

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Fourth Session - Seventeenth Legislature
49th Day

Thursday, April 11, 1974.

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

WELCOME TO STUDENTS

MR. D. BOLDT (Rosthern): — Mr. Speaker, I take great pleasure today to introduce a group of students together with their principal, Mr. Peachey from my home community of Osler. There are 15 Grade Twelve students sitting in the east gallery. I am sure that all Members would like to extend a hearty welcome to them and wish them a very pleasant afternoon.

HON. MEMBERS: — Hear, hear!

QUESTIONS

PRESS CONFERENCE RE IRON AND STEEL AGREEMENT

MR. D.G. STEUART (Leader of the Opposition): — Mr. Speaker, before the Orders of the Day I should like to direct a question to the Premier. Last Thursday or Friday, I am not sure exactly which day it was, but the Premier was absent and I directed a question to the Attorney General (Mr. Romanow) in regard to a news release that emanated from so-called high government officials, or an official of the Government of Saskatchewan, in regard to the proposed iron and steel agreement between the Provincial and Federal Governments. I asked the Attorney General at that time if indeed the high officials had been the Premier and Mr. Thorson, or the Premier and anyone else. At that time the Attorney General said he was not able to answer the question that he was not aware. I wonder now that the Premier is here, I wonder would the Premier say if he, in fact, was the high official who called that press conference and made that announcement or background information available to the Press?

HON. A.E. BLAKENEY (Premier): — The answer, Mr. Speaker, is 'Yes'. I was the official who had the briefing session. It wasn't a press conference as such, it was a familiar process of having a briefing session prior to an announcement. But let me say this, Mr. Speaker, I realize what you asked and I am going to make a statement and you can . . .

MR. STEUART: — Mr. Speaker, on a Point of Order, we are always brought to order, I just merely asked a question. I got the answer.

MR. BLAKENEY: — All right. I will have a little more to say in answer to the Hon. Member's question but before I answer the question fully I will preface my answer with a few introductory remarks, because I have seen a fair number of questions prefaced with a few introductory remarks.

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The short facts on this issue are as follows. (I think, Mr. Speaker, I'll sit down and allow them to ask a supplementary question, if they dare.)

The facts are at the Energy Conference it was agreed that this steel agreement would be signed and anything that I said at the briefing session I could entirely appropriately have said on the night of the Energy Conference. Indeed I discussed the agreement on the night of the Energy Conference and for Members opposite, or anyone else to suggest that there was any measure of impropriety, much less un-Canadian activity, is to make a comment, (I'm sure Hon. Members opposite didn't make that comment, but whosoever made that comment made it), without any knowledge of the discussion between myself and the Prime Minister and accordingly made it with the usual lack of knowledge which sometimes emanates from that source.

SOME HON. MEMBERS: — Hear, hear!

MR. STEUART: — Mr. Speaker, a supplementary statement or question.

SOME HON. MEMBERS: — Hear, hear!

MR. STEUART: — Having uncovered and recognized the total embarrassment of the Premier, I wonder if the Premier now would answer a supplementary question. Is he now prepared honestly to admit that in dealing with such a very large and very important project of the Province of Saskatchewan, is he now prepared to admit that the idea of a Premier to Saskatchewan stooping to such a grubby, sleazy little trick where he had to make very great explanations to the Press and have his aides there to impress on them that this was a funny little secret press conference but really not a conference, I don't know what the difference is between a press conference that the Premier calls and a non-press conference where the Press show up. I'm sure that difference rather eludes me. Is he now prepared to admit that in view of the importance and the tremendous future this holds for the Province of Saskatchewan that this really was a rather cheap, sleazy little grubby trick?

MR. BLAKENEY: — Mr. Speaker, the Member for Prince Albert indicated that he didn't appreciate the difference between a briefing session and a press conference. I can understand that, we can add it to the large list of things which he doesn't appreciate or understand.

Mr. Speaker, the facts are that this agreement was about to be signed by the Federal Government and was in fact signed on the Wednesday.

MR. GUY: — Why didn't you say so?

MR. BLAKENEY: — If the Member for Athabasca wishes to answer the question, Mr. Speaker, I would be happy to give way to him.

But the point is this, there was about to be an announcement, the agreement was in fact signed the next day. A briefing session was held so that the position of the Government of Saskatchewan could be released at the same time as the position

of the Government of Canada. It was an entirely appropriate arrangement and it has been done many, many times in the past. If the Member for Prince Albert doesn't understand what a briefing session is in order that statements can be given which can be released; which will be released at a later eventuality, which is almost certain to occur. If that is the situation, I want to say to him that he should get instructions from members of the Press Gallery.

MR. STEUART: — I'm going to get it from the Press.

MR. BLAKENEY: — You do that, you certainly need it from somewhere. But that is the nature of a briefing, that is the nature of the discussion which was held, and that will be the nature of further briefings which are held from time to time.

MR. C.P. MacDONALD (Milestone): — I don't think that anybody in the House, or in the Press, or in the Province of Saskatchewan, Mr. Speaker . . .

MR. SPEAKER: — Does the Member have a question? We can't have a debate on this.

MR. MacDONALD: — Yes. You know if the Premier wants to brief the people of Saskatchewan, why is he so ashamed that he kept it deliberately secret and absolutely instructed members of the Press not to use his name? Now if this is a normal briefing session, he reached the agreement with the Prime Minister of Canada, I suggest that the term describing it as a despicable political leak, is an accurate one. Are you going to issue a public apology to the Prime Minister and the Government of Canada?

SOME HON. MEMBERS: — Hear, hear!

MR. BLAKENEY: — When the Prime Minister of Canada feels that I should issue him a public apology no doubt he will get in touch with me. I have heard not one word from the Prime Minister except a very nice letter enclosing a signed copy of the agreement.

SOME HON. MEMBERS: — Hear, hear!

MR. BLAKENEY: — If the Member for Milestone wishes me to table that letter I would be very happy to seek the consent of the Prime Minister and we will table it.

MR. STEUART: — Oh, you're going to get his consent now.

MR. BLAKENEY: — To table his letter? The Member for Prince Albert seems to lack a normal appreciation of the matter such as I would have anticipated even from some of his backbenchers. When I made an agreement with the Prime Minister, which I did, that the terms of this agreement that the agreement could be announced, that agreement was made and that agreement was honored. I did not have the Prime Minister's agreement that I could

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table his letter. He has now sent me a letter, Members opposite are asking me for a copy of the letter. I will be happy to seek the Prime Minister's consent and table that letter and I think Members opposite will find in that letter, which is dated after the alleged impropriety, or whatever the Member for Milestone is calling it, and if he can find any word of censure in that letter, I would be happy if he did so. I think the Prime Minister of Canada is well able to look after his interest and to protect his tender sensitivities without any help from the Member for Milestone.

SOME HON. MEMBERS: — Hear, hear!

MR. MacDONALD: — A supplementary, Mr. Speaker. He still hasn't told me why it was a secret, the press conference. Mr. Speaker, I want to tell the Premier why the Prime Minister didn't write him back, because he acts as a gentleman.

MR. SPEAKER: — Order! We cannot have a debate on this.

MR. MacDONALD: — I'm merely prefacing my question as the Premier did.

MR. SPEAKER: — The preface should be short.

MR. MacDONALD: — Mr. Speaker, I want to ask the Premier if it is his intention in the future to continue to treat Federal and Provincial negotiations and arrangements that are confidential, that in no way should have to be kept secret, that in no way have to be refused to have his name associated with them, is that the way you intend to treat Federal-Provincial negotiations with the rest of our partners in Confederation in the future?

MR. BLAKENEY: — Mr. Speaker, the answer is that when I have an agreement with the Prime Minister with respect to an agreement I shall discuss it with whom I please, and when I please.

SOME HON. MEMBERS: — Hear, hear!

MR. BLAKENEY: — Now, when I anticipate that there will be a public announcement by anyone or a matter of public importance which is likely to be announced two days later, I will continue to have briefing sessions at which I will continue to give statements which are for release at the time of the subsequent event. I have done this consistently with respect, let us say, to elections. I have frequently given statements, I will be free to admit, to the Press saying, use this if our party wins, use this if our party loses. I have had a briefing session of that nature, and I have asked them not to reveal any of that until the event occurred. When the event occurred they would use the statement which I put in the can and I will continue to follow that process.

SOME HON. MEMBERS: — Hear, hear!

DEVELOPMENT OF NORTHERN FORESTS

MR. J.G. RICHARDS (Saskatoon University): — Mr. Speaker, I should like to address a question to the Minister of Natural Resources. Yesterday, in the Crown Corporations Committee the Minister in attendance, Mr. Kramer, claimed complete ignorance with respect to proposals of forest development up to \$175 million and consequently referred members to the Minister of Natural Resources. The question to the Minister is, is the Department and the Government considering a series of forest developments involving hard line pulp development in the sawmill in Prince Albert, sawmill in Carrot River, sawmill extension in Meadow Lake and other large intensive forest development in the northern Saskatchewan forests, the total of which would be I understand, according to Department of Natural Resources Minerals, \$175 million capital investment?

MR. SPEAKER: — I would like to point out to the Members that questions or other things that arise in Committee cannot be discussed or debated in the House until the Committee reports to the House. It must be discussed in Committee and when it comes to the House then it is the time to raise it but not now.

MR. RICHARDS: — I was referred by the Minister that this was not relevant material for the Committee and therefore I am raising it in the House. It was not debated adequately in the Committee as the Minister insisted that was not a subject pertaining to Saskatchewan forests but through the Department of Natural Resources and he advised me to raise the issue in the House which I am proceeding to do.

MR. SPEAKER: — I think some of those questions Members would be better advised to raise in Estimates. If the Minister is prepared to answer it I will let him answer it but I think some of these questions would be better in Estimates.

HON. J.R. KOWALCHUK (Minister of Natural Resources): — Mr. Speaker, I think due to the extent of the question it would be better answered in Estimates but even more so it would be better written out as a question.

MR. RICHARDS: — I think the original question required a mere Yes or No to whether they were considering.

MR. SPEAKER: — Order! The Minister can ask for notice of the question and make the government policy later and that is not debatable here.

MR. RICHARDS: — I won't pursue it. I want to add a supplementary question to ask which you can determine whether it is or is not in violation of the Minister's statement. The supplementary question is: The Department of Natural Resources has prepared numerous inventory assessments on the basis of which allowable annual cut is determined, the supplementary question is would the Minister make available to the House the assessments by the

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Forestry Branch, Department of Natural Resources, as to what is the total allowable cut upon which we can determine whether any future planned project will in effect amount to over cutting?

MR. KOWALCHUK: — Mr. Speaker, those allowable cuts will certainly be available.

ORAL QUESTION PERIOD

MR. K.R. MacLEOD (Regina Albert Park): — Mr. Speaker, I did have one question I wanted to ask of the Hon. Premier, but I wish to revert to a matter discussed earlier today. I should like to ask the Hon. high level Government source, if he would endorse .

MR. SPEAKER: — Order! No, I think we have discussed that enough. We have had three questions and we are coming back to the first one again. I don't think we can do that. I think if the Members wish a fuller detailed discussion you can really go after it in the Premier's Estimates.

MR. MacDONALD (Milestone): — On a Point of Order, I don't wish to challenge the Speaker, but why should you determine, Sir, whether or not we have asked enough questions about one subject or not, Sir, that is up to us to determine.

MR. SPEAKER: — I will agree with that. We have had the custom of three questions a day. The Leader of the Opposition asked a question and a supplementary. The Member for Milestone did the same and the Member of Saskatoon University. The Member who just rose said he wished to revert back to this topic and I don't think we want to get in debates that way, it's not good for the dignity of the House.

MR. RICHARDS: — I'd like to speak to this issue. It obviously has been contentious and I have no particular desire at this juncture to raise a question. But I think it is not written in the rules any particular number of questions we are to ask in one day and there obviously is a demand from the Opposition on occasion to ask more than three questions as of today. I think that we ought in this House to be fairly flexible on this issue as it is one of the more important responsibilities and functions of the Opposition to ask these questions. I would beg your indulgence that we don't have one hard and fast rule on three questions but that we can be flexible with respect to the asking of additional questions.

I should like to hear you, Mr. Speaker, tell the House what is your philosophy on how we should resolve this procedure, which obviously has grown over the last several months, because we have asked four or more questions on certain occasions.

MR. SPEAKER: — The rules of the House don't permit oral questions at all, it has been done by toleration. Previously, my predecessor agreed that there would be three questions and that practice has been continued. If the House wishes to make

provisions for an Oral Question Period, laying down rules and regulations the House can do that if they wish to do so. But if you are asking the Speaker to enforce the rules strictly as we have now, then I would have to rule any oral questions out of order, which I haven't been doing because it has been a custom. Customs sometimes grow into rules and if the House want to adopt the rule, it is fine by me. Don't ask the Chair to be breaking what the House has had as a tradition.

MR. MacDONALD: — Mr. Speaker, I certainly agree with your ruling about the custom and tradition of oral questions, but I should like to point out to you, Sir, that on many occasions in this current session, the official Opposition has asked three questions and the Member for Saskatoon University has been permitted an additional question. I should like to ask you to take that under consideration and not limit us if the official opposition comes in with three prepared questions about what they consider very important subjects and very current subjects and then the Member for Saskatoon University who does not consult with us in caucus, as you can appreciate, has an additional question or interjects the third or fourth question, can get up. And I would ask you to take that into consideration.

MR. SPEAKER: — May I suggest to both caucuses, that the two sides get together, discuss what they want and then meet with myself and my Clerk and we can arrange some regulation if the House agrees. But don't ask me to make fresh rules every day. On one or two occasions I have asked if the House would permit an extra question and they have agreed but I don't think that I should be put in that position.

MR. T.M. WEATHERALD (Cannington): — Mr. Speaker, I just wish to make the comment on your ruling that it is also equally true that any Member on the Government side, a backbench Member, has equal right with any one of us to ask a question. Now, so if we are going to apply the strict three question rule, they may ask all three from the back bench in the same single day and be absolutely entitled to do so.

MR. E.C. MALONE (Regina Lakeview): — Mr. Speaker, on a Point of Order, I understand that in the past you have allowed more than three questions by the consent of the House. I'm sure the Premier wants a full airing of this very important matter, so I would ask you, Mr. Speaker, to ask if the Government would permit another question.

MR. SPEAKER: — The Members want a full discussion on this, a resolution on the Order Paper would give them lots of latitude, but I do not think that we should be trying to debate an issue by debating the rules. If we want to debate the rules let's straighten out the rules, but don't debate an issue while we're debating the rules.

SECOND READINGS

Hon. J. R. MESSER (Minister of Agriculture) moved second reading of Bill No. 96 — **An Act respecting The Resort Municipality of Jackfish-Murray Lake.**

He said: Mr. Speaker, the principle of

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this Bill is to provide a form of local municipal government for the persons directly interested in development of an area adjacent to the Jackfish-Murray Lakes. These lakes are located within the boundaries of the rural municipality of Meota No. 468 and about twenty miles north of the city of North Battleford.

Each year an increasing number of residents of this province are participating in the development of the area surrounding these lakes, primarily as a summer resort. The summer resort village of Cochin forms part of the resort development, but the recreation and recreational potential of the lakes continues to attract more persons with the resulting development occurring along the shoreline of the surrounding lake.

It is acknowledged that the village form of local government for resort areas leaves something to be desired. We want to develop a local government which would serve the needs of a total lake area and which would guarantee representation from all areas of the lake development. To overcome these shortcomings a good deal of consideration has been given to the establishment of a new form of local government. A form of local government which would provide the sensitivity required to make it not only acceptable to the ratepayers it would serve, but which would provide effective control over the developmental area around the lake. It would also provide some special local control over identifiable communities which make up the total lake development area.

The local government structure around our lakes and waterways is in the form of rural municipalities, except in those cases where resort villages have been established.

Lake development, however, causes problems for the local councils, because the services required for such developments are urban in nature. Furthermore, rural municipalities are designed primarily to meet the needs of the rural residents who are basically farmers. Their chief concern centres around public works facilities, such as a good road system.

As resort areas develop in a municipality and become difficult to manage, the rural council will normally encourage the establishment of a resort village. Often the ratepayers of the particular area take the initiative and petition for the formation of a village. However, there are often numerous beach and cottage developments around a lake, many of which are in the intermediate category between hamlet and village and these areas are of great concern to our rural councils.

The management of these areas, if they are numerous, becomes a major problem for both council and for its staff.

Mr. Speaker, the increased development of the Jackfish-Murray Lake area has meant a corresponding increase in the demand on the rural municipality for more and better roads; for more and better sanitation facilities and for more public services generally, than the rural municipality feels that it can now contend with.

The principle of this Bill has been discussed with the council of the rural municipality concerned and at a public meeting of interested residents in the area. The idea received the unanimous support and a request was made to have the principle implemented.

Mr. Speaker, this Bill will provide for residents of an area adjacent to Jackfish and Murray Lakes to petition to have the designated area organized into a municipality. The council to represent the resort municipality would be elected on a divisional basis, the same as in rural municipalities. In order to accomplish this, the lake area would be divided into appropriate divisions, taking into account area and population and a councillor would be elected from each division by the ratepayers of that area. One member of council who would act as chairman would be elected at large, but would have to be a ratepayer of the proposed municipality.

This central council would have overall jurisdiction in the administration of the municipality. However, provision would also be made to allow definable sub-divisions or built up areas, which could be considered communities to form as organized hamlets. These hamlets would elect their own boards, consisting of three members who would be responsible for directing the expenditures for that particular area. The revenue of these hamlets would be obtained by an allocation from the central council of up to 70 per cent of the taxes levied in the area of the hamlet. All funds would be controlled by the central council and all accounting and administrative activities would also be its responsibility. However, the local hamlet board would direct how the tax revenue allocated to it would be spent. In this particular area it is estimated to be 70 per cent.

Special levies could be imposed by the organized hamlet with the consent of the central council and the revenue would be spent for the special activity in the hamlet. An example of such special levy would be street lighting.

To all intents and purposes the organized hamlet could operate as a village, except that the main council body would have to carry out all of the administrative and general functions of local government. If a sewer and water system was to be installed in an organized hamlet, this could be done in the same fashion as a village. In such cases, local improvement taxes could be levied to cover the costs of distribution lines and water charges could be made to users to cover the capital costs of the system and its operation. Street improvements, such as paved or oiled streets could be done also on a local improvement basis, if this was deemed advisable by the hamlet board.

Essentially what I have described up to this time, could be carried out under the provisions of the present Rural Municipal Act. However, I suggest that it is more desirable to develop a new Act which includes many of the provisions of The Rural Municipality Act as well as some of the powers now given under the Urban Municipal Act to resort villages.

The provisions of this Bill, Mr. Speaker, are taken from the Rural Municipal Act, 1972 and The Urban Municipal Act, 1970 and combined to provide an Act suitable for the administration of the area concerned. When the principles of this form of local government becomes known to the public, I expect there will be requests from other areas of the province for similar legislation.

Mr. Speaker, the details of this Bill can better be discussed in committee and I therefore, move second reading of this Bill.

SOME HON. MEMBERS: — Hear, hear!

MR. J.C. McISAAC (Wilkie): — Mr. Speaker, with respect to Bill No. 96, I believe that this Bill arises in an effort to solve a problem of long-standing in that particular area of the province referred to. It was a problem some years ago and it's a problem that's been growing in a sense with the complexity of both rural municipal governments and urban municipal governments that are involved in that particular resort area. And I know that the Minister of Highways (Mr. Kramer) is probably much more acquainted with the details that led up to the development of this Bill than perhaps anyone else in the House. I know I've been informed and have been approached a number of times — not so much in the last several months — with respect to some of the problems that this Bill seeks to resolve for this particular resort area.

I have examined the Bill and I would have to agree with the Minister who introduced it, that there are some details which perhaps can only be really asked in Committee study of this Bill. On the surface, Mr. Speaker, I believe it's a good Bill and as the Minister said it may well prove to be the kind of a thing, if it works well, that could be employed in other areas throughout the province where you have villages, hamlets, as well as RMs surrounding a body of water. I would ask leave to adjourn, Mr. Speaker, only to check out — I've already sent a copy up, somebody has asked for a copy and at the moment I know of nothing in the Bill that I would take exception to, but I've had a couple of people interested in it and if I could beg leave to adjourn, Mr. Speaker, at this time.

Debate adjourned.

HON. R. ROMANOW (Attorney General) moved second reading of Bill No. 95 — **An Act to amend The Magistrates' Courts Act.**

He said: Mr. Speaker, this is an amendment to The Magistrates' Courts Act. I don't anticipate that it should be controversial.

Mr. Speaker, the purposes of the proposed Bill are really two-fold. Firstly, to correct a clerical error in subsection 1(a) of section 34 of Chapter 72 of the Statutes of Saskatchewan, 1972, where the phrase one-twentieth was used instead of one-fortieth. Secondly, to authorize the Attorney General to make a payment out of moneys appropriated for judges' salaries to the Public Service Superannuation Board on behalf of a former judge or judges as the case may be, who accepts at the Attorney General's request, employment which is subject to The Public Service Superannuation Act.

Under the present provisions of The Magistrates' Courts Act, a judge does not qualify for an annuity until he reaches the age of 65 and has served 25 continuous years as a judge or until he reaches the age of 70 years and has had at least ten years service. Because he makes no contributions to a pension fund, a judge is entitled to no refund if he ceases to be a judge, before reaching the age of 65 or having served for 25 years.

The present amendment before the House seeks to partly correct the situation for any person who has ceased to be a judge after April 1, 1973 and who at the request of the Attorney General accepts a position to which The Public Service Superannuation Act applies. The proposed scheme of the amendments is that the Attorney General will have authority to make a payment

out of the moneys appropriated for judges' salaries to the Superannuation Board on behalf of the person who has ceased to be a judge and who meets the requirements set out in paragraphs (a) to (e) of subsection 1 of section 36A.

Under section 58 sub 1 of The Public Service Superannuation Act, a person employed by a body under the Government of Saskatchewan and who, while so employed was not subject to The Public Service Superannuation Act, can if he subsequently accepts a position which is subject to The Public Service Superannuation Act, apply to have his former employment deemed employment for the purpose of that Act. In order to establish his previous employment as such, he must make certain contributions to the Board based on his former salary. This amendment will give the Attorney General the authority to contribute a share of these payments to the Board. By virtue of subsection 3 of section 36A this share can be no more than 50 per cent of the payments which the former judge must make. The reason that the amendment is framed to include only a former judge who accepted employment at the request of the Attorney General to which the Public Service Commission applies is that the Government is now faced with a situation where a former judge who is now the Ombudsman is faced with the problem of establishing his service as a judge for the purposes of employment under The Public Service Superannuation Act.

I might add, Mr. Speaker, that we are considering a total review of the present Magistrates' Pension Plan for magistrates as a whole and hopefully at this same time some provision will be made for judges who also have to leave before retirement age. I think by and large this particular provision has been unsatisfactory to the present date.

I will not have any amendments, however, to introduce on the general position of pensions for magistrates at this Session but if all things work out, something perhaps for next year.

It was also thought necessary to ensure that the payments authorized by this amendment would not be considered a retiring gratuity or honorarium or a refund of contributions. Therefore, subsections 6 and 7 specifically provide that section 58 subsection 2 of The Public Service Superannuation Act do not apply.

So, in summary, Mr. Speaker, these amendments do two things as I said. Firstly they correct the clerical error, just changing the figure from one-twentieth to one-fortieth, which is in fact the basis upon which payments have been made to widows and secondly, to allow for the inclusion into the superannuation scheme of judges who have retired after April 1, 1973 and take employment in the Public Service at the request of the Attorney General, in this case, the instance of the Ombudsman.

Mr. Speaker, with those few words I move second reading of an Act to amend The Magistrates' Courts Act.

MR. K.R. MacLEOD (Regina Albert Park): — Mr. Speaker, this Bill will receive very short attention from us because we do not oppose the provisions of the Bill.

Before doing so, let me preface my remarks by saying that it is of some assistance to the Opposition if we are aware of the order in which the business of the day is to be conducted

and I think we are conducting it today backwards from the order that the Whips, as I understood it, had received information. If I may mildly protest the matter, it makes it easier for us, if we are given a little better Orders of the Day. Having made that very mild observation, Mr. Speaker, I do say with respect to this Bill, that any steps to improve the position of these judges is bound to be of some value. We cannot help but reflect that we are having difficulty in getting qualified people to serve as magistrates. The superannuation of magistrates has been very bad as have, in very current times, the salaries. That is, the salaries have gone out of date and are at the present time, obviously, too low to attract the calibre of person whom we need in these positions. Consequently anything that can improve the overall picture in superannuation, in salaries, is going to meet with the support of this Opposition.

MR. E.C. MALONE (Regina Lakeview): — Mr. Speaker, just really a comment by way of a question to the Attorney General which he may or may not be able to answer when closing debate. I am wondering if the Attorney General or the Government is considering raising the salaries of magistrates this year; if so, when this will happen and as well, whether they are considering increasing the number of magistrates and if they are still giving consideration to a chief magistrate? These are the only remarks I have. I will be supporting the Bill, Mr. Speaker.

MR. ROMANOW: — Mr. Speaker, I would first of all like to make a comment or two in response, really not related to the Bill, by the Member for Albert Park (Mr. MacLeod). The Whips and myself, we try to line up the business of the House as accurately as we can. Very often this is not possible and changes have to be made. All that I can tell the Hon. Member is that we are all guilty of it but hopefully we can attend to the business of the House first. I know I am as guilty as anybody, being out of the House very often. I just say that as a comment to all Members. I'll try to continue working as best as I can but on some days, especially a day before an Easter weekend, it is sometimes difficult to follow strictly the proposed routine business. I am sure the Whip on the opposite side understands that. With that brief comment that we can all tend to duty, I think we can get on with the business of the House.

Now to answer the questions of the Member for Lakeview. The answer is yes. There will be an increase to the magistrates' salaries this year, which will be announced in due course. I am of course not at liberty to tell the Hon. Member the amount of that increase, this will be announced very shortly. It will, of course, be backdated to the appropriate relevant date.

I might add that it has been my view that magistrates' pay has been very inadequate in Saskatchewan. When I took office as Attorney General, the pay for magistrates was \$15,000. That is only 2 1/2 years ago. In that 2 1/2 years we were able to increase it to the present \$20,000. We caught up by backdating it in a year and a half. No one is saying that \$20,000 is anywhere near adequate for the onerous responsibility of these individuals but I do submit to the Hon. Member that the intentions of myself and the Government with respect to magistrates as evidenced by that last piece of action is certainly very good indeed. I hope that the increase will be forthcoming as well.

MR. MALONE: — I don't dispute it.

MR. ROMANOW: — Sorry? I am not arguing, I am just saying that to underline the points that I make.

Secondly, as to additional positions we do have additional positions approved, I believe in the Estimates, if my memory serves me correctly. I am not sure, but I think there are three. More detailed questions can be asked in Estimates in that regard.

On the business of a chief magistrate, this is under active consideration. Quite frankly, I am inclined now to await the final report of Mr. Justice Emmett Hall, who, as the Hon. Member will know, is advising the Department and myself on hopefully a brand new court structure for the Province of Saskatchewan. Not only magistrates, but Court of Appeal, Queen's Bench and District Courts. I think that to move at this time might pre-empt what recommendations he may make. With those few words in rebuttal and explanation, Mr. Speaker, I again move second reading of this Bill.

Motion agreed to and Bill read a second time.

ADJOURNED DEBATES

SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Messer that Bill No. 79 — **An Act to Regulate the Ownership and Control of Agricultural Land in Saskatchewan** be now read a second time.

MR. E.C. MALONE (Regina Lakeview): — Mr. Speaker, I only have a few more comments to make about this Bill. As you are aware I am opposed to the Bill which I indicated in my remarks the other day.

I should like to take the example, Mr. Speaker, of a piece of land say near Regina, two or three sections, in any event, land that is worth more than \$15,000 in assessment, and to spell out as clearly as I can who is able to own this land and who is not able to own it.

Firstly, this land can be owned by people living in Uranium City, Saskatoon, Estevan, any place in Saskatchewan. It can't be owned by somebody living in Calgary or Winnipeg or any other place outside of Saskatchewan. I really fail to see the difference if there is an absentee landlord living in Saskatoon or an absentee landlord living outside of Saskatchewan. They are both away which is supposed to be the purpose of the Bill. However, this situation is allowable under the Act and as previously stated, I think it is one of the faults of the Act.

Who can't own the land? Firstly, all Members of Parliament, Senators, anybody who has his roots in this province but for a necessity because of business or other reasons is required to be out of the province for 183 days cannot increase his land holdings above the magic number of \$15,000 in assessed value. So people who are representatives of the people of the province who owe their allegiance to this province, who have given their lives to this province in many ways, are not allowed to own land here.

However, somebody living south of the border, within 20 miles

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of the Saskatchewan border, living in the United States is allowed to come in here and buy property but which people who live in Saskatchewan, or usually live in Saskatchewan, are not allowed to do. I find this ridiculous indeed.

There is a further point I wish to make as well, Mr. Speaker, and that is this. I simply do not see how the Government agency is going to be able to determine whether somebody lives within 20 miles of the border. It would be very simple for anybody who wanted to buy all the land he wanted in Saskatchewan to go and get a post office box address at Bowbells, North Dakota, or some other place that is within 20 miles of the border, declare that to be his residence, move back to New York City or wherever he is from and buy all the land that he could possibly desire in the province.

The Government would not have any way whatsoever of tracking this down.

MR. CODY: — Would you advise him legally that that is okay?

MR. MALONE: — That's okay under the Bill, Don, you better read it.

Further, Mr. Speaker, there is one other point that bothers me and I may be off base on this one but I think I am right. I see nothing in this Bill that prevents a company, a large company or foreign interests from using a nominee who lives within 20 miles of the border, Bowbells, North Dakota, or wherever it is, say Exxon Corporation coming in and giving this person \$20 million and say Saskatchewan land is a great investment, we want to buy all we can. You go up there, Mr. Smith and buy all the land you want in your name, have the title registered in your name, and we will tell you what to do with it. Farm it the way we tell you to, you sell it when we tell you, you buy more when we tell you to. So the corporation would just have to have a simple agreement between Mr. Smith in Bowbells, and themselves and they could buy all the land they wanted. And there is not one single thing in this Bill which prevents it.

I suggest, Mr. Speaker, in closing, that the Bill is unnecessary, I find it personally distasteful. It is said to be aimed against foreign ownership, that is people who live outside of Canada. It does not do that. It is supposed to be aimed against large corporations. I gave an example of how it does not do that. The Bill doesn't accomplish what it sets out to do. There are so many holes in it that it does not even accomplish some of the things that are contained in it. I see the Bill as being completely useless, it's stupid, I can see no reason for it whatsoever. I urge all Members to vote against it.

MR. E. KAEDING (Saltcoats): — Mr. Speaker, before I make my regular comments on this Bill I direct some comment to the previous speaker's comments.

He said that a person from the United States could come into Canada or he could direct, through someone else in northern North Dakota, could direct a purchase in Saskatchewan. He forgets that we set up in this Bill a Farm Ownership Board whose purpose will be to determine whether he is eligible to own property or not. I think I should point that out to him.

Mr. Speaker, the Bill under discussion, an Act to Regulate the Ownership and Control of Farm Land in Saskatchewan, supports the wisdom of the action taken by this Government in introducing the proposal at the 1972 session and then referring it to a special Legislative Committee for further study and recommendation.

As a member of that Legislative Committee, I am pleased to note that Bill 79 reflects to a large extent the recommendations made in the final report. Great care has been taken in the legislation to provide as wide a range of freedom as is possible to ensure that existing provisions within the Act cause as little hardship as possible to those few people who are directly affected by the legislation.

At the time the Committee made its report to the Legislature only a year ago, many people questioned the need for any regulation of ownership of farm land. However, in the past year, with the tremendous upsurge in farm prices, the demand for land has again become very strong. A very noticeable number of inquiries for the purchase of farm land have come from persons not resident in Saskatchewan. Because of strong inflationary pressures investors are looking at farm land as their best hedge against rampant inflation. It is important, therefore, that legislation such as Bill 79, be made effective immediately to ensure that our farm land remains in the hands of resident farmers.

Opposition Members have been very vocal in their criticism of the Bill because it does not differentiate between Canadian and American non-residents. They are fully aware, although they pretend not to be, that it is not within the jurisdiction of the Provincial Government to enact legislation against non-Canadians which does not apply equally to non-Saskatchewan Canadians. The choices open to this Government were (1) to do nothing to protect our farmers from non-resident ownership; (2) to enact legislation only to exclude non-Canadians, which surely would have been challenged under the BNA Act, or; (3) to proceed with a Bill with enough leeway to allow farmers on all borders of the province enough room so as to not unduly inconvenience them and yet have an Act which would effectively accomplish the intent of the legislation. We have chosen the latter as a reasonable course of action.

The constitutional problem was recognized by the Legislative Committee in its Report on page 39 which says in part:

We believe that all provinces would benefit from a discussion of land ownership and use and of legislation intended to safeguard the interests of Canadians. The meetings should be attended by Members of the Legislature from the four western provinces. In our view, such meetings would be invaluable and could lead to meetings of all ten provinces, and the Federal Government on these important matters.

Because many of the problems related to ownership of land come constitutionally under the jurisdiction of the Federal Government, such meetings could be a first step to reassessing the constitutional position of the provincial governments and the Federal Government in relationship to land tenure, and hopefully some of the road blocks presently being experienced by provinces in setting up satisfactory land tenure legislation.

The Minister of Agriculture, in introducing the Bill made reference to the desire of a number of other provinces to enact legislation to protect their farm and recreational land from foreign and corporate ownership. In almost every case they have come up against the same constitutional problem we are experiencing in this Act. I believe it is extremely important that some consultation take place at a federal-provincial level to overcome this very real obstacle to ensure that Canadians can be dealt with specifically in land tenure legislation. Probably this could be a good item of discussion at a future western Premiers' conference.

Mr. Speaker, the terms of this Bill, insofar as it relates to transfer of land by owners to their descendants, is very generous. It permits the transfer by retiring farmers to his children or near relatives, even though they do not live in Saskatchewan for as long as they live. If at any time during their ownership of that property, they choose to reside on that land for five years, they again are eligible to pass it on to future generations. Surely, Mr. Speaker, this does appear to me to be very fair and takes into account the sentimental value of keeping land in the family name.

The Bill provides for non-residents to own up to \$15,000 assessed value of land in the province. This amount is sufficient for the average operator to start a farm operation on a moderate scale. Such purchases pose no threat to our local communities. The purpose of the legislation is to discourage the concentration of large blocks of land in the hands of non-residents.

A great deal of stress in this Bill is laid on control of non-agricultural corporations. An agricultural corporation is described as a corporation where at least 60 per cent of the owners are active farmers and primarily engaged in farming.

Members opposite have been very critical of this provision. However, it is extremely important in this world of vertical integration and international ownership of corporations, to ensure that as much of the primary production of agricultural and food products as possible be retained in the hands of actual farmer residents. Our Committee on its tour saw evidence of the disregard shown to community life by some corporations whose only purpose was the maximization of profits. We saw situations where corporations engaged in farming were also owners of rubber companies, fertilizer plants, packing plants, irrigation equipment, grain elevators, and so on, where profits or loss could be transferred from one segment to another to maximize profits and avoid taxation. In these communities the corporations were the dominant entity and the fate of a large number of people rested on the whim of their directors. How much better, Mr. Speaker, to retain the ownership of farm land and farm production units in the hands of local farmers who are not concerned only with profits but who have a deep sense of community involvement as well.

Opposition critics have pointed out that there is no great urgency in passing this kind of legislation because our studies showed that only a small portion of our farm land is owned by non-residents. What better time, Mr. Speaker, to ensure that this always remains so? I can still hear the farmer in Colorado saying to our Committee, "Don't let this happen to you", when describing the takeover of their farms by large syndicates. The ground rules for future ownership of Saskatchewan farms are now laid, and everyone will know the rules. They are generous and well

designed to allow the basic freedoms paramount to our farm population and yet provide protection against future problems.

Some criticism has been made with regard to the fact that no provision is made in this Bill to protect recreational land. I should like to direct the attention of Members of the House to the provisions contained in regulations supporting The Provincial Lands Act of 1965, administered by the Department of Natural Resources. In their policy they provide that there will be no sale of land on the following:

(i) Islands or portions of islands; (ii) on special leases or unsurveyed parcels outside of regular subdivisions; (iii) land in provincial parks, recreational sites or protected areas; (iv) land fronting on or bordering bodies of water; (v) and lots of subdivisions established after October, 1971.

Only under very special circumstances may sales be made of resource land in contravention of these regulations and only then if approved by the co-ordinating committee on land use.

It is true that these provisions are only in regulations and it may be desirable to provide firmer control through legislation in the future. No doubt if this was done Members opposite again would shout of the denial of freedom and so on, in spite of the fact that they now pretend that they favor such legislation.

Mr. Speaker, may I say that there is a very fundamental reason for bringing on this legislation at this time. All around us we see the consolidation of the sources of primary production and manufacturing in the hands of fewer and fewer large corporate entities. Many of these are multinational in scope and appear to be almost beyond the scope of even our national governments to regulate. As the source of primary production falls into these hands, the viability of local communities becomes more and more an incidental concern to those directing the production and marketing of primary products. We find this to be neither rational nor desirable. Because our agricultural industry is still relatively free from this domination at the primary production level, it is important that we take a position to ensure that it will remain so. Members will have read of the recent purchases of National Grain Holdings by Cargill Canada Limited, a multinational grain exporting and handling company and one of the world's largest American based multinational corporations. This brings the control of about 286 elevators under the control of this foreign corporation plus ownership of National's hog farm in British Columbia, plus their retail feed and livestock interests. On the transfer being made, the president, Mr. Murray had this to say, quote:

By this investment we will add new dimension to the total operation of Cargill's Grain Company without duplication.

And he served notice of their intent to move more aggressively into the prairie region to meet its grain supply needs for the purpose of expanding its profit opportunities. Profits for whom, Mr. Speaker? Surely not for the people in the local communities in which they operate, and surely not for the people of Saskatchewan, but for the shareholders of this multinational corporation based in Chicago.

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The recent proposals by Otto Lang to remove feed grains from the control of the Canadian Wheat Board seems to fit well with the objectives of such a company as Cargill, who no doubt will be contracting for feed grains and oilseeds through their feed division. There is little doubt that this move into Canada by Cargill's is prompted by assurance by the Federal Government that the activities of the open market will be expanded in the future.

Any movement by Cargill's to build grain handling facilities on the prairies will certainly not be based on the needs of the farming communities nor a desire to serve all customers in the province, but will be concentrated on areas where high through-put facilities at strategic locations will net them the maximum of profit for their organization. Those communities not meeting that criterion will be left to be served by the Pools and United Grain Growers who are concerned with the maintenance of local communities, and service to their members, as opposed to the maximization of profits. That kind of corporate development we do not need. Yet it takes very little imagination to see that without restrictions, it will not be long before this company will extend its tentacles to include feedlots, feed mills, and super-farms as they have done in the United States.

In conclusion, Mr. Speaker, may I say that in Bill 79 we have taken steps to ensure that the ownership of agricultural farm land will not be available to such corporations. The terms of the Bill are designed to be as generous as possible and yet give sufficient strength to what is necessary, to protect all of the legitimate concerns of Saskatchewan farmers as well as those who wish to retire and leave this province.

Because of the constitutional inconsistencies, it is not possible to restrict non-resident aliens without restricting non-resident Canadians in the same way. That is unfortunate, but it is a fact of life. Hopefully that can be changed in the future. In the meantime, Mr. Speaker, I am proud to support this Bill which will ensure that farm lands in Saskatchewan will remain in the hands of Saskatchewan farmers.

SOME HON. MEMBERS: — Hear, hear!

MR. E.F. FLASCH (Maple Creek): — Mr. Speaker, my remarks on this Bill will be brief. My seatmate has gone through many clauses of it and I have a few general remarks that I should like to make as a member of a constituency which forms a part of the border of this province.

The Liberal attitude on this Bill didn't really surprise me, in fact, if they had taken another attitude I think I would have been surprised and perhaps some of us would have had to revise some of the sayings that we hear repeated, such as "that a Liberal is a Liberal". I expected the Opposition to drag out the red herring of Bill 115 and pull it across the path of this discussion, and I wasn't disappointed in that respect either. It really doesn't concern me either whether they want to refer to Bill 115 as a Bill or as a White Paper. The fact is, Mr. Speaker, that we withdrew "the thing" — we withdrew it because this Government is a responsive Government.

The Liberals accuse us of steamrolling over the Opposition; they say that we don't give them any opportunity to be heard. The other day one of them said that whenever the Government runs

into a little bit of opposition they withdraw and that the Government lacks character. I don't know what the Liberals really expect of us but, Mr. Speaker, we have brought in this Bill, and I know that while there may be loopholes in it, we on this side of the House support the Bill in principle and the Liberals don't.

Mr. Speaker, they will doubtless be holding meetings again as they did when the original Bill was introduced. I don't think that we have anything to fear. I know that there is some concern about foreign ownership of land, or non-resident ownership of land in my constituency. This Bill does not discriminate in any way against Saskatchewan people who have left the province and gone to their retirement in Alberta or British Columbia or anywhere else. These people are allowed to continue to hold their land and to pass it on to their relatives as they choose. They are not restricted in any way. This is as it should be.

The Member for Albert Park (Mr. MacLeod) is quoted in the Leader-Post of last Friday, I believe, as voicing some concern and let me quote:

If the people wish to transfer land to a son, a daughter, a brother or a spouse, the close relative must remain in Saskatchewan or he will not be able to transfer it further to his relatives.

Now he simply, Mr. Speaker, says that these people are limited in the amount of land that they can receive and this is not the case.

The Opposition critics, I think have tactfully avoided mentioning that anyone, whether he is a resident of this province, or a non-resident, can buy up to \$15,000 assessed valuation of land any time he wants or he can inherit up to that amount without any qualifications. Excessive holdings by non-residents have become somewhat of a problem in our particular case. If you look at the already discriminatory effects of the sales tax in our area, you will realize the merchants near the border lose a great deal of trade to Alberta; through absentee ownership we lose a considerable amount more and I think that many along the west side of my constituency could easily live with legislation that would be a whole lot stricter than this, Mr. Speaker.

Agricultural land is one of our most valuable natural resources and this Bill is simply an attempt to preserve this resource for the people of this province. The Bill is not really unique. If we look to Prince Edward Island we note concern about non-resident ownership and according to an article I read the other day, if the purchasing of land by non-residents continues at the pace that it had in the past, in about one year, one third of the land could be owned by non-residents of the province. Ontario has recently set up a committee made up predominantly of Conservative members, and they too recommended legislation along these lines.

So as I say the Bill is not unique. The amount of land that a non-resident can own is quite generous. I really, Mr. Speaker, in the final analysis, can't see what God-given right any Canadian has to expect to be able to go outside of his own province and to purchase all the land that he wants, whether it is for the purpose of speculation or for the purpose of making money and then take that money out of the economy of that province

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and inject it into the economy of a province somewhere else. I know that this has been the case, the tradition, in the past but there are provinces now that are not satisfied and are beginning to question tradition.

I have only one other comments and that has been touched on by my seatmate. It relates to the constitutional problem. Again, going back to the same article that I quoted from before, the Member for Albert Park had this to say:

It is ill-conceived to consider other Canadians as foreigners. A sensible foreign ownership of land Act would limit the amount of land which could be owned by aliens but not Canadians.

I would think that a lawyer, in particular, would recognize that there is a constitutional problem involved here. Under the British North America Act citizenship and immigration is under the control of the Federal Government, whereas property and civil rights is left to be administered by the province, therefore, we cannot legislate against foreigners. We must legislate against non-residents. That is the answer to that criticism.

While there are, perhaps, loopholes in the Bill, and while it may not be perfect, I think that the Bill is a genuine attempt to keep agricultural land for the people of this province. I would like the opportunity to look more closely at some of the criticisms that have been mentioned regarding Members of Parliament who don't reside here continuously, and I would ask leave to adjourn debate.

Debate adjourned.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. J. Messer (Minister of Agriculture) that Bill No. 73 — **An Act respecting the provision of Financial and Other Assistance to Urban Municipalities for Capital Works Projects** be now read a second time.

He said: Mr. Speaker, this Act which I introduced several days ago and which has been under debate, provides the authority for a grant program for urban municipalities in the amount of \$47 million. This program has never been matched in generosity by any government in provincial history.

SOME HON. MEMBERS: — Hear, hear!

MR. MESSER: — It is therefore no small wonder that the Opposition has tried every means to distort the terms of the program. They either feel it is too generous or they pale at the generosity of this program as compared to what was given under the Liberal administration.

Mr. Speaker, I am proud to be able to introduce and pilot this Bill through the House. I am certain that every one of my colleagues has the same feeling and deep inside every Member of the Opposition must feel the need to support the Bill and I am certain that when we have the opportunity for them to stand and be counted that they will support it to a man.

Mr. Speaker, I want to make it abundantly clear that all

urban communities in the province, hamlets, villages, towns and cities will share in the \$47 million on the same per capita basis — \$75 maximum over five years. And in spite of what the Members who sit to your left, Mr. Speaker, in spite of what they have said communities under 500 will be entitled to that \$75 maximum as it relates to that five year period of time the same as any community who has a population greater than that. I think if there was one unfortunate observation that could be made in regard to this community capital fund debate, certainly which is very well understood by the administrators of all towns, villages and cities and hamlets throughout the Province of Saskatchewan, as understood to be a most beneficial program for them, I think one detrimental, one saddening experience that I have noted in the debate is that the Members opposite have tried to deceive and confuse the matter of eligibility of those communities which are under 500 in population.

Certainly it will be to their detriment to have attempted to have taken that kind of position because those communities, if they don't already know, will know that when they make application for their grant from the Provincial Government, whether they do it at the end of the five-year period, for the \$75, or whether they do it at some point during that five-year period, or whether they collect it as \$15 per year over the five-year period, they ultimately know that it was a deliberate and cheap political trick on behalf of the Opposition to leave the impression that those communities were not eligible for those funds.

Mr. Speaker, the Bill encourages financial planning for all communities and it makes it mandatory in the case of larger centres, as I think it should be. There are absolutely no, and I emphasize 'no' discriminatory features in the Bill, the benefits are there for all urban communities to enjoy.

Having made those brief remarks, Mr. Speaker, I indeed take a great deal of pleasure in moving second reading of this Bill.

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

YEAS — 43

Blakeney	Thorson	Feschuk
Dyck	Whelan	Kaeding
Meakes	Carlson	Flasch
Romanow	Engel	Steuart
Messer	Cody	Guy
Snyder	Robbins	Boldt
Kramer	Tchorzewski	Grant
Larson	Cowley	MacDonald (Milestone)
Baker	Matsalla	Weatherald
Kowalchuk	Mostoway	MacLeod
Brockelbank	Gross	MacDonald (Moose Jaw North)
MacMurchy	Rolfes	Wiebe
Pepper	Lange	Malone
Michayluk	Oliver	Richards
Byers		

NAYS — 0

The Assembly adjourned at 4:55 o'clock p.m.