LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Fifth Session — Seventeenth Legislature
36th Day

Thursday, April 10, 1975.

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

WELCOME TO STUDENTS

MR. G.B. GRANT: (Regina Whitmore Park) Mr. Speaker, through you I should like to introduce to Members of the House, a group of some 40 Grade Seven students in the east gallery from the Elsie Dorsey School. They are under the supervision of Mr. McDougall and Mr. Thompson.

I believe the students from Elsie Dorsey School have been frequent visitors to this House. We sincerely welcome them today and trust that their tour is educational and informative. I hope to see them at 3:00 o'clock if the agenda of today's proceedings doesn't get me too involved, if they do I will see that there is somebody there to represent me.

HON. MEMBERS: Hear, hear!

HON. E.I. WOOD: (Swift Current) Mr. Speaker, I should like to introduce to you and through you to the House, 21 good looking young people in the front row and probably in the second row of the Speaker's Gallery, who are Grade Eight students from the town of Cabri. They have had a very good trip coming down here today, they tell me. They have had some tour of the city already and they will be having a tour of the buildings after they leave the Chamber. They are accompanied by their teacher Mr. Robert Litowski and two ladies from the community have accompanied them, Mrs. Kay Stade and Mrs. Verna Pawluk.

We certainly wish for them a very pleasant and informative stay with us. And if I am spared I will be able to meet with them before 3:00 o'clock this afternoon. We wish for them a good trip home and a safe one.

HON. MEMBERS: Hear, hear!

QUESTIONS

MEETINGS BEING HELD IN SOUTHWEST REGARDING GRASS LANDS PARK

MR. T.M. WEATHERALD: (Cannington) Mr. Speaker, I should like to direct a question to the Minister of Natural Resources. On last evening's news the Minister is quoted as saying that meetings being held in southwestern Saskatchewan regarding the proposed Grasslands Park, meetings which are being held by Liberal Members of Parliament and Liberal MLAs, that these meetings will not "be tolerated". The question that I should like to ask the Minister, this Minister who is a Member of the Government opposite, is that Cabinet Minister now willing to retract such a statement, a statement which is obviously the trampling of the rights of Saskatchewan citizens?

HON. J.R. KOWALCHUK: (Minister of Tourism and Renewable Resources) Mr. Speaker, may I first say that I did not use the word tolerate, but may I say that some of the things that are going on with respect to that Grasslands Park, I don't think will be tolerated by myself nor the people of Saskatchewan, because, Mr. Speaker, what I did state was that a number of Liberal provincial candidates and also the federal Member for that area, Mr. Drysdale . . . oh, Mr. Goodale, well I associate him with Drysdale too, had . . . and on the day we signed the agreement Mr. Speaker, on that very same day a press statement was issued wherein is stated this, Mr. Speaker:

> We will continue our efforts to keep people informed and advised (Mr. Goodale said) and in this connection we can announce today that Mrs. Iona Campagnolo, MP, the Parliamentary Secretary to the federal Minister responsible for Parks Canada will be visiting in this area early in April.

Now if that isn't contrary to the letter of intent that we signed that day, I don't know what is, Mr. Speaker. I think it is a breach of faith, a breach of contract, a breach of the letter of intent, Mr. Speaker. I say that I object to that very strenuously. I say that our letter of intent stated very implicitly in all cases:

> The federal-provincial committee and if applicable an on-going consultative committee will arrange for the preparation of the necessary information, develop procedure and select locations for the public hearings and for the proposed continuing public consultation.

Mr. Speaker, this was in direct violation of this agreement that these people set out this kind of a course. They want to hold political meetings, fine, they can go ahead and hold political meetings. But don't hold them under false association and false pretences.

SOME HON. MEMBERS: Hear, hear!

MR. WEATHERALD: Well, Mr. Speaker, it is obvious the Minister knew he was in trouble before he came today. All I can say is the word used on the radio and television was the word 'tolerate'.

MR. SPEAKER: What is the question?

MR. WEATHERALD: I might say, Mr. Speaker.

MR. SPEAKER: We can't debate the issue, we must have a follow up question, but we can't debate it at this time.

MR. WEATHERALD: Is the Minister . . .

MR. C.P. MacDONALD: (Milestone) On a Point of Order, Mr. Speaker, the Minister got up and talked and argued for five minutes with a prepared speech that had nothing to do with the Member's question, please give him the right to reply.

MR. SPEAKER: Order! If questions precipitate a long answer, the Speaker is not responsible. But I cannot allow an argument. The Member must ask his question.

MR. WEATHERALD: The question I want to direct to the Minister; is the Minister willing to allow anyone who lives in this country to hold a public meeting to discuss the proposed Grasslands Park outside of his own public inquiry?

MR. KOWALCHUK: Mr. Speaker, absolutely, this is a free country, they are entitled to hold any meetings, any meetings they want to. But not under the pretences of hearings that were set out in this contract, Mr. Speaker, and this agreement. May I say, Mr. Speaker, that once again in the Press statements that were made by these hon. gentlemen, that they profess all of a sudden to be interested in the welfare of the local ranches and the local input and that they were the proponents of the input by these people. We are the ones . . .

MR. SPEAKER: Mr. Minister, I think we can have too lengthy an answer to a question.

MR. KOWALCHUK: I only want to say, Mr. Speaker, that we are willing to work with the Federal Government and we are willing to work in meetings as agreed to in this letter of intent.

BILL NO. 60 ON ORDER PAPER

MR. J.G. RICHARDS: (Saskatoon University) Mr. Speaker, I should like to address a question to the Minister concerning the Bill on the Order Paper No. 60 concerning an amendment to the Human Rights Commission legislation. I received a press release . . .

MR. SPEAKER: Order! If the Bill is on the Order Paper you can question the Minister when the Bill is before the House. We can't have questions on Orders of the Day questioning items on the Order Paper.

MR. RICHARDS: Mr. Speaker, were that to be the situation, then surely the Government could prevent any discussion of any issue by introducing a Bill which marginally related to the area.

MR. SPEAKER: I think the rules of the House are quite plain and that the rules in general are that the same items shall not be discussed twice during the same session and a Bill takes precedence over resolutions. Therefore, you cannot discuss it on Orders of the Day when there is a Bill on the Order Paper which you have referred to. You must leave it until that time.

MR. RICHARDS: Surely, Mr. Speaker, we have asked on occasion . . .

MR. SPEAKER: You cannot discuss it now, if there is a Bill on the Order Paper you discuss it then.

MR. RICHARDS: I am not asking a substantive question concerning the contents of the Bill which is certainly the subject matter for the debate when the Bill comes before the House, but surely it is legitimate for Members of this House to ask questions as to the Government's intentions with its legislation. There is the precedent from the federal House of Commons when the Government was dealing with grain stabilization legislation which for a long time was held up. Repeatedly questions came from private Members as to the Government's intentions with that piece of legislation. My question to the Minister is . . .

MR. SPEAKER: I rule that you cannot ask a question on the Orders of the Day on the legislation, ask it in second reading or in Committee. Your question is out of order.

MR. RICHARDS: I am asking about . . .

MR. SPEAKER: I don't care what you are asking about, sit down. Will the Hon. Member take his seat. Will the Hon. Member take his seat . . . The Hon. Member must take his seat. I have ruled that you cannot ask questions on Bills that are on the Order Paper until the Bills come up.

IMPERIAL OIL RAISES LEASE RATES

MR. J.G. LANE: (Lumsden) Mr. Speaker, before the Orders of the Day, and when everybody has stopped talking now, I should like to direct a question to the Minister responsible for Consumer Affairs.

In light of the new lease rate arrangements proposed by the Imperial Oil Company, which has the effect of closing out some of the independent dealers and forcing them out of business in at least the city of Regina, what action has the Department of Consumer Affairs taken to protect the independent Imperial Oil dealers and what investigation of the matter has the Minister or his Department done?

HON. E.L. TCHORZEWSKI: (Minister of Consumer Affairs) There is no particular action that has presently developed in that field, Mr. Speaker. It is an area which I am not fully familiar with and I will have to check further with my Department.

MR. LANE: By way of supplementary, would the Minister not agree that the failure to take action is another example of the Government's failure to do anything substantive to help the small businessman and consumers in the Province of Saskatchewan.

MR. TCHORZEWSKI: No, Mr. Speaker.

DEFINITION OF HEALTH IN CRIMINAL CODE ON THERAPEUTIC ABORTIONS

MR. E.C. MALONE: (Regina Lakeview) Mr. Speaker, before the Orders of the Day, I should like to direct a question to the Minister of Health. I was interested and pleased to see that the Minister several weeks ago made a request of the Minister of Justice in Ottawa and the Minister of Welfare in Ottawa, Mr. Lalonde, to obtain a clarification of the definition of health in the Criminal Code where it refers to therapeutic abortions. The request, I believe, was made several weeks ago. My question to the Minister at this time is, have you received an answer to the request that you made from either one of those federal Government Departments?

HON. W.E. SMISHEK: (Minister of Health) Mr. Speaker, I have not.

MR. MALONE: By way of a supplementary question, Mr. Speaker, would the Minister tell me if he expects to receive one in the near future and furthermore whether his Department has made any representations either to the Department of Justice or the Department of Health or Department of Welfare in Ottawa as to a proper definition of the word 'health'?

MR. SMISHEK: Mr. Speaker, we have made representations at the federal-provincial conference on January 14th and 15th to the Minister of Health and Welfare, that they clarify the definition of the word 'health'. They have not responded so far. I hope that they will, which will be of help to everybody, but so far we have not received any word from Mr. Lalonde.

MR. MALONE: Could the Minister tell the House what those representations were or table what the representations were?

MR. SPEAKER: I think we have had a follow up question on it. I think the Member could discuss it with the Minister privately and get further information.

ADJOURNED DEBATES

SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Romanow that Bill No. 54 — **An Act to amend the Surface Rights Acquisition and Compensation Act, 1968** be now read a second time.

MR. T. WEATHERALD: (Cannington) Mr. Speaker, the other day when Bill No. 54 regarding the Surface Rights Act was given second reading I was not in the Assembly and my colleague asked leave to adjourn the debate to give me an opportunity to make a few short remarks regarding this Bill.

First, Mr. Speaker, I have had the opportunity to look over the Attorney General's remarks in Hansard and I should like to say that while we will not be supporting the Bill I should like to express some sympathy for some of the remarks that he has made in the second reading of the Bill. For example, when

the Attorney General indicates that the compensation that is being awarded by the Surface Rights Board has, for the most part, been higher than that awarded by the court. We have sympathy for that particular situation and I want to elaborate for a short period of time on why. It certainly is true that the oil companies have more access to the Appeal Court than would the land owners have and in this regard we acknowledge, at least partially, the reason why this Bill is being presented to this Assembly. We do acknowledge the fact that it is much easier for the companies, the producing companies to take it to the Court of Appeal because obviously their financial means is greater than is the land owners and therefore, it would seem that their access to a Court of Appeal is much greater than is the access to the court of, say, an individual farmer. However, despite this particular situation we do not feel that it is serious enough actually to erode what is one of our democratic rights and that is the right of an appeal.

Certainly it is a most serious matter in our democratic system to take away the right of appeal from any group of people no matter who they may be and it is for this reason that we will be opposing the Bill. In this particular piece of legislation, the right of appeal is being taken away from, or at least from one of the parties to the contract and in this regard we cannot support lt.

I want to say that it does seem to us that there is a much better solution open that should be explored by the Attorney General in actually bringing in the legislation that takes away the right of appeal and I want to make this suggestion. In his remarks on second reading he indicated that the compensation being awarded by the Surface Rights Arbitration Board has consistently been higher, has been consistently higher, Mr. Speaker, than has the compensation which was awarded when an appeal has been launched. Now I would suggest that these two should be brought more into line. Certainly the Court of Appeal, when an appeal case is being heard, are making the awards based on the legislation that has already been provided and is directly accessible to them. That is the basis for their award. Therefore I strongly suggest that, rather than taking away the reasons for appeal or the privilege of appeal, I strongly suggest to him that the legislation should be brought more in line with what is actually being awarded by the Arbitration Board and I think that this is probably a much more sensible approach. In this case, if the Orders-in-Council are brought into line and the legislation is brought into line so that in actual fact the compensation levels are completely in line with both legislation and Orders-in-Council, then I would suggest that there was very, very little reason, if any, why the Court of Appeal would not uphold the compensation that has been awarded by the Arbitration Board and it seems to me that this would be a much more sensible way to attack the problem, if a problem exists, than it is to take away the right of appeal from one of the parties in the contract.

So I strongly suggest, Mr. Speaker, that, given a set of circumstances which have been suggested to us and which I acknowledge as being fact, that in most cases the awards by the Surface Rights Arbitration Board have been consistently higher than the awards that have been decided by the Court of Appeal once one of the parties to the appeal has gone to court and I strongly suggest that the Orders-in-Council and the legislation be reviewed so that the awards made by the Arbitration Board

will be upheld once it has gone to the Appeal Court. So, to us, Mr. Speaker, this seems like a much more logical manner in which to attack the problem. As I said we have sympathy for what the Attorney General is attempting to do but we do not think that it is a good precedent to be setting and taking away the right of appeal from any particular group of people no matter how powerful that group may be.

It's for this reason, Mr. Speaker, that we will not be supporting the Bill.

SOME HON. MEMBERS: Hear, hear!

MR. H.E. COUPLAND: (Meadow Lake) Mr. Speaker, I should like to say a few words in opposition to this Bill. The amendments to the Surface Rights Acquisition and Compensation Act is just another example of the Government taking more authority to itself. It seems they do not trust the judicial system of our country. Surely to goodness, Mr. Speaker, the farmers should have their rights to appeal, which this amendment will take away from them, the same applies and denies the right of appeal for companies.

Alberta has the same type of Act as Bill 54 and they don't seem to have any problems there and I think that they have probably more leases to deal with than we have. This Act was originally passed in 1968 and was a direct result of the Friesen Commission. In September of 1965 the Liberal Government of the day appointed Judge Friesen to head a Royal Commission to investigate and report on the acquisition of oil and gas operators of surface rights. The normal method of an oil operator requiring a surface lease from a farmer on which to drill and later produce oil is by negotiation of lease for the amount of land required for this purpose. Under the normal cases this amounts to a short roadway into a plot of land or about two or three acres on which the pump is located. In 95 per cent of the cases the lease is negotiated on mutually agreeable terms, however, if there is a dispute there must be somebody of reference to which the farmer or the operator can appeal. Prior to the Friesen Commission there were several Acts under which such an appeal could be made.

The Friesen Commission reported to the Government in November, 1966 and based on that Report, the Surface Rights Acquisition and Compensation Act, 1968, was passed. Among other things, this provided for an arbitration board to be appointed to which either farmer or operator could appeal for an award as to the amount of compensation which should be paid by the operator to the farmer for the lease. On page 12 of chapter 13 of the Commission's Report, Judge Friesen deals with the right of appeal from an award of the Board. He says:

> It is suggested that there be a right of appeal from the decisions or awards of the tribunal or arbitration board to a judge of the District Court and that such an appeal be in the nature of a rehearing on evidence to be produced before him. This is the procedure provided in summary conviction proceedings where an unsuccessful party before a magistrate, may appeal to the District Court and have a completely new hearing without the evidence before the magistrate being considered.

A similar appeal is provided in the Small Claims Act. When the original Act was passed this provision for an appeal was contained in Section 52 to 57 inclusive and the District Court judge was given all the powers of the board under the Act, that is, he could alter the amount of the award.

This right of appeal has been used but rarely and in all the thousands of leases that have been taken up by oil companies the great majority of which were negotiated without benefit of the board and only four or five have ever gone to a District Court judge on appeal.

Following the passage of the Act a four-man board was appointed by the Liberal Government of the day and the process began to work quite well, with the usual amount of discontent from both operators and farmers which is normal where there is an area of dispute.

What the amendment, in fact, does is to allow appeals only on the question of law and on the jurisdiction of the board. It will no longer allow an appeal to the District Court on the amount of the award, that is, the award made by the Board of Arbitration, will be final and not appealable. This is the only board of which we are aware in which the decision is not subject to the protection of the courts, the possible exception is the Labour Relations Board which does not deal directly with matters of money.

As Judge Friesen stated in his Report, even a debtor in a small claims court has the right to appeal and this can be an amount as low as $50. In land claims there can be several thousands of dollars involved over the life of the lease and now the right of appeal is denied. The whole concept of eliminating the right of appeal, runs contrary to t he Royal Commission Report.

The Attorney General, in his statements the other day? states the new amendment would give effect to the original intention of the Board. This is difficult to accept in view of Judge Friesen' s Report.

The right of appeal on quantum performs the necessary function of balance and counterbalance which is required by an independent tribunal charged with making an award. If the right of appeal ceases to exist then the tribunal can make any award it pleases without fear of contradiction. Awards should reflect the collective thinking of the members of the Board appointed a the time. Today the Board might lean towards favoring the farmer. A new board if appointed tomorrow may lean towards favoring the industries. It is to the advantage of both the farmer and the oil operator to retain the right of appeal so decisions of the Board will be stabilized no matter who the personnel appointed to the Board may be.

Where a whole section of an Act is suddenly repealed to be replaced by something drastically different, one might expect an overwhelming argument to be produced to discredit the current law. However, this is not the case. Over the lifetime of the Act the operation of the Board and the right of appeal, a system has evolved which is about as reasonable as one could expect under the circumstances. However, the underlying success of the system has been the check and countercheck of the board and courts in the matter of awards.

In the political sense one might suggest that the political clout of the Surface Rights Association of the province has prevailed upon the Government to do something which under normal circumstances would not be done. As one of the most active of these associations is located in the southeast corner, one might suggest that the Member for Estevan (Mr. Thorson) under political pressure has persuaded his colleague to make this change, which again is an erosion of the normal rights not only of companies but of individuals to appeal from a government appointed tribunal.

It would seem rather untimely to make this amendment as everyone knows the climate for oil and gas exploration development is at an all time low in the province. This is just one more of the many little changes which is being done by the Government which in the aggregate is making Saskatchewan less and less attractive to oil and gas operations.

It is for those reasons, Mr. Speaker, that I cannot support this amendment.

SOME HON. MEMBERS: Hear, hear!

HON. R. ROMANOW: (Attorney General) Mr. Speaker, I won't be too long in rebuttal, but I should like to make two or three points clear to the Members opposite who will be opposing this Bill.

First of all, the Member for Cannington (Mr. Weatherald) made a comment in respect to the resources, financial and legal of the oil companies. While he did not say so the implication may have been left that this amendment is prompted because of that. Really that is not the reason for it. I think basically that is a side issue. The real issue is, who is best entitled or best equipped to make the best judgement with respect to the surface rights of a particular farmer. Judge Friesen, after many months of work, in effect, recommended that the courts were not the best body to make the decision of surface rights values. Quite obviously if he had felt, if anybody in the House here had felt that it was a court that was best suited to do it they wouldn't have recommended the establishment of a Surface Rights Arbitration Board, appointed by Cabinet. That Board, like any other quasi-judicial tribunal, obviously is set up because it is felt that the expertise with respect to values, etc., should lie with it, not with the judiciary. This is one of the basic concepts behind the Labour Relations Board. This is one of the basic concepts behind the Workmen's Compensation Board. On the federal level one of the basic concepts behind any regulatory tribunal, such as, for example, the Canadian Transport Commission which is one of the best examples, it sets rates and sets all sorts of legal avenues without reference to the courts. Now I support that as a proper contention in this particular case.

Now if we allow an appeal on both facts and the law then in effect, the way it is turning out, with the multiplicity of the appeals that are before the courts now, in effect the intent of the entire Friesen Report and the intent of the Surface Rights Arbitration Board in effect is sidelined. Because if a party doesn't like the decision made by this quasi-judicial tribunal, their avenue is to appeal to a court of law on the facts and on the law and the opinion is substituted for by the judiciary. Now I don't believe that is the direction we should be going on surface rights.

MR. MacDONALD: (Milestone) That's the way with everything.

MR. ROMANOW: No, it is not the way with everything. In fact to the contrary Mr. Member for Milestone. In fact, the development in law is to restrict the avenues of appeal. The Court of Appeal in Saskatchewan is looking for ways and means to restrict appeal. Supreme Court appeals now are very limited because the simple fact of the matter is that your judges should be based not to determine what the land values are but they should be doing the types of things that they are trained to do, namely deciding on points of law. Did the Board act within the scope of the four corners of the Act? Did the Board act judicially? Did the Board act according to the principles of the law? That is what an appeal should be all about as far as judges are concerned. But whether a Board made too high a payment or too low a payment for a farmer vis-à-vis an oil company, why should a court have that particular privilege? I mean they are no more equipped to make that type of a decision than we are. Presumably the Friesen Report said that the best body to make that decision was this quasi-judicial tribunal of people that has been set up.

Now I'd be prepared to leave the appeal provisions untouched but when you have a category of at least 12 or more appeals presently pending, almost every decision made by the Board has become appealable to a court. I don't think that that's the right direction. That undermines the Surface Rights Arbitration Board. Now as far as I'm concerned the Friesen Commission argued that beyond any doubt and the case is that we ought not to allow any party to thwart it.

One other point I should like to make before I sit down and when the Member for Cannington said that he did not support a Bill that restricted the rights of one of the parties. This does not restrict the rights of one of the parties. It restricts the rights of both of the parties or any of the parties to the appeal. It's not an attack on the oil companies or on the oil tycoons as some might represent. Because it is as has been pointed out by the Member for Meadow Lake (Mr. Coupland) a restriction of an appeal on all sides.

Now I don't think that's unfair and we see evidence of it in a number of these tribunals that I've indicated in the Province of Saskatchewan and it's very, very much in tune with what the developments in law are today. I can tell the Member for Milestone that's the fact. The fact is that the developments of law are to restrict the rights of appeal to points of law in your appellate tribunals. I think that's the way we should be going.

The final remark I want to make is in response to the Member for Meadow Lake about the suggestion that this is yet another attack on oil companies or on the climate of oil companies. I reject that, right out of hand. I reject it right out of hand.

MR. COUPLAND: Not necessarily all companies.

MR. ROMANOW: Well, no, you made the point quite specifically and clearly that coupled with Bill 12 and everything else that

this was yet part of the climate which was an attack on the oil companies. You may view it that way, but as far as I'm concerned the surface rights people, surface rights associations, while I don't agree with many of the things that they say, I surely say that they represent what the average farmer, the rank and file farmer feels about how the surface rights laws should be administered. Very much better than some of the oil companies. I agree also, to be fair, that many of them try to settle this as best they can, the oil companies. A lot of them do a good job by the farmers. But the simple fact of the matter is that any suggestion that somehow this is yet part of another Bill 42 thing, well you might be able to sell that in some parts of the country, up around Meadow Lake or wherever but you're not going to be able to sell it in the southeast corner of the Province of Saskatchewan. Not one bit. Or southwest. If you want to go to any surface rights organization anywhere in Saskatchewan and tell them this Bill is not needed, that they should have the right of appeal, they should drag farming people through the courts of law, throughout the piece because of an award which may amount to no more than $700 or $800 and the lawyers' fees alone for a Court of Appeal would take that up. You want to make that argument? I tell the Member for Meadow Lake, give it to them in Estevan, give it to them in Kindersley and see how the farming people would go for it. They are just not going to go for it. It isn't going to work.

I can make a terrific political speech but it's too late, about the position that the Liberal Party is getting themselves into in this particular case. I tell you it's against all the developments in the law. I don't think the Canadian Petroleum Association is even seriously opposing the Bill. I know they would oppose it because, why not. I don't think the surface rights association groups are opposing it. I believe they are in favor of the thing. I would honestly urge the Members opposite to reconsider their decision and to vote in favor of it.

MR. WEATHERALD: Before the Attorney General takes his seat would he permit a question?

MR. ROMANOW: Yes.

MR. WEATHERALD: The question I should like to ask you is, is simply why do you not revise the regulations under the Bill so that the appeals do not habitually as you say, and which I believe to be true, so that the appeals do not habitually bring about a lower return than what the original award by the Surface Rights Arbitration Board? There would be no appeals, your appeals will disappear if you change your Orders-in-Council so that the award would be more in line with the Arbitration Board. Why do you not change the Orders-in-Council?

MR. ROMANOW: Well, let me say first of all that there are basically no Orders-in-Council here to change. We're looking here at a statutory change which sets out the conditions of the award for the Board. But the fact of the matter is that no matter how precise you make the amendments to that section to try to eliminate the appeals, there will have to be judgement discretionary calls by the Surface Rights Board in the first instance or by somebody in the first instance. No matter how precise you make it, unless you simply say, there's going to be no more than $550,

you know, you actually write in the figure, but you can't because each piece of land is worth a different value, the amount of disruption to the land, is it worth a different value? It depends from region to region. You have to give discretion. The moment you make a discretionary call the potential is there for someone to disagree with it and appeal it on the fact that's wrong. Where the Board should have the right to be wrong on the fact, where the Board should not have the right to be wrong is where it has exceeded its authority in law which is what we say can be appealed and quashed throughout the operation. There's no way that you can change the section without totally writing it in.

That's my explanation to the Member.

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

Yeas — 27
Messieurs

Dyck	Brockelbank	Mostoway
Meakes	MacMurchy	Gross
Wood	Pepper	Feduniak
Smishek	Byers	Rolfes
Romanow	Kwasnica	Lange
Snyder	Engel	Hanson
Kramer	Taylor	Oliver
Thibault	Matsalla	Feschuk
Larson	Owens	Kaeding

NAYS — 9
Messieurs

Coupland	Boldt	Gardner
Loken	Grant	Weatherald
Guy	MacDonald (Milestone)	Lane

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wood that Bill No. 51 — **An Act to amend The Urban Municipality Act, 1970** be now read a second time.

MR. J.G. LANE: (Lumsden) I think, Mr. Minister that you can perhaps sum up as there was some indication given to me by some of the employees in the union at the Regina General Hospital that they would be worse off getting transferred into the Provincial Government fund and we ask for your assurance that that is not the case because they shouldn't be penalized.

HON. E.I. WOOD: (Minister of Municipal Affairs) Mr. Speaker, in reply to the Hon. Member for Lumsden, I believe he raised this question when the Bill was before the House earlier before the debate was adjourned.

I discussed it with my people and as I understand the amendment, I think it makes it quite clear that the employees are free to remain under the Regina Civic Employees Superannuation and Benefit Plan as is set out in the Act. It also gives power to the Board of Governors of the Regina Hospital to enter into an agreement with the city of Regina and with a body

administering a superannuation plan, registered under the Pension Benefits Act. They can have their choice of staying where they are or going into another plan. And it says in the last part of this section, "Upon terms and conditions agreed to between the respective parties". I would assume that the employees themselves being the affected ones, they would be involved in these discussions. It seems to me that they should be able to get the best or either of these worlds. That is my understanding, that they are free to negotiate to stay where they are or to go into another plan. I believe at the present time they are still under the City Employees Superannuation Plan but that there will be the opportunity to negotiate and to go into another plan, if and when, this is prepared and presented to them. I may be wrong on this but this is the way it has been explained to me by my Department.

MR. LANE: It's the Board of Governors' decision?

MR. WOOD: Yes, upon terms and conditions agreed to between the respective parties. Now whether that is just by the two I would not assume that. I would assume that the employees would certainly have a say in this. If this were worked out between the city and the Board of Governors to the detriment of the employees, I would think that would not be likely.

I doubt very much if the Minister of Municipal Affairs would have any authority to interfere in any way at any time but I think that my seatmate here is much more liable to be around after the election than I am. I think that he should be able to undertake to see that this is properly carried out to the benefit of the employees.

I should like to mention one other point while I am on my feet, Mr. Speaker. The Hon. Member for Lumsden, in regard to this conflict of interest legislation indicated that he had spoken to people from the Urban Municipal Association and that they would not accept any responsibility for the legislation that had been brought down earlier. The Urban Municipal Association is a large one and there are a lot of people in it and undoubtedly there may be some people in the organization — municipal councillors, or mayors who did not feel that it was good legislation and they were not prepared to accept the responsibility of passing the resolution at the convention or what have you. But I should like to say that I very much doubt, very, very much doubt, if President Tom Hart, or Vice President Ted Brady, or Mr. Tom Quigley or Mr. Bob Sawyer of the executive did not accept full responsibility for the legislation that had been passed earlier, because they made it very clear to me that they did. I don't think they are the kind of people that would say one thing in one place and something else in another. I do not think that this is so.

I am not saying that the Hon. Member does not speak the truth, because it is quite probable that there would be people in the organization that maybe felt that way. But I don't think the members of the executive who were dealing with me on this are the ones whom he could have been speaking to.

With these few words, Mr. Speaker, I should like again to move second reading of this Bill.

Motion agreed to and Bill read a second time.

QUESTION

WHEN WILL ELECTIONS ACT BILL BE PRINTED

MR. C.P. MacDONALD: (Milestone) Mr. Speaker, before the Attorney General adjourns the House, I should like to ask a question on a Point of Order if I may. Today the Minister introduced The Elections Act, it is nearly the end of the Session, it is the last Bill. I find it completely unreasonable that this Bill is not printed and before the Members. I don't think we would have agreed to first reading today, I guess we couldn't have stopped it, but I should like the Minister's assurance that we will have a copy of this Bill It is probably the only Bill of any real significance that has been brought into this Session. I should like to ask the Minister to give us his assurance that we will have a copy of that Bill tomorrow.

HON. R. ROMANOW: (Attorney General) I can't give the Member that assurance because the matter is in the hands of the printers. All that I can tell you is that this is the only Bill which has worked out this way. We give notices — now please don't anybody get up and say we are trying to pawn it off on the officials — but we give notices based on Legislative Counsel's work load and when the Legislative Counsel says it is going to go to print and when the printers are likely to complete it. We try and keep it on that level and we haven't missed on anything. As you know my record on The Elections Act, I think has been good. I have given the Opposition copies, even before it went to print, with the exception of this one. I am prepared to dig up the copy and give you tomorrow the copy which I approved for printing. I have nothing to hold back on this thing. I don't think you will find it particularly controversial. All I tell you is that it is in my interest as much as it is in your interest to get the Bill done as quickly as possible. I give you every assurance that I will try as much as I can to get it down tomorrow. If I can't get it down tomorrow because of the printers, I will locate a copy and photocopy it and circulate for your Members to consider over the weekend. We won't call it anyway until you have had a good chance to look at it. Probably not until Monday or Tuesday.

The Assembly adjourned at 9:24 o'clock p.m.