation, now that they have been in for nearly two years, it is what the Government wants. If the Government feels it will do this, it will go ahead and do this. We note too that the expression used by the Attorney General, “that I communicated these amendments to the Law Society and there has been no real concern”. We note that in this Session that the Government intends to bring in legislation and unless somebody stands up and gets the Press and is lucky enough to get the Press and raise concern and get public reaction, then the Government intends to go on . . .

Mr. Romanow: — On a Point of Order. Perhaps it is not a proper Point of Order. I believe the Member has either misinterpreted or misheard my remarks. I believe I said that I consulted. My officials have advised me that the approval has been received by the Law Society for these proposed amendments. I want that to be indicated.

Mr. Speaker: — . . . not a Point of Order.

Mr. Romanow: — Well, all right, but there it is for the Member to know so that he ought not to misrepresent that.

Mr. Lane: — I am not misrepresenting anything, I am just taking what the Attorney General has said. That was the first indication that the Law Society had been consulted on the matter other than things communicated to them. We have a few more remarks to make, and beg leave to adjourn debate, Mr. Speaker.

Debate adjourned.

Hon. N. E. Byers (Minister of the Environment) moved second reading of **Bill No. 96 — An Act to amend The Highways Act.**

He said: — Mr. Speaker, on behalf of the Minister of Highways (Mr. Kramer), I offer a few comments about this Bill. The purpose of this Bill is to provide that the Minister of Highways or the Deputy be authorized to delegate to some officer of the department some of the responsibilities that are presently vested in the Minister and by reason of The Interpretation Act, the deputy minister.

The proposed amendments will delegate certain duties by the Minister to another officer of the department. The purpose of the request is to reduce some of the detailed work by both the Minister and the deputy minister in certain day to day activities. The Bill provides that any authority delegated to an officer of the department shall be approved by Order-in-Council. I understand that it is intended that this authority would be delegated to such officers of the department as the Director of Surveys and the Director of Support Services and it is not

intended to delegate this authority to people in the district highway offices.

The authority so delegated will apply in three areas. First with respect to the acquisition of property that is substantially damaged when a parcel is taken for a public improvement. Occasionally the damage to the remainder of the parcel may be very small. The department may decide to purchase either all or a portion of the remaining parcel. This additional land purchased, although not used for a roadway, is deemed to be land taken for a public improvement. This land may be sold later to someone to start up a service station or to another farmer, or it may be leased. The proceeds go to the consolidated fund. It is proposed that the officer of the department would be given authority to make such transactions under this delegated power.

The second situation refers to the closing of any portion of a public highway. Members will be aware that the Department of Highways has the right in the Crown to all public highways, including streets and lanes. The department receives requests for the closure of certain roadways from farmers or local governments to close off a street or a lane. Frequently, when local governments make such requests, the details are generally mutually agreeable to all concerned. Presently, all such requests have to be signed, personally by the Minister. It is proposed to give this authority to another officer in the department. The onus however, to ensure that the rights of the public are protected is still on the person who has been delegated this authority. In any case, if any person or party takes exception to the closure he still has recourse to the Minister. It is expected that such cases will relieve the Minister of some routine work.

The third situation applies to the disposing of lands taken under Section 35 (a) where a parcel taken by the department for public improvement may at a later time be sold back to the original owner or to another party. The original owner has the right of first refusal. It is proposed that someone other than the Minister or the deputy have authority to carry out such transactions. There may be further questions in Committee. I offer those few comments, brief they may be, on the proposed amendments to the Highway Act. I move second reading.

Mr. J. Wiebe: (Morse) — Mr. Speaker, upon looking at this Act I think it is extremely vital and important that each and every Member of this House support this Bill. I say it is important that they support this Bill if they wish to continue with the smooth operation of the Department of Highways. I think the example that the Minister of the Environment was required to introduce this Bill in this House today is one example of why this Bill is required. Why it is required that the Lieutenant-Governor-in-Council can now designate authority to other members of the Department of Highways to continue with the normal functions and the operations of that Department. We have sat in this House now for three weeks waiting for the Minister of Highways (Mr. Kramer) to take his chair in this House, to look after his responsibilities as a Minister of the Crown. He has neglected to do that for this entire Session. I feel that he has spent more time outside of this House than he has spent inside this House. Again today on behalf of the Minister of Highways, another Minister of the Crown had to introduce this legislation. We would like to know, like some of the Members say, just exactly

what is the Minister of Highways doing. Is he an auctioneer, is he a farmer, is he a politician, is he an MLA, or is he a Cabinet Minister? I think that the Government opposite has realized the fact that the Minister of Highways is not looking after his Department and because he is not looking after his Department, is it necessary to bring in legislation like this which designates the authority to other members within his Department to ensure that that Department continues to operate. So, on behalf of the Members on this side of the House, I urge Members opposite to support this Bill. To support this Bill because it is required if we wish to continue on with the normal operations of the Department of Highways.

It is unfortunate that it has become necessary for the Government to bring in legislation like this to ensure the continuation of the operation of the Department of Highways and if it is necessary that delegation be given to other members of the Department to ensure that the Department does continue, I will support the Bill.

Some Hon. Members: — Hear, hear!

Mr. Romanow: (Attorney General) — Mr. Speaker, I just must rise for one brief moment to say that, as one Member of the House, I take objection to the type of comments that are directed from the Member from Morse. I personally think that he is one of the brightest lights to come on the scene as far as the Legislative Assembly is concerned and I wouldn't want to see him fall into the ways of some of his front benchers in respect to personal attacks in this manner. I don't believe these actions commend him in his position in the House. I am not here to defend the Minister of Highways. I think his record in respect to Operation Open Roads and Operation Main Street and a variety of other matters with respect to economies in the Highways Department speak for him. I think all people know that as Ministers of the Crown we have other obligations. For example, I am going to be out of the Session for at least two days, starting tomorrow. The Minister of Social Services (Mr. Taylor) is going to be out for three or four days. I surely hope that I am not going to be attacked by a Member of the House that I am never in my chair because I am carrying on these or other related activities. I don't ask them to keep track on me necessarily, any more than they would want me to get up and accuse their Leader of never being in the House and always out politicking about Hog Marketing Bills or otherwise. I don't intend to do it that way. So, as I say, I don't want to get involved in that type of a hassle. If we agree on the Bill, let's pass it and simply say that we should avoid, in my judgement, making these types of improper and unfounded accusations.

Some Hon. Members: — Hear, hear!

Mr. Lane: (Lumsden) — Mr. Speaker, I should just like to say that the Attorney General certainly has permission to leave the Legislature for the next couple of days. I will not say anything. I think that aside from any question of any personal attacks I think that there is a matter here that the Minister of Highways has not been in attendance and that the legislation has been proposed and introduced and surely there should be a consideration of the House and he should be considerate of the House and that when his own legislation is being proposed that he be courteous enough

to introduce it.

Mr. K.R. MacLeod: (Regina Albert Park) — Mr. Speaker, if I may just add my few comments to this debate. It seems that the Government does not draw adequate distinctions, in a number of cases, between Ministers of the Crown and other Members of the House. Ministers of the Crown are regarded as, and they're paid for, being full time servants of the people of Saskatchewan. The other Members of the House are not regarded as full time servants of the people of Saskatchewan in the sense that every other Member of the House has, or is expected to have a part time other occupation. We all return to other businesses. There are teachers on the other side . . .

Mr. Cowley: — That's not true.

Mr. Speaker: — Order! I don't want to cut the Member off but I wonder what part of the Bill we are discussing.

Mr. MacLeod: — The principle.

Mr. Speaker: — This is an amending Bill, it is not a new Bill and I do believe that Members should discuss the Bill and not the action of other Members.

Mr. McIsaac: — Mr. Speaker, on the principle of the Bill we are discussing the delegation of the authority of a Cabinet Minister. In that respect I think the Member has every right to comment on the general aspects of percentage of time and so on that the Cabinet Minister may devote. That's the principle we are discussing in this Bill that the Cabinet Minister, in this case the Minister of Highways, may delegate certain of his authority to other members. So certainly that leaves the whole area of a Cabinet Minister's responsibility up for discussion.

Mr. Speaker: — But I think the Members are well aware the rules of the House are that one Minister can move a motion on behalf of another. One private Member cannot move on behalf of another. If the rules are wrong, let's change the rules but I would like to see the debate stay on the Bill.

Mr. MacLeod: — Well, Mr. Speaker, I appreciate Mr. Speaker's comments. My comments are to the point that this Bill is a Highways Bill. We have, I think, the right and I believe within the rules as they now exist, and I am not attacking the rules in this respect in any way, the rules as they now exist permit Members of the House to comment on the failure of the Minister to present this Bill to the House himself. We have the right, I suggest, Mr. Speaker, to comment on the reasons for his absence and to distinguish between him and other Members of the House as to this kind of activity. Now, I made a remark which seems to have met with some dissatisfaction and I should like to withdraw it and rephrase it in a sense that other Members of the House, besides the Members of the Cabinet do have other occupations and I believe are expected to have. The Minister of Highways, Mr. Speaker, it is well known, rightly or

wrongly it is well believed by many of us, that he spends as much time on his private business as he does on the business of the province. We think that that is improper and we call upon him to be here today.

I must say also, Mr. Speaker, that my remarks are limited to the Members who occupy Treasury Benches. As to other Members I resent the constant remarks that so-and-so is in the House or out of the House. People are making speeches and I believe also Mr. Speaker that if the Minister of Highways is absent on Government business the matter should be so stated in presenting the Bill as a reason why some other Member presents it, rather than the Minister of Highways himself. I would have no objection to that. But, Mr. Speaker, the Minister of Highways probably makes more money on non-government business than he does out of the Government and we think that is improper.

Mr. A.R. Guy: (Athabasca) — Mr. Speaker, I should just like to ask one or two questions and I hope the new Minister of Highways or the ex-Minister of Highways can give us the answers in closing debate. I assume the fact that the Minister of Environment is bringing in the Bill for the Minister of Highways, that means that the Minister of Highways will not be back in the Legislature prior to the end of the sitting of this House. Otherwise there is certainly no need for another Minister to bring in this Bill at this time. It is not a very controversial Bill, it could well wait. There are lots of other second readings on the Order Paper that could have been done today so one would have to assume that the Minister of Highways will not be with us again. I think it is fairly obvious that we can assume that because I understand that the newspapers up in the North Battleford area are filled with auction sales that are being taken by the Minister of Highways. So probably we won't see him back in the Legislature.

I think this is the first Session, certainly in the last 12 years, that the Minister of any Government have been absent on as many days and as many occasions as they have during this present Session. Now I know we are all anxious to get out of the House but surely the front Treasury Benches have the responsibility to be here to look after their own legislation. I think the fact that the ex-Minister of Highways is presenting this Bill is rather strange because it became obvious that he was not handling the Highways Department in an efficient manner and that is why the Premier saw fit to remove him from that and gave it to the former Minister of Natural Resources.

An Hon. Member: — They gave you . . .

Mr. Guy: — That's right, they did. They promoted me from Public Works but they demoted the Member from Kelvington (Mr. Byers). If find it very strange that now they turn around and ask him to bring in a Department of Highways Act. I hope that in closing the debate that the Minister of Environment will tell us whether he approves of the new policy for highways. Did he have something to do with developing this policy?

Mr. Snyder: — Mr. Speaker, on a Point of Order.

Mr. Guy: — Will you sit down!

April 25, 1973

Mr. Snyder: — Point of Order. Will you sit down!

Mr. Speaker: — Order! When a Member rises on a Point of Order, the Point of Order must be stated whether it is a pointed fact or not, it must be stated.

Mr. Snyder: — My Point of Order is this, Mr. Speaker, we have listened to this dialogue for the last number of minutes, a dialogue which has nothing in essence to do with the Bill which is before us. I would ask you to call the Member to order and refer them to the subject matter of the Bill.

Mr. Speaker: — I have tried when the Member for Albert Park was speaking and I tried to make it clear to the Members that what is being discussed is not a subject matter of this Bill. If the Members have other grievances then it should be discussed on a motion and not on a Bill this way. I would ask the Members to abide by the rules of the House, not only in the word but in the spirit of it and come back to the Bill.

Mr. Snyder: — I suggest when you make that ruling, you see that the Members are obliged to honor the ruling which you offer in this House.

Mr. McIsaac: — Mr. Speaker, do we now have a new enforcer of rules around here, the Minister of Labour? I would just like to point out again for the Member for Moose Jaw South, the Minister of Labour and you, Sir, that the debate is still going on on the principle of the Bill. We are talking about the authority of a Cabinet Minister and the delegation and the execution of his duties. That is exactly what the Member for Athabasca is talking about.

Mr. Guy: — Well, Mr. Speaker, we have heard the broken down engineer from Moose Jaw who is going to be the new enforcer around here.

The Act in front of us, of course, is The Highways Act and it has always been the principle on The Highways Act that when you moved second reading the whole Act becomes open for discussion. This is why I want to know whether this new Minister of Highways who was demoted from that Department is really in a position that he can be speaking on behalf of the Minister of Highways. I think if the Premier was here and if he was it would be one of the few times, but it would be nice to see him in his seat, I would like to ask if he knows that the ex-Minister of Highways is presenting this Bill on behalf of the auctioneer from North Battleford. I should like to know whether the ex-Minister of Highways believes the standards of highways in the province should be reduced as we have seen the present Minister of Highways suggest. In Estimates we heard him say that he made no apologies for lowering the standard of highways in Saskatchewan. I would like to know whether the ex-Minister, the Minister of Environment, goes along with that policy? In fact, maybe it was part of his policy when he left the Department. All I can say, Mr. Speaker, is I don't think that one Minister who has been taken out of a previous position for his

failure to do the job, should be introducing a Bill on behalf . . .

Mr. Snyder: — Mr. Speaker, on a Point of Order . . .

Mr. Speaker: — I will have to rule that the Member is not speaking to the Bill because as I read the Bill it says: “An officer of the Department”, it doesn’t say any other Minister, he says, “Or an Officer of the Department”. As I can read the Bill it does not refer to other Ministers, and it is within the rules for any Minister to introduce at any stage legislation on behalf of another Minister so I must rule this type of comment out of order, and ask the Member to stay to the Bill.

Mr. MacDonald: (Milestone) — On the Point of Order, I can appreciate the sensitivity of the Member for Moose Jaw South (Mr. Snyder).

Mr. Speaker: — I have made my ruling, and it is not debatable now.

Mr. MacDonald: — But, Mr. Speaker, surely I have a right to speak on a Point of Order.

Mr. Speaker: — The Point of Order has been raised and I have made my ruling that we must stay to the Bill and to criticize one Minister or another Minister moving it, is not in order and I so rule.

Mr. McIsaac: — Mr. Speaker, on another Point of Order if I may raise it, with respect to the rules, Sir. Is it not true that when a Bill is introduced it opens up the entire Act? Has this not been a generally accepted concept? This Act before us is an Act to amend The Highways Act, does this not mean that the entire Act is open for discussion on second reading. That has normally been the condition as I understand it.

Mr. Speaker: — I believe that not to be true. What is before the House is what is on here, not the whole ramification of the Department. It is just the Bill that is before us.

Mr. MacDonald: — Mr. Speaker, on that Point of Order, how can you have a clause to amend an existing Act that has ramifications on the whole Act and not discuss the Act, Sir? It has always been the principle in this House, in my memory, that when there is an amendment to the Bill the amendment has implications for the Act and we can discuss the Act, Sir.

Mr. Speaker: — The Act can only be discussed as far as this affects the Act but it is not the principle of the whole Act, it is only where this affects it. That must be so, otherwise we would never accomplish our progress in the House.

Mr. Boldt: — Mr. Speaker . . .

An Hon. Member: — The great Minister of Highways.

Mr. Boldt: — Yes, as ex-Minister of Highways, on a Point of Order, I have been in the Cabinet perhaps longer than you have, or you have never been in the Cabinet to my knowledge. I have brought in Bills and my colleagues have brought in Bills when we were in the Cabinet, and very often the then Premier said, “No we are going to introduce that Bill and amend it because that opens up the whole Act and we are going to have a real fight on our hands.” So every time you amend a Bill and I say that you are absolutely wrong. The Highways Act is now open to the Legislature and we can debate it from clause 1 to the end of all the clauses.

Mr. Speaker: — Well, I rule otherwise and my ruling is available to be challenged. But I rule otherwise.

Mr. Guy: — If I might continue, Mr. Speaker. I am not going to be out of order because I don’t wish to debate the whole principle of the Act if you so rule, Mr. Speaker. I certainly don’t wish to go against your ruling. But if you will look at the Bill you will notice that the word ‘Minister’ is referred to in every section and this is, I think, what we are debating today. We are debating the actions of the Minister of Highways and the fact that he is never in the Legislature, and the fact that he spends more time doing outside work.

I think that the ex-Minister of Highways should be prepared to answer any questions that might arise. After all he did see fit to bring in this Bill which I think was in very poor taste as far as the Government is concerned to have one of the former Ministers who was removed from that position to now start bringing in legislation dealing with the Department of Highways. I don’t see how he can do that. Certainly it is not in the best interest of this Legislature to have Ministers have the Premier pull a Minister’s name out of the hat and say now we are going to have you . . .

Mr. Speaker: — Order! I would ask the Member to stay to the Bill and not talk about which or what Minister may have been in that Department because that is not germane to this Bill. I would ask that Member to try and keep himself in order.

Mr. Guy: — Well, Mr. Speaker, I certainly don’t want to disagree with your ruling, but surely to goodness if a man takes the responsibility and is introducing the Bill, and I don’t care which Minister it is, whether it is the Minister of Highways or the Attorney General, then he has to take the responsibility for answering the questions that I wish to raise on second reading of this Bill. The fact that he was the ex-Minister I suppose is only coincidental to the fact and I will quit using the term ex-Minister. It is well known that he was and that he didn’t last long. I think that the whole principle of any Minister introducing a Bill on behalf of another Minister is very poor policy and very poor taste. In this particular case I suspect it is because the Minister of Highways will not be back in this Legislature as long as we sit and I think that this is a sad action and a sad reflection on the Attorney General and particularly the Premier.

Mr. Cowley: (Minister of Finance) — Mr. Speaker, I think what we have seen this morning is one of the saddest little sights of the Opposition over there. They haven't taken time to read the Bill and they had to say something so they got up and they have been discussing something that is totally irrelevant as far as the Bill is concerned since the debate started.

Mr. Speaker, I am sure that the Minister of Highways will want to say something about this Bill. The Acting Minister of Highways introduced the Bill. Mr. Speaker, I would like to give the Minister the opportunity to reply to some of the comments and, therefore, I beg leave to adjourn the debate.

Mr. Speaker: — Before we go any further I should like to read to the Members from Erskine May's Parliamentary Rules:

The Member who has charge of a Bill or any other Member acting on his behalf moves that the Bill be now read a second time and this is the opportunity for explaining a subject. Debate on the stages of this Bill should be confined to the Bill and should not be extended to criticism of administration or of the provision of other Bills then before the House, or contemplated.

I could read on but I think that covers the point I am trying to make.

Mr. MacDonald: — Just a question on it, if I interpret your statement correctly, Mr. Speaker, it does not restrict it to the amendments. It restricts it to the Bill itself which is the whole Act. Do I not interpret that correctly?

Mr. Speaker: — It restricts it to the Bill and not to the administration or anything else. We have been discussing administration rather than the Bill before the House.

Debate adjourned.

Hon. E. L. Cowley (Minister of Finance) moved second reading of **Bill No. 119 — An Act to amend The Fuel Petroleum Products Act.**

He said: — Mr. Speaker, this one falls in the same realm as the last one. It is a non-controversial Bill. The amendments are largely administrative changes designed to update or simplify the Act. I believe the explanatory notes which the Members have go into the changes in some detail.

One of the changes in subclause (a) and (d) of Section 2 and in Section 6 changes names from Provincial Treasurer to the Minister of Finance. Other amendments reflect similar changes in the Governments of Alberta and Manitoba. I don't think any of these are particularly controversial.

The effect of Section 7 is to remove the \$5 minimum penalty for failure to file a return. This was done on the E & H tax

April 25, 1973

and we are simply following this up so there will be no minimum penalty.

Section 9 incorporates into legislation a regulation which has been in effect since 1959. In the fall of 1970 the secretary of the Special Committee on Regulations advised the Department that this should be set forth in the Act rather than in the Regulations and we are doing that.

The definition of a motor vehicle in Section 2 of the present Act is a little cumbersome and we are now changing Section 11 somewhat to make it easier to make amendments. The intent of the amendment in clause (e) of Section 2 of the Bill is simply to exclude from the definition of a motor vehicle those vehicles in which it is legal to use purple fuels as authorized in Section 11.

The amendments outlined in clauses (b) and (c) of Section 2 and Section 5 are really regarded as precautionary legislation. What this will enable us to do is that if and when natural gas is used as a motor fuel, to tax natural gas used in a motor car at the same rate or at a comparable rate to what it is taxed for petroleum that is used now.

Section 4 of the Bill is essentially a housekeeping amendment to regularize exemptions which currently exist under The Fuel Petroleums Act. A further change in clause (g) of Section 4 makes it permissible for farmers to use purple fuel in farm trucks when they are operating under special permits authorized by the Highway Traffic Board. This is of particular importance to farmers who are employed on a part time basis as telephone repairmen for rural telephone companies or who are authorized by the Highway Traffic Board to use their farm trucks while engaged in work on behalf of a municipality.

Section 5 of the Act presently authorizes the Lieutenant-Governor-in-Council to prescribe fees for licences issued under the Act. The amendment to Section 5 extends the authority to permits which may be issued. Considerable difficulty has been encountered in obtaining returns from those persons who secure single trip permits to travel into or across Saskatchewan. The intent of the amendment is to enable the permit fee to be prescribed and collected at the time that the permit is issued. This is consistent with the practice in Alberta and British Columbia and is designed to ensure that those persons who benefit from the Saskatchewan Highway System contribute something to the maintenance of the system.

Section 8 of the Bill now under consideration introduces a new Section 23B under the Act and it is designed to facilitate collection from wholesalers and bulk distributors who sell marked fuel to persons other than farmers. It is in line with the 1970 amendments to the Act which exempted from tax marked fuels used for agricultural purposes.

Mr. Speaker, I move that Bill No. 119 be now read a second time.

Mr. MacLeod: (Regina Albert Park) — Mr. Speaker, I should like to limit my remarks to the concern that we have of the Government's intentions, if they do

exist, to change the tax rules with respect to purple gas. The way is certainly not closed and the Government could, by regulation, alter that situation. We do express continuing nervousness and apprehension that the Government will decide to increase the tax on farm fuels or gas which is used for farm purposes. But if this does not impose a tax it certainly makes some separation as to the definitions of a motor vehicle and puts in a different category or different place in the Act these definitions and could be dealt with by regulation increasing the tax should the Minister so decide.

Now, Mr. Speaker, the rest of the clauses either are exactly as the Minister says of the type of amendment which we believe probably should be made in any event and in many cases would receive the support of the House. I fall short of saying that we support the entire Bill because in one or two cases we are uncertain as to the effect that the amendments have. By and large we have no complaint.

Mr. Gardner: (Moosomin) — Mr. Speaker, I would like to concur with the remarks made by the Member for Albert Park. I am sure all Members of the House are aware that there have been persistent reports that this NDP Government intends to interfere with the right of farmers to use purple gas in their farm trucks. Now we don't know, Mr. Speaker, whether they plan on doing this immediately or not. The Minister didn't make this clear when he introduced the Bill but it appears that the amendment to this particular Act will make it much easier for the Government to accomplish this when the decision is made. They have apparently deleted this part which exempts the farm truck as a motor vehicle and changed the wording of it. We feel that this will facilitate the changes when they decide to do it. We would like at this time to express our concern about the amendments because of this and we would like to say for this reason we are very concerned about this particular section of the Bill.

Mr. Cowley: — Well, Mr. Speaker, again the two biggest garbage cans over there were spewing forth in this one. There is nothing in this Bill which suggests that we are going to be changing the regulations with respect to purple gas for farmers. Neither are we contemplating such a change, Mr. Speaker, I want to make that clear right now. The Member for Albert Park talks about us increasing the tax on purple fuel. I want to tell the Member for Albert Park that there is no tax now on agricultural fuel used for agricultural purposes. The only time there was a tax was when you were the Government.

Some Hon. Members: — Hear, hear!

Mr. Cowley: — Now, Mr. Speaker, I just want to make it clear in closing debate on this Bill that any changes that we can make under the Bill as it is now amended, could have been made before. There is no attempt on the part of the Government to make it easier so that we can slide in a change through the back door. I want to reiterate once again, Mr. Speaker, that we are not contemplating any major change in those regulations.

Some Hon. Members: — Hear, hear!

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

April 25, 1973

recorded division:

Yeas — 33

Messieurs

Blakeney	MacMurchy	Richards
Dyck	Pepper	Faris
Meakes	Michayluk	Cody
Romanow	Whelan	Feduniak
Messer	Kwasnica	Comer
Snyder	Carlson	Rolfes
Bowerman	Engel	Lange
Thibault	Owens	Oliver
Larson	Tchorzweski	Feschuk
Kowalchuk	Cowley	Kaeding
Brockelbank	Matsalla	Flasch

Nays — 15

Messieurs

Steuart	MacDonald	McPherson
Coupland	(Milestone)	Lane
Loken	McIsaac	MacDonald (Moose Jaw North)
Guy	Gardner	Wiebe
Grant	Weatherald	
Boldt	MacLeod	

No coffee in the House

Mr. Speaker: — Before we call the next order I would like to advise the Members that it is against the rules to bring coffee into the House while the Speaker is in the Chair.

Mr. McPherson: — That should apply to both sides of the House.

Mr. Speaker: — I advise both sides of the House.

Mr. McPherson: — Mr. Speaker, I know I have been guilty of it and I apologize. I started when I saw the Premier bringing it in, that's when I started.

Some Hon. Members: — Hear, hear!

The Assembly adjourned at 10:07 o'clock p.m.