

**LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**  
**Second Session — Eighteenth Legislature**  
**17th Day**

**Monday, April 5, 1976**

**WELCOME TO STUDENTS**

**HON. W.E. SMISHEK: (Regina North East)** — Mr. Speaker, I should like to introduce to you and to the Members of the Legislature a group of 80 students from the Grade Eight class of Imperial School which is located in my constituency. They are accompanied here by their teachers, Messrs Brown, Myer and Sotropa. They are seated in the Speaker's Gallery.

I extend to the students a very warm welcome and I hope that their short stay with us will be an interesting experience which will help them in their social studies. Time permitting I do hope to meet with them after 3:00 o'clock but because of certain other items that we may have to attend to it may not be possible. I have already met with the students and I welcomed them to the Legislature earlier. I do hope that they have a good afternoon with us.

**HON. MEMBERS:** Hear, hear!

**MR. D.H. LANGE: (Bengough-Milestone)** — Mr. Speaker, I should like to introduce a group of 13 Grade Twelve students from the Yellow Grass High School, they are situated in the west gallery. I should like to welcome them to the activities of the Legislature and for their information we are dealing today with the first day of Government business after the conclusion of the Budget Debate.

I will be meeting with them shortly after 3:30 o'clock where we will be having a drink down in the Members' dining room and even though you are all 18 unfortunately I must tell you that the drink is only soft drink. The teacher who is accompanying them is Mr. Allan Wagner.

**HON. MEMBERS:** Hear, hear!

**MR. C.P. MacDONALD: (Indian Head-Wolseley)** — Mr. Speaker, I should like to join with the Member for Bengough-Milestone (Mr. Lange) in expressing a welcome to the students and teachers from Yellow Grass. It is very unfortunate indeed, Mr. Speaker, that the Premier decided to redistribute the boundaries of my constituency and I am not now their representative but I certainly hope they have a very enjoyable and a very welcome afternoon in the Legislature.

**HON. MEMBERS:** Hear, hear!

**QUESTIONS**

**FOOD BASKET PROGRAM**

**MR. W.H. STODALKA: (Maple Creek)** — Mr. Speaker, I should like to direct a question to the

Minister of Consumer Affairs. In light of the fact that the Department of Consumer Affairs has announced that it is discontinuing its food price comparison, especially in light of the fact that not more than two or three weeks ago you indicated in this Assembly that this was a very successful program. What reasons for the discontinuance, Mr. Minister?

**HON. E.B. SHILLINGTON: (Minister of Consumer Affairs)** — Well, the program began as an experimental program. As the program developed the spread in the prices in the top stores and the least expensive stores narrowed to the point where the difference did not make it worth going from one store to the other. In other words it is being discontinued in part because it was experimental (it was intended to be discontinued at this time) and in part because it has succeeded in bringing the most expensive stores down to the least expensive stores.

**MR. STODALKA:** — A supplementary question, Mr. Speaker. If the program succeeded then in narrowing the gap, what guarantee is there going to be that the spread will not appear again once the program is discontinued?

**MR. SHILLINGTON:** — Well, it's a good question. We are in the process of analyzing or there is a computer analysis being done of the program. If we are correct in saying that the spread disappeared because of the survey then perhaps there is a good argument for saying that we should go on checking the prices but perhaps not publishing them until such time as there is a spread. That would be one way of handling it, perhaps the least expensive. All I can tell you at this point in time is it is undergoing a computer analysis. When we get it we will be in a better position to make a permanent decision as to where the program goes in the future.

**MR. STODALKA:** — A supplementary question, Mr. Speaker. Is the Minister contemplating any other such program in this area.

**MR. SHILLINGTON:** — No.

**MR. STODALKA:** — A final supplementary. What was the cost of this program to the people of Saskatchewan.

**MR. SHILLINGTON:** — \$200,000

**SOME HON. MEMBERS:** — Oooooohhhhhh!

**MR. J.G. LANE: (Qu'Appelle)** — A supplementary question of the Minister. You indicated that it served to bring the higher cost stores to reduce their prices. Yet I notice on reviewing the index that consistently and on the general average the co-operative stores, the retail co-ops in Saskatoon and Regina were consistently the stores charging the highest prices. Is, in fact, the real reason that you cancelled the program the fact that this was becoming embarrassment to you and you failed to utilize the Department of Co-operation to put pressure on the retail co-ops to keep their prices competitive with the large chain stores?

**MR. SHILLINGTON:** — Your information is inaccurate. In Saskatoon the Co-operative stores, consistently, were the lowest among prices throughout. Now I admit that your information is accurate for Regina but that is not the reason. When the program was set up initially last fall by my predecessor, the Hon. Member for Saskatoon — I am not sure what the riding is in Saskatoon Nutana — it was set up as an experimental six month program. That has now run out. We are now in the process of evaluating. As I said, if the program works as well as we think it did, we may well continue it in some form.

**MR. LANE:** — A further supplementary, Mr. Speaker. Has your Department initiated any studies now that this comparative food index study has been cancelled. Has your Department, supposedly representing the consumers of the province initiated any studies into the operation of Intercontinental Packers to determine what effect it has on retail meat prices in the Province of Saskatchewan?

**MR. SHILLINGTON:** — No.

**MR. LANE:** — By way of further supplementary. Has your Department initiated studies either of itself or through the Department of Co-operation, studies of the Retail Co-operative Movement in the Province of Saskatchewan and Federated Co-operative to determine what effect they have in retail food prices in the Province of Saskatchewan?

**MR. SHILLINGTON:** — No.

**MR. LANE:** — Would the Minister not admit, my final supplementary, that with the co-operative movement, subject to regulation by the Government of Saskatchewan with Intercontinental Packers being partially owned by the Government of Saskatchewan, that they, in fact, wasted \$200,000 on the comparative price index, that the proper course for the Government to take would have been to study the very segments of the retail food industry directly under Government control?

**MR. SHILLINGTON:** — I just cannot believe that the Hon. Member believes that this Government regulates Co-operatives in the retail section. I just can't believe that. Perhaps he does, but the truth of the matter is we don't in any way regulate the Retail Co-operative Movement in this province. We may give them some sort of assistance, we may incorporate them, but we don't regulate what prices they charge of anything else. Now, as for Intercontinental Packers, I don't know whether or not the Hon. Member has an opportunity to look at the survey on the beef prices that were done in Manitoba but one of the conclusions is that there aren't any rip-offs, there aren't any huge profits being made by the packers. And wherever the problem is in meat prices, according to the survey in Manitoba, it apparently does not lie with the packers at least in that province.

**MR. E.C. MALONE: (Regina Lakeview)** — A supplementary, Mr. Speaker. The Minister indicated the cost of this program was \$200,000. Was that the amount budgeted

for it at the time the program was planned and introduced?

**MR. SHILLINGTON:** — That is correct.

**MR. MALONE:** — How long a period of time was that to run?

**MR. SHILLINGTON:** — Until March 31st.

### **\$2400 MAXIMUM WAIVED FOR TEACHERS**

**MR. MacDONALD:** — Mr. Speaker, I should like to direct a question to the Minister of Education. In view of the fact that the Government and the negotiating team has now made it very perfectly aware to both teachers and trustees that the Government is waiving the \$2400 offer maximum as far as the collective bargaining agreement between the two is concerned, and in view of the fact that the Government is responsible for the situation because of the niggardly approach and offer of the last two years . . .

**MR. SPEAKER:** — If the Member could get to the question.

**MR. MacDONALD:** — Would the Minister inform me now that because they are breaking the \$2400 maximum, whether or not they are going to review the grants allocated to local school boards in view of the fantastic increases in mill rates coming in now and the fact that they are even going beyond the federal guidelines of the \$2400 maximum?

**HON. E.L. TCHORZEWSKI: (Minister of Education)** — Mr. Speaker, I am not going to comment on the items that are presently being negotiated, because I don't think this is the place where negotiations should be taking place. I shall not comment on that.

As far as the review of the grants that are being provided which are the largest increase in grants ever provided to schools in Saskatchewan at this point in time, my answer is No.

**MR. MacDONALD:** — A supplementary question, Mr. Speaker. Whether the Minister likes to admit it or not, it is a fact that they are going beyond the \$2,400 maximum. I ask the Minister will this be government policy for other wage groups now negotiating with the Government of Saskatchewan and its Crown corporations?

**MR. TCHORZEWSKI:** — Mr. Speaker, any contracts that are signed between parties in the public sector have to be referred to the provincial board for a decision.

**MR. R.E. NELSON: (Assiniboia-Gravelbourg)** — Mr. Speaker, a supplementary of the Minister of Education. In view of the fact that the educational mill rate increases are substantial throughout the province and in my constituency, just to name a few, Gravelbourg, 20 mills up; Assiniboia 8 mills up; Borderland 11 mills up; Wood River 8 mills up . . .

**MR. SPEAKER:** — Order! Will the Member get to his question please.

**MR. NELSON:** — I am told these increases cover not even 50 per cent of the teacher salary increases. Then in view of these facts, is the minister considering increasing the school budget that is increased directly by the government controlled salary negotiating team?

**MR. TCHORZEWSKI:** — Mr. Speaker, the answer is No, we are not considering doing any changing to the school operating grants as they are now provided. We are in the situation of needing to provide some restraint, we have done that as a government, we have been doing that in providing beyond the terms of the restraints funding for certain organizations such as school boards. I am told that school boards as others will be co-operating in trying to practise some restraint as best as we are able to under these times.

**MR. NELSON:** — A supplementary, Mr. Speaker. Could the Minister explain to me how he expects school boards to restrain budget items that his department are fully involved in raising. How can they in the country restrain these, Mr. Minister?

**MR. TCHORZEWSKI:** — Mr. Speaker, I suppose the Member, who is not being specific on the last question, is indicating that in the negotiations aspect the department is the one that is involved more directly in the increasing of salaries. I want to indicate to the Member that negotiations are a process that are taking place between the Saskatchewan Teachers' Federation, the Saskatchewan School Trustees Association, as well, the Government of Saskatchewan, as a three party operation.

#### **PRODUCTIVE LAND UNDER WATER**

**MR. E.A. BERNTSON: (Souris-Cannington)** — Mr. Speaker, a question to the Minister of Agriculture. In view of the fact that spring seeding is fast approaching and there are thousands of acres of productive land under water in Saskatchewan, does this Government have any emergency program to alleviate this very serious problem?

**HON. E. KAEDING: (Minister of Agriculture)** — Mr. Speaker, I am sure that every year at this time there are thousands of acres under water in Saskatchewan and in due course this water runs off the farm lands. We have a regular program for drainage which has always been in place and it's still there but certainly that isn't going to take care of any immediate problem. We have under the Crop Insurance Program seeded acreage protection so that if the farmer is not able to seed his land he will be able to get protection under that program and that is more than he was able to get a couple of years ago.

**MR. BERNTSON:** — Mr. Speaker, a supplementary. This is a very serious problem, there are thousands of acres in my corner of this

province that have been under water for four years, once very productive land, primarily caused through highways, grid roads etc., blocking the natural drainage runs and would the Government initiate some immediate survey on drainage programs to alleviate this very serious problem? No insurance program can cover wheat production.

**MR. KAEDING:** — There are methods by which farmers in an area that are affected can come to the Department of Agriculture or the Department of Environment to get drainage projects going. If they have contacted our Department and Environment they will probably have someone out there to survey their problem. Because there is a tremendous demand for this kind of work it is possible that we are unable to do all the drainage projects at one time. So it could very well be that you are not going to get a drainage program this year or next year because of the pressure that is there.

**MR. BERNTSON:** — Mr. Speaker, a further supplementary. Is it true that the survey waiting list is, in fact, in the neighborhood of five years?

**MR. KAEDING:** — That's pretty hard to predict because some groups make application to have drainage projects done and then when the cycle changes and the weather becomes drier then they remove their request. It is not always possible to know how much we have ahead. There is no doubt that there are a lot of projects ahead. However, we have initiated a study which is being done by the Department of Environment and Agriculture and Municipal Affairs and with co-operation from the municipal bodies and Wildlife Federation to do a complete study of the drainage program and the flood control program in the province. We expect to have a report from them sometime later this year. Hopefully from that we will be able to come to a more rationalized approach on the whole problem of flooding and drainage.

### FLOODING IN SOUTH CENTRAL SASKATCHEWAN

**MR. MacDONALD:** — I should like to direct another question to the Minister of Agriculture in line with my friend for Souris-Cannington (Mr. Berntson). Flooding may well be an emergency and almost critical condition in much of south central Saskatchewan and I refer particularly to the Regina plains, the Yellow Grass drainage area. Are there any steps being taken by the Department of Agriculture to look upon this as a crisis and to do anything special for this particular year to provide assistance, technical engineering, etc? We are liable to be faced with the biggest amount of first class agricultural land in the history of Saskatchewan under water in this particular year.

**MR. KAEDING:** — I am not sure that he is right on that but it may well be. I am sure that the programs we have in place will be operating. We have studies going on a number of drainage basins and you can't make those decisions on an emergency basis, they have got to be done on the long term. We have a number of studies going in the southeast and hopefully some drainage programs will result as part of that. The Member must recognize that there is more to draining water than just putting out a bunch of ditches. There are people who are downstream from

those water accumulations and they have to be protected as well. You cannot move irresponsibly and do one project without having it connect the whole area. This is under study now.

**MR. MacDONALD:** — One further supplementary. I should like to point out to the Minister of Agriculture that all last summer and all last spring many areas and many communities of the province requested technical and engineering consultation from the Department of Agriculture, the Conservation Branch were unable to obtain it because of the tremendous amount of land under water and I suppose the tremendous amount of drainage projects that were being pushed because of the situation last year. My point is that it is not only an emergency crisis in 1976 but this situation has been going on for two or three years and many of these communities are not yet able to even get technical consultation from the Department of Agriculture. This is why I ask, are there any special steps being taken?

**MR. KAEDING:** — No, not over and above the normal budgeting which we have for that particular Department.

**MR. R.L. COLLVER: (Leader of the Progressive Conservatives)** — Is the Minister not aware that it was as a result of the construction of some highways and grid roads in the Province of Saskatchewan, not only in the southern areas but also in some northern areas, Carrot River and Moose Range, where drainage is going to be a serious problem as soon as the spring thaw hits those areas? Is he not aware that it was the construction of these roads that brought about the drainage problems and as a result these people are now finding their land under water? And if he is not aware of it, will he please become aware of it?

**MR. KAEDING:** — Mr. Speaker, I am fully aware that there could be some problem with regard to roads. However, a lot of the problem that is out there is as a result of some of the activities of the farmers themselves who are draining large amounts of water without any authority, draining them onto other people's land and this all accumulates and is part of the problem. This is why we are undertaking a study at the present time to try and rationalize the whole process.

**MR. COLLVER:** — Mr. Speaker, a further supplementary. Is the Minister aware that there have been at least three drainage studies postulated for the Nipawin-Carrot River district over the last 15 to 20 years, at least three major studies and that drainage problem is still not resolved. Yet the Government still continues to act as though it is not an emergency. There hasn't been a crop in the Carrot River area, in some parts of the Carrot River area, for three or four years. That is the question, is he not aware of it?

**MR. KAEDING:** — Mr. Speaker, I am sure that there has been activity in that area. There has been a fair bit of work done in that area and certainly we can't do it all at once. If you want to provide the kind of budget that would permit us to do it all at once, I would be glad to hear it, but I don't think we can possibly do it.

**MR. LANE:** — A supplementary. Does the Minister have any idea in the Regina plains area, the economic loss at least in the last two years because of flooding? Do you have any idea?

**MR. KAEDING:** — I don't think we have it in terms of dollars and cents. A lot of the flooding that took place in the Regina area last year wasn't because of spring flooding but because of heavy rainfall. So that can't necessarily be laid at the foot of any kind of man made problem. I know that we have had economic losses over the years in this whole area. There is a lot of flat land out here and you are not going to do that without an awful lot of cost.

**MR. BERNTSON:** — Mr. Speaker, I recognize that this problem is in all of Saskatchewan and not just Souris-Cannington, but how are these surveys being handled? What priorities, how are the priorities determined, on a first come, first serve basis? Or the emergent nature of the situation?

**MR. KAEDING:** — I think it would be fair to say that they are handled on the basis, generally speaking if it is a normal problem, it would be handled on a first come, first serve, basis. If there was an emergency situation I would imagine that we would very well move that up in priority, but normally it would be on a first come, first serve basis.

**MR. LANE:** — Is the Department giving any consideration to the establishment of a permanent authority. You blame the farmers for part of the problem . . . I am just quoting for the Minister of the Environment what the Minister of Agriculture said.

**MR. SPEAKER:** — Order, order! If the Member can get to the question without the embellishments.

**MR. LANE:** — Considering the implementation of a permanent authority to control drainage, which said authority would also have power over cities such as Regina. There is a perception around Regina, in the farmers surrounding the city, that the city is itself partially responsible for the backup of waters in the Regina plains. Is the Department prepared to consider such an authority that would take an overall look at this particular problem and bring under its jurisdiction cities and other Government departments?

**MR. KAEDING:** — Yes, Mr. Speaker, I think that might be the determination of the study which is now underway. I would assume that there would be some direction given by that study as to how we should handle the authority, the watershed authority, that would be set up.

**MR. LANE:** — A final supplementary. You indicated that a lot of the problems last year were because of rainfall, abnormal precipitation. Is the Minister not aware that this year so far without rain, that we are expecting some pretty serious flooding in the Regina plains and would the Minister consider putting a much higher priority on dealing with the problem than he indicated today?



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**MR. KAEDING:** — I would suggest that the Member should ask the Member for Nipawin (Mr. Collver) whether he would agree to that?

**MR. L.W. BIRKBECK: (Moosomin)** — Mr. Speaker, just one further supplementary question to the Minister of Agriculture.

With regard to the drainage that is being done in the province, who does the surveying? Is it government employees or did you appoint them or do you tender for them?

**MR. KAEDING:** — The surveys are done by the Department of Conservation and Land Improvement.

**MR. BERNTSON:** — A further supplementary, Mr. Speaker. Would it not be possible to have a local water user group, higher consultant survey consultants from private industry to survey these and . . .

**MR. SPEAKER:** — Order! I think we are getting into the details as to how the Commission should operate or the study should operate. We are not dealing with the immediate problem.

### **RENFREW TEACHERS**

**MR. E.F.A. MERCHANT: (Regina Wascana)** — Mr. Speaker, I enjoyed this question period. It has been in the nature of a deep knee bend exercise period for me.

I wonder if I might direct a question to the Hon. Attorney General. Has the Government decided whether you will be intervening in the Renfrew teachers' case, the case regarding the anti-inflation controls and whether they are constitutional and what position does the Government propose to take? Will you be supporting the position of the Federal Government that the anti-inflation program is a legitimate program. I note that recently the Premier refused to comment on the position that might be taken by the Government.

**HON. R. ROMANOW: (Attorney General)** — Mr. Speaker, this matter is under active consideration by my Department officials and also by my colleagues in Cabinet. I hope to be in a position, either myself or the Premier, to be making an announcement in this regard in a matter of a few days.

**MR. MERCHANT:** — A supplementary, Mr. Speaker. I wonder why the Government takes the position that you will not sign with the Federal Government. won't take a formal position pending the disposition of the Renfrew Teachers' case. What is the basis of that decision by the Government?

**HON. A.E. BLAKENEY: (Premier)** — Mr. Speaker, I would be happy since this obviously refers to and directed to the Attorney General and it refers to a statement made by the Minister of Finance in the Budget Speech. It appeared to the Government that since the very

issue of whether or not an agreement signed under Section 4 (3) of the Federal Act, by the Province of Ontario, that very issue was to be litigated and very promptly presumably, that it would not appear to be appropriate for us to move with respect to such an agreement until that issue had been determined by the Supreme Court of Canada.

**MR. MERCHANT:** — A supplementary, Mr. Speaker, correct me if I am wrong, but I think that your definition of very promptly would be a disposition by late May. But would the Premier comment on why you consider, and you are so quoted in the press, that it is of little significance whether the Province of Saskatchewan signs with the Anti-inflation Board, signs the agreement and signs as every other province in Canada apparently intends to do? Why do you use the words “little significance.”

**MR. BLAKENEY:** — Well, first, I am not as well informed as the Hon. Member on what other provinces in Canada apparently intend to do, he obviously has sources not open to me about what the governments are going to do. I thank him for giving this information presumably from the Minister of Transport.

**SOME HON. MEMBERS:** Hear, hear!

**MR. BLAKENEY:** — But the point I want to make is that is of little significance because as far as people in Canada are concerned they are interested in what provincial governments are doing and what federal governments are doing to deal with the problems of inflation. And so far as I can see the signing of an agreement will not affect what the Government of Saskatchewan does, and accordingly is of little significance.

**SOME HON. MEMBERS:** Hear, hear!

**MR. MERCHANT:** — A supplementary, Mr. Speaker. I wonder if the Premier would not agree that the signing would indicate a formal willingness to co-operate and that even if the province doesn't follow along in fact to co-operate at least it would indicate a formal willingness to co-operate. It hasn't been demonstrated by your legislation.

**MR. BLAKENEY:** — It may indeed do that, but we are much more interested in the substance than the form. We have a board, it is operating. In our judgment it is operating better than the Federal Board.

**SOME HON. MEMBERS:** Hear, hear!

**MR. BLAKENEY:** — It is a board which in our judgement, commends the confidence of the people of Saskatchewan infinitely more than the Federal Board commands the confidence of the people of Canada.

**SOME HON. MEMBERS:** Hear, hear!

**MR. BLAKENEY:** — And accordingly, it seems to me that what we are interested in is the substance and not the form. Accordingly

I don't think the signing or the non-signing of agreements, ritual agreements, makes very much difference.

## STATEMENTS

### FLOODING SITUATION IN SASKATCHEWAN

**HON. G. MacMURCHY: (Minister of Municipal Affairs)** — Mr. Speaker, since there was a good deal of discussion during the Question Period about the flooding situation in Saskatchewan I would just like to make a very brief report that I have received from the Emergency Measures Organization on this situation as it exists right now.

In Moose Jaw, first of all, the flood conditions will reach its peak later this afternoon. The two potential flood areas Thunder Creek and Spring Creek have dropped to low flows. The Moose Jaw River has been steadily on the increase the last 24 hours and it is expected to crest later this afternoon. Environment reports that it should flow at a reasonable rate and operate within its banks so that there shouldn't be any significant flooding at Moose Jaw.

In Regina, we foresee no problems. Lumsden and Fort Qu'Appelle or in the Fishing lakes.

Weyburn, the upper Souris River is now moving through Weyburn, levels were equal to 1975 as of this morning but this should not be a problem at Weyburn. It is anticipated the river banks will hold the flow.

At Estevan, the volume of water at Long Creek which flows into Boundary Dam is recorded as the highest on record. In-flows from Long Creek have now dropped off. The River Park area in Estevan which is in the RM of Estevan No. 5, has suffered some flood damage. Three homes were evacuated, the remaining homes are protected by dykes and sandbags. Nine mobile homes and the occupants were removed from this area to the municipal airport at Estevan. Of seven mobile homes that were not moved, four have been evacuated and three are protected by dykes. In the RM adjacent to the River Park area, three homes have been evacuated and the rest have been protected by dykes and sandbagging.

Roche Percee, the dykes constructed in Roche Percee last year were inadequate to protect the greatly increased amount of water coming from Long Creek. Extensive sand bagging on the top of the dykes has taken place and in fact took place during the last week. As of today these dykes are holding back on an average four feet of water flowing through Roche Percee. Through volunteer assistance dykes are being reinforced and I think the Assembly would want to congratulate the volunteer assistance in Roche Percee.

**HON. MEMBERS:** Hear, hear!

**MR. MacMURCHY:** — I think they can expect in Roche Percee sustained flows from the Souris River for a number of weeks which will put great pressure on the dykes. It has started to rise at Estevan and it is expected that the dykes at Roche Percee will be able to handle the flow from the Souris River. They have

received great co-operation from the Superintendent of the Boundary Dam, Jack Chapman, who is watching the levels and the outflow from Boundary Dam.

Tight security measures have been taken regarding entrance into Roche Percee. Some wells in Roche Percee have been contaminated and they are moving water by truck from Estevan to supply the citizens with drinking water. Unless severe rain or unexpected snow occur, EMO is confident that they have won the battle of the flood in Roche Percee.

North Portal, while there is no river or creek there is extensive flooding north of the town limits. This has been created by some farmers doing some drainage which was talked about earlier. This will require pumping into the Souris River and we have on hand down there two large diesel pumps and as soon as the Souris River can handle the water they will be pumping from north of North Portal.

Green Lake, EMO has been advised that there will not be flooding problems in Green Lake.

**MR. LANE:** — Mr. Speaker, I join with most people in welcoming the rather optimistic report that was tabled by the Minister. A couple of questions, first of all, is the Minister considering compensation to be paid to the individuals in Estevan that were evacuated? Secondly, have farmhouses been evacuated and will compensation be paid? And thirdly, who will be paying the cost of the water transported into Roche Percee?

**MR. SPEAKER:** — I don't think that I am going to allow the House to get into the position of accepting questions on Ministerial Statements. The usual practice is the Minister makes a statement and the Members of the Opposition have the opportunity to comment on it and the Member of the third party has an opportunity to comment on it. And I think that perhaps we're destroying that practice that we've followed in this House.

**MR. LANE:** — My comments, Mr. Speaker, as my questions have been ruled out. I again, as I said, I welcome the optimistic statement. I would urge and hope that the Government would re-institute its compensation program to individuals evacuated, because of flooding as was implemented last year, particularly Lumsden, and I would hope that just wasn't an election year program and that it becomes an annual program if necessary. And thirdly, I think it would be in order and I would urge the Government to absorb the cost of that water transportation being necessary in Roche Percee and any efforts being taken to either dig new wells or decontaminate the ones that have been found to be contaminated.

**MR. R.A. LARTER: (Estevan)** — Mr. Speaker, I should like to make a few comments. I've been involved with the flood for the last four days in Roche Percee and Estevan. I should like to make a suggestion that in Estevan particularly the people just weren't together on the flood and it was a really bad situation. In Roche Percee they had complete co-operation from EMO, the RM and all the citizens and students. But in Estevan there seemed to be an attitude of indifference and I think it comes from lack of

communication between the municipality, the EMO and the people. I think through this lack of communication and their points of responsibility, I think we have had a really bad situation. I don't think it will happen again. But the students were just fantastic. I have to commend the students for their part and the private citizens. They just about killed me but they did a tremendous job.

The farmers upstream are the ones who are really suffering and have been in the last few years on production land. I think there has to be a long term look at this and a short term look. I don't think we can wait for this three-year study. These people are going right out of business.

## **POINTS OF ORDER**

### **RULING ON RECOGNITION IN QUESTION PERIOD**

**MR. R.L. COLLVER: (Leader of the Conservative Party)** — Before the Orders of the Day I should like to draw to your attention and to get a ruling from you formally in this Assembly that you, as the Speaker of this Assembly will be recognizing the first two questions and all supplementaries pertaining to those questions put forward by the Liberal Party before you will recognize the Progressive Conservatives in this Legislature?

**MR. SPEAKER:** — For me to make any statement on it would be repetitive of the Interim Report which was laid before the Members of the House and which stated we conduct the Question Period roughly in accordance with the practice at Ottawa. While that was not a unanimous feeling of the Committee, I think it was, by and large, the opinion of the great majority of the members who formed the Interim Committee. The Report agreed that was the way they would proceed. That was accepted by the House and consequently we will proceed in that manner.

**MR. COLLVER:** — I think if I may just speak to that ruling. In Ottawa there are 16 NDP Members out of some 265 Members. And the Conservative Party has 95, I understand, Members, out of the 265, and they get the first two questions and the NDP get catch as catch can for the next one. Mr. Speaker, I believe that the make-up of this particular Assembly is considerably different than that of the Assembly in Ottawa and respectfully we think that periodically it might be in order, perhaps in keeping with the popular vote or whatever ruling you may decide to take, that the Progressive Conservatives might be recognized once or twice in a month or so of sittings on the first question as opposed to the present way.

**MR. E.C. MALONE: (Regina Lakeview)** — Mr. Speaker, if I can make a comment. I think we probably have no objection to allowing the Conservatives to be recognized first once every session or so. I would point out to the Member and to the Legislature that one of the rules that is different here than it is in Ottawa is that the third party is quite able to get up and ask supplementary questions on the first two questions that are asked by the official Opposition. They are not shut out in any manner in asking questions about

the two subjects that we raise. This is not the case in Ottawa as we found out when we were on that Committee. The NDP and the Socreds in Ottawa are completely shut out from asking supplementary questions on the first two questions. So if the Tories wish to participate in the first two questions that are asked by the official Opposition there is nothing whatsoever stopping them. They can get up and be recognized on supplementaries just as we can.

**MR. BIRKBECK:** — Mr. Speaker, if I could just make a very short comment on that. The Member for the Liberals makes a statement that the Conservative Party maybe isn't capable of getting up and asking supplementary questions on their initial two questions, but it is a question of how can we get recognized over here. We might be just a little too far away from the Speaker or something but it seems to me that we have to be recognized before we can ask a supplementary question.

**MR. SPEAKER:** — I hesitate to be any more definite on laying down the manner in which I will accept questions from any Members of the House, whether it is on that side or that side. The reason I say that is because the firmer I come down with a decision the more likely I am to be subject to Points of Order. For example, a few days back I recognized the Member for Nipawin as the first person in the House to rise. If I had said the first two questions go automatically to the official Opposition, someone would have been on his feet immediately on a Point of Order. I have avoided that situation. As the Member for Regina Lakeview has stated the Members in the third party have the option of cross questioning in supplementaries and I am sure they have exercised that quite frequently in this House, today as well as other days. Today is an unusual day because the third party only asked one question. I might say that it released a "flood" of questions on the House, supplementaries by all Members. If we go back a day we will find that the official Opposition asked six questions and the third party asked five questions. There were all kinds of supplementaries as well. So if you were not to pick any day out, I think you would find that it balances out over a period of time. I notice the Member for Moosomin was quite easily recognized on a supplementary today. I also heard a comment from the member for Wascana (Mr. Merchant) that he was getting too many deep knee bends because of the question period and not being recognized. I gather that was the implication of his comment. So you see there are questions and comments from all sides of the House with regard to how the Members are recognized for their questions. On any one day I think there might be some Member who might feel ignored. I think that my eyesight is reasonably good and I will try to recognize Members all around the floor.

**MR. MERCHANT:** — Mr. Speaker, I certainly didn't suggest anything was wrong. What happened was I kept getting up and there were always supplementaries. I think that I rose about 22 or 23 times. I didn't think there was anything inappropriate about that. I need the exercise. It was good exercise.

**MR. COLLVER:** — Mr. Speaker, the purpose of my Point of Order was to get a formal ruling from you as to whether or not the first two questions were going to be given to the Liberal Party in

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Saskatchewan. That is all I am asking. What you said before was also recognized by me that the other day due to someone not jumping quite so quickly on my right, I stood up and I was recognized. If you are going to recognize us sometimes first, we want to know it, if not, we want to know it as well.

**MR. SPEAKER:** — I don't think I am going to make a formal statement any further than I have. I will take my refuge in the interim report as was laid before the House and which the House accepted.

## **STATEMENTS**

### **RETURN NO. 5**

**MR. SPEAKER:** — I have a couple of statements which I should like to convey to the House.

On April 2, 1976, Motion for Return No. 5 was asked to stand pending a review by the Chair to determine whether it was in order. The problem here is whether the Minister has any responsibility for the construction management of the plant owned by Meadow Lake Wood Industries Limited. I refer all Members to Sir Erskine May's Parliamentary Practice, 17th Edition, Page 350 and Beauchesne's Parliamentary Rules and Forms, Page 152, both of which state as follows:

Questions addressed to Ministers must relate to the public affairs with which they are officially connected, or to any matter of administration for which the Minister is responsible. Thus, questions cannot be directed to Ministers on matters which are under control of authorities not responsible to the Government.

As the only Government involvement in Meadow Lake Wood Industries is through the participation of SEDCO in the enterprise, the Minister is responsible for questions relating to SEDCO's involvement only. The internal operations of the company are the responsibility of the management of that body and are not within the purview of the Government. I, therefore, rule Motion for Return No. 5, out of order.

## **ANNOUNCEMENTS MADE OUTSIDE THE HOUSE**

**MR. SPEAKER:** — Before the Orders of the Day, Friday, April 2, two Hon. Members rose on the Point of Order to the effect that the Minister had made a public announcement outside and not in the Assembly. A further point was raised that the Ministers in the House of Commons always announce policies in the House before press conferences and, therefore, under rule one, of the Rules and Procedures of Saskatchewan, it should be a custom in Saskatchewan that standing orders of the House of Commons do not require a Minister to make announcements in the House of Commons.

I remind all Members that rule one applies only if Saskatchewan does not have an applicable rule precedent or practice. I refer all Hon. Members to rulings of the Chair dated December 4, 1975 and January 19, 1976, Journals of the Legislative Assembly of Saskatchewan, page 63 and 147. I wish to stress to the Assembly that although it is a courtesy to the Assembly for a Minister to release information in the Assembly before

releasing it to the press or the public, it is not a breach of the privileges or rules of the Assembly if this does not happen.

### **MOTION FOR INTERIM SUPPLY**

The following resolutions were adopted in Committee:

Resolved, That a sum not exceeding one hundred and eight million, seven hundred and sixty-five thousand and twenty dollars, being approximately one-twelfth of the amount of each of the several sums to be voted, as set forth in the Estimates for the fiscal year ending March 31st, 1977, laid before the Assembly at the present Session, be granted to Her Majesty, on account, for the twelve months ending March 31st, 1977.

Resolved, That towards making good the supply granted to Her Majesty on account of certain expenses of the public service for the fiscal year ending March 31st, 1977, the sum of one hundred and eight million, seven hundred and sixty-five thousand and twenty dollars be granted out of the consolidated fund.

HON. W.E. SMISHEK (Minister of Finance) moved that the motion for Interim Supply be now read a second time

**MR. E.A. BERNTSON: (Souris-Cannington)** — Mr. Speaker, this Assembly was warned some months ago that this Government was increasingly ignoring the Legislative process and assuming more and more of the dictatorial attitude that it now displays. This attitude has grown in recent years so that now interim supply is taken for granted. Almost routine. I know that it is done this way in the House of Commons. But they are just as guilty of this dictatorial attitude as the Saskatchewan Government.

Let me give you a brief history of the increased trend toward interim supply in Saskatchewan. The 25 years between 1944 and 1967 seventeen out of 25 did not require interim supply. Eight out of 25 required interim supply. Zero out of 25 required two interim supplies. The eight years between 1968 and 1975, eight out of eight required interim supply, three out of eight required two interim supplies. In the last four years, not including this one, all required interim supplies and three out of the last four required two interim supply.

We have been asked by the Minister of Finance for our approval as a caucus to grant leave by the Assembly to allow the interim supply of the legislation to be passed by this Assembly in one day. We have also been informed by him that logic and simple arithmetic confirms his statement to us that even had this provincial Budget been brought down on March 12, as was originally scheduled by the present Government of Saskatchewan, that the interim supply measures would have been necessary due to the length of time required for the Budget debate and the ensuing detailed analysis of budget provisions during Committee of Finance.

We were also told by the Minister of Finance that another interim supply measure may be necessitated for the month of May 1976, depending on the length of the current Budget debate.



We have agreed to grant this leave by the Assembly this year in order to assist the Government of Saskatchewan in meeting its obligations because of the unique circumstances of this particular Legislature. However, it is our judgment that not only is it possible, but advisable, for the Legislature to set budgetary allotments before the fiscal year end of the Government of Saskatchewan. It is advisable for a number of reasons.

The use of interim supply legislation should be for emergent situations only where no other alternative is possible. It is the Legislature of the Province of Saskatchewan and not the Cabinet under the parliamentary democratic system that sets the budget allocations for the forthcoming year. In our view, and we have expressed this on many occasions, the Cabinet has too much power now, and use of interim supply measures merely increases that power. Because the Legislature is asked to approve one-twelfth of the Cabinet's assessment of the budgetary requirements before the forthcoming year, before the budget is approved by the Legislature and before a detailed analysis of the budget provisions are made.

It is entirely conceivable that the Legislature could after debate and subsequent revelations, reduce dramatically the Cabinet's provisions for expenditure. And the Government of Saskatchewan could find itself in the embarrassing and untenable position of having paid out funds based on the Cabinet's estimate of expense and a readjustment of the total budget for the remainder of the year to account for the overpayment would be necessary to the detriment of sound administrative practices.

There is no accounting, bookkeeping or budgetary reason why with a fiscal year end of the Government of Saskatchewan of March 31, that the budget could not be presented, debated and completed before the next fiscal year end of the government.

The only possible reason that might be put forward would be the proposed increase or decrease in some forms of sales, income or other taxes in which if too much lead time is given, adjustments could be made by the public or by business in its pattern of behavior pending such increased or decreased taxation.

This argument does not hold water because taxation levels which fall into this category can be increased or decreased temporarily. As it happens now, by Order in Council pending Legislative approval effective the date of the announcement of the budget and, therefore, changes of patterns in this way can be avoided. In other words, better to have part of the budget set a little further in advance by the Cabinet than the whole budget subject to the Cabinet discretion.

Therefore, we are putting the present Government of Saskatchewan on notice, and a full year's notice at that. And unless emergent conditions are prevalent the Progressive Conservative caucus will not grant leave of the Assembly to bring in interim supply legislation in one day next year. Furthermore, if such interim supply legislation is brought in next year by the Government of Saskatchewan because the Cabinet, who are totally responsible for setting the budget date, fail to bring down its budget in sufficiently reasonable time to have the Legislature approve it before implementation given a reasonable assessment of previous historical debate time requirement, we, of the caucus will insist on a full scale

debate of the proposed interim supply legislation and the necessity therefore.

**MR. C.P. MacDONALD: (Indian Head-Wolseley)** — Mr. Speaker, I only want to make a very brief comment. First of all I want to say I think the Member for the Conservative Party is making a mountain out of a molehill. I also think it is rather a hollow threat. Because if the Minister wants interim supply, as Members of the House know, he only has to bring it in the normal process and it can be debated. And if the Member wants to debate it now, he can debate it fully at this particular time.

I find, I suppose all of us in this House, do not necessarily appreciate the concept of interim supply. But on the other hand I have no intention of speeding through the Estimates in order to ensure that the Government will be able to vote normal supply by the 31st of March or the end of the fiscal year. In fact the Member will find that every year normally the very last day of the Legislature is the last day of the Estimates. Because there is a desire on behalf of the Opposition Members and I would suggest from parties and the Government who will want to examine very, very critically, and in no way propose an artificial deadline of the 31st of March by which that examination of Estimates will be completed. I would suggest that it may be if the House prorogues or concludes at the 31st of May, we still will be on the Estimates. If it concluded the 31st of April we will still be on the Estimates. Because that is the major responsibility of the Legislative Assembly of this province and of all provinces and of the Federal Government, is the approval of the Estimates, the spending of the government. That is the main function of the democratic system, to examine very carefully and very critically.

I remember on one occasion they brought in two months' supply and we opposed it vigorously and what the Member suggests occurred. I do want to suggest that I find it very strange, three weeks ago when you weren't really concerned about the school boards, local government, you put off the introduction of the bill. You forced many areas of government in the Province of Saskatchewan, school boards, hospital boards, local municipal governments to delay not only the presentation of their supply, but gave them a very, very short time to determine and finalize their budget. Now I find that you come in this House and say that you are going to give notice that at this particular time the Government of Saskatchewan must have the same kind of short notice. All I am saying is, that I don't think I appreciate interim supply, but it is a customary thing and there is a reason for it. It is one-twelfth. It does in no way limit the opportunity for us to examine the Estimates. But it is important that we don't put an artificial deadline of March 31, for us to examine the appropriation of the Government and the expenditures of the Government.

I want to take as long as is necessary and as long as is required to examine carefully and critically those Estimates. That is all I have to say.

**SOME HON. MEMBERS:** — Hear, hear!

**MR. R.L. COLLVER: (Leader of the Progressive Conservatives)** — I think unfortunately the Member for Indian Head-Wolseley has missed the point. He says that it is customary to have interim supply legislation. I refer him to the historical data that would be available to him through the Clerk's office if he took the trouble to find it out. From the years 1944 to 1951 no interim supply was needed. In 1952 it was needed. From 1953 to 1954, no interim supply was needed; 1955 to 1956 interim supply was needed; 1957 to 1958 no interim supply was necessary. In 1959 it was; 1960 it was not; 1961 to 1962 interim supply was needed. From 1963 to 1964, no interim supply was needed. In 1965-66 interim supply was needed. And all of those interim supply resolutions were for one month only. Then in 1967 no interim supply legislation was necessary. However, since 1968, every single year, interim supply has been needed. And since 1972, there have been for 1972, 1973 and 1974, two months' interim supply. What we are suggesting is that the custom is not being followed. Not that it is customary to have interim supply legislation but the custom is more and more towards Cabinet discretion and the use of Cabinet discretion.

If it is necessary, for example, to have a lengthy budget debate and it has been necessary over the last seven or eight years to have a lengthy budget debate, then it is incumbent upon the Cabinet to bring down the budget date on an earlier date than what they did this year.

**SOME HON. MEMBERS:** — Hear, hear!

**MR. COLLVER:** — I am glad the Members see humor in that particular point. Because, quite frankly, if we are still going to be doing Estimates on May 15 or May 20 or May 25, the Budget having been brought down March 24, then if the Budget had been brought down March 12, we would still be doing Budget on April 30 or May 1 or May 2. And perhaps it is incumbent on the Cabinet then to bring the budget down in early January or early February in order that the budget debate can be concluded. No one is talking about an artificially short time. We are talking about coming to a reasonable conclusion as to the length of time that might be required and then the Cabinet making the decision to bring the budget down at an earlier time than has been normal if it is expected that it is more complicated and more detailed and more detailed analysis is needed of the Government. And that is what requires the budget debate to take longer now.

What we are suggesting is that in future, next year and the year after that, and for the benefit of the Members to my right, who laugh at this particular suggestion, we will continue to fight for the rights of the Legislature. We will continue to propose new suggestions in the light of modern conditions.

Mr. Speaker, we are suggesting that times have changed. And that it is no longer possible for the Government of Saskatchewan to count on budget debate being finished by March 31st, if it brings down its budget on March 12 or March 7 or March 1. We are suggesting that times have changed and government is more complicated. And that is necessary for the Cabinet to consider bringing down its budget much, much, earlier than has been the suggestion over the last three or four years. Because if this trend is allowed to continue, the Legislature

loses the power that the Member of Indian Head-Wolseley suggests is to be the case.

Interim supply is just that, an interim measure, but no private organization for example, is required or is asked to bring down its budget for its shareholders, for example, in mid-March and have January and February already operating on the assessment of management. We are suggesting that we should do likewise in the Province of Saskatchewan. That the Cabinet should not be allowed to operate the Government of Saskatchewan without legislative approval for a month or two months when there is no need for it. None whatsoever. There is no excuse at all for not bringing the budget down in January if necessary, in early February if necessary, given a reasonable length of time based on past history.

If certain emergent conditions develop, if the Opposition decides to hold up the budget debate or there is more involvement than is normally the case, more involvement than is historically the case, then of course, the Government needs interim supply legislation. But that is simply just not the case this year and hasn't been the case for the last five or six years or even eight years.

**MR. D.G. STEUART: (Leader of the Opposition)** — Mr. Speaker, I should like to point out to the Hon. Member for Nipawin that we were laughing on the Liberal side while he was speaking. We weren't laughing at any suggestion that he might be defending the rights of this Legislative Assembly. We were laughing at him. I don't know how many times somebody has to fall flat on their face before they realize what is happening to them. If I were he I would be the last one this particular year to bring up any talk about the lateness of the budget. It is late, relatively late and no one including the Government, I presume, likes interim supply. I would like to point out to the Member for Nipawin that while he was doing his homework he might have taken another look at the reason why there has been interim supply more lately, than there was in the earlier days of this Legislative Assembly. And a major reason for it is probably the fact that of late we have had fall sessions. I would hope that the Government would look at fall sessions. I think they were a good idea when we thought of them. And the idea that we would bring in controversial legislation in the fall and allow people to look at it over the Christmas holidays and come back in the New Year and then either pass it, amend it or defeat it had some merit. It has never happened incidentally. They bring in — they have a special session the Government does — and they bring in controversial legislation and ram it right through. But that has made the spring session later.

Neither the civil service nor the Government of Saskatchewan is yet geared up to have two sessions of the Legislature on an annual basis. They just haven't got the staff nor do they have the resources. I hope they never get them because if they do we will add to the already burdened, growing numbers of civil servants to do the job. And I don't think that is necessary.

So I agree with the proposition that I should like to see us go back except in emergencies to one session a year. I should like to see that session start early in February or late January, just as early as the Government could bring it in. If that happens, if they go back to that it makes much more sense

than splitting the sessions up. Because we are not doing what we set out to do when we split the sessions up. And then it means the Government has a good opportunity to bring in their budget and have it properly considered and passed before the end of the fiscal year. The threat of the Conservatives to the fight to maintain the rights of the Legislative Assembly.

When we were fighting Bill 2 which gave the — not the Cabinet — but one or two Cabinet Ministers in Crown corporations the right to plunge this province into debt for an unknown amount of money whether it is \$500,000,000 or a billion dollars on Bill 2, the potash bill. We thought we were fighting for the rights of this Legislative Assembly to know what is going on. We felt the Government was acting beyond its powers and we felt we were fighting for the rights of the people. The Conservatives were strangely silent at that time so I welcome them to the fight to maintain the rights and the privileges and the powers of this Legislative Assembly.

I do say that I hope the Government takes a strong, long look at the fall session, starting the spring session earlier so that we can have proper discussion of the budget debate and clean it up whenever possible before the end of the fiscal year. But I would think this would be the last year the Tories could point their finger. Because they played some major role in making us as late as we are this year.

**SOME HON. MEMBERS:** Hear, hear!

**HON. W. SMISHEK: (Minister of Finance)** — Mr. Speaker, I really regret some of the inferences in the remarks of the Leader of the Conservative Party. Hopefully in time he will learn what this whole process and procedure is all about. Every day that passes by I am beginning to be more convinced that he is slower than a slow learner.

When he talks about the dictatorial attitude of the Government and relates that to the interim supply, he is really out for lunch. The practice of interim supply is part of what has to be done. When he goes back and talks about previous years, that in some years it has not been necessary, it is true because by March 31 of those years the House had prorogued.

Even what the Leader of the official Opposition is saying if we had one session starting in the middle of January or early February, that even if that happened with the size of the budget and with the growth that there is, there is no assurance that we would be finished by March 31, to have passed the Estimates. So we would still have to come for interim supply. So long as these Estimates are not approved, it is the requirement to have an interim supply order to operate. Obviously the Leader of the Conservative Party can't fathom that simple sort of rule of deduction.

He talks about the power of the Cabinet. Mr. Speaker, the rules are very clear and the Estimates are very clear of what can be done and what can't be done. When these Estimates are approved, then there is an Appropriation Bill introduced to finally have the total amount approved. If the Estimates are not approved and I don't expect them to be by then, we are not going to rush. We are going to give you every chance to raise every question as the Member for Indian Head-Wolseley

properly pointed out, we will come in for another interim supply. Just because we are coming for an interim supply he is not going to be deterred in asking questions on the Estimates and I know he will not. But apparently the Conservative people do not understand the process, but they will learn. Just as the Leader of the Opposition did say, he fell flat on his face again. When he makes the accusations that the Government is somehow acting by discretion, not bringing things to the House, well that is just a lot of balderdash, Mr. Speaker.

If the Leader of the Conservative Party wants to debate the question and not agree to consent, fine. We are prepared to debate the interim supply, that is his right. We are not going to take away anything from the Legislature, if that is what he wants to do. Then the suppliers are not going to be paid, the public service is not going to be paid for this month, hospital grants are not going to be paid. They are paid every two weeks and if he wants to debate it, be free, gentlemen. The School boards are not going to be provided with the money, if that's what you want to do, be free to do it. And you may serve notice of what you will do next year.

Mr. Speaker, I cannot promise this Legislature that by March 31 of 1977 that the Estimates will be approved. I am sure that the official Opposition or that our Members of the Legislature do not want to be rushed in doing public business. They want to scrutinize the expenditures and not set a deadline of March 31, I think in today's growth of government and today's need, I think to examine public business in a proper way, I think you cannot function on a basis of saying that the Legislature will prorogue on March 31st, and I am sure the Members of the Opposition would not want to agree to that.

You know when he talks about that I came to him asking for an agreement. Well, Mr. Speaker, what are the facts. I told him it was our intention to bring the interim supply in today and whether they would agree to give leave or whether we should prepare ourselves on a basis of procedure where leave may not be granted. I didn't ask him for any sort of agreement, I wanted to know where we stood but somehow, Mr. Speaker, and again I don't want to make too much out of this. There are all kinds of misinterpretations and wrong connotations being placed on the whole question of procedures or practice, and if they want to debate the interim supply for several days we are going to give them every opportunity, Mr. Speaker.

Mr. Speaker, I now move this motion.

Motion agreed to.

## SECOND AND THIRD READINGS

MR. SMISHEK (Minister of Finance) moved second and third reading of Bill No. 48 — An Act for granting to Her Majesty certain sums of Money for the Public Service for the Fiscal Year ending the Thirty-first day of March, 1977. (Appropriation Bill).

Motion agreed to and Bill read a second and third time.

## SECOND READINGS

HON. R. ROMANOW (Attorney General) moved second reading of Bill No. 2 — *An Act to amend The Legal Profession Act*.

He said: Mr. Speaker, my purpose is to move second reading of Bill No. 2, An Act respecting The Legal Profession Act. There are two Legal Profession Acts and I will do this one then go down to item No. 25 and get that one out of the way as well.

Mr. Speaker, both of these amendments are fairly straight forward. The first amendment to Bill No. 2 would permit the benchers of the Law Society to establish mandatory universal insurance coverage for their Members and provide coverage for clients and heirs where there are omissions or other mistakes by practising solicitors. The Bill is proposed to be retroactive to January 1, 1976, since the Law Society has from that date collected the increased fees in order to already implement this program. The recommendation for this amendment came from the benchers of the Law Society and I think that it is a worthwhile proposal.

Mr. Speaker, I, therefore, move that Bill No. 2 be now read a second time.

**MR. S.J. CAMERON: (Regina South)** — Mr. Speaker, I should like to express just a very brief comment or two about this Bill. We will be supporting it.

The position at the moment as I understand it from the Law Society is that while the larger law firms in the province routinely insure against mistakes by lawyers in those firms, not all the law firms in the province are so insured. Therefore, there are occasional mistakes made by lawyers that result in damage actions against them by their clients and there isn't sufficient revenue to pay. That's the purpose of the Bill to permit the Law Society to insure, as I understand it, that all lawyers in Saskatchewan will be insured against negligence by lawyers in the conduct of clients' affairs.

There is one strange little quirk in the law in this respect which I think at some stage we should direct ourselves to. It isn't a matter of great priority but I think the Law Society and the Attorney General's Department should sometime give it some thought. A solicitor in Saskatchewan is responsible for his negligence if a client suffers damages in consequence. For example, in a house transaction if the solicitor makes a mistake or is negligent and doesn't assure the perfection of title, the solicitor is responsible for damages to his client in the amount of the loss the client suffers. The strange quirk is that a barrister in court conducting an action on behalf of a client may be negligent or derelict or make a mistake and he is not responsible to his client for whatever loss the client may sustain. It isn't an issue which arises very often or should have top priority but it is something which I think at some stage we should be inviting the benchers to consider and I think at some stage there should be some discussion by the Law Society and the Attorney General's firm in that respect.

In this particular respect I think we, as I said earlier, want certainly to support the Law Society. I want also to

commend the Law Society for wanting to provide insurance at this time more extensively, so the Bill gets our support.

Motion agreed to and Bill read a second time.

MR. ROMANOW (Attorney General) moved second reading of Bill No. 44 — *An Act to amend The Legal Profession Act (No. 2)*

He said: Mr. Speaker, this is a minor but, I think, in some ways symbolically very important amendment to The Legal Profession Act. The Bill proposes to repeal an old section which was inserted into the Act back in 1912 or 1913. According to the secretary of the Law Society it has never been used by them. Since provisions for the benchers to make rules with respect to admission of applicants as barristers and solicitors are contained elsewhere in the Act, Section 35, this section, is quite obviously unnecessary. I think it is obviously unnecessary for other reasons as well. This section says that a female may become a practising member of the law society of Saskatchewan. In a sense pointing out what historically or traditionally has been discrimination between males and females in our society. The original suggestion for this amendment really came to the Government by way of a letter from a female practitioner who said that the section was discriminatory and we agreed with her. The Law Society was contacted and they indicated that the section has never been used and that it serves no useful purpose in the Act and, therefore, should be removed.

That's basically what Bill No. 44 does. I say it is a fairly small amendment, but I think it is symbolically a very significant one and I move second reading of Bill No. 44.

Motion agreed to and Bill read a second time.

MR. ROMANOW (Attorney General) moved second reading of Bill No. 3 — *An Act respecting Private Investigators and Security Guards*.

He said: Mr. Speaker, Bill No. 3 is a Bill with respect to private investigators and security guards. It is an Act relating to the regulation of the conduct of private investigators and security guards.

Mr. Speaker, I deem this Bill to be a very important Bill in the scheme of problems within the administration of justice. The reason that I do is because this Act establishes provisions and controls through a licensing procedure and the establishment of standards for firms and individuals engaged in the business of providing personal and property security service and conducting private investigations. At the present time, in this province, the only legislation relating to this field is The Private Detective Act which has been in existence for a considerable number of years and which was designed primarily to provide for the licensing of private eyes or private investigators. At the time the legislation was passed, there were exceptionally few individuals or firms involved in either private investigation or security. Owing to substantial increases and losses through theft and other criminal offences directed to the property and premises of their businesses, commercial firms have now placed considerable importance on



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security in respect of their employees and premises. As a result, during the last two to three or four years in particular there has been a strong demand for security personnel. This is evident from the increasing number of firms and individuals in this province entering this field. The importance of supervision and control in this field is apparent, especially when you realize that individuals employed in providing a security service are responsible for the protection of, in some cases, millions of dollars worth of property. This necessitates the personnel being aware of technical and other detection equipment and systems employed by firms to protect their property and premises.

Private investigators are often involved in inquiries respecting the personal actions of individuals. These aspects all emphasize the significant role of individuals and firms providing the security service.

Mr. Speaker, under the proposed legislation, all firms and individuals engaged in providing security services will be required to be licensed. Persons employed by a firm, on security for the firm by which they are employed only, are not required to be licensed under the Act. This would apply to such firms as Eatons, The Bay or Simpson Sears, who have permanent employees on their own staff especially for security.

The legislation provides for the appointment of a registrar who will be primarily responsible for the licensing of firms and individuals and ensuring that there is compliance with the provisions of the Act. I should stop here to say that there will not be any special bureaucracy in this area. This has been looked after, by and large, by an official in my Department, a lawyer, and we hope in any event that with perhaps an additional secretary or two to assist him in the processing of documentation this will not mean an additional bureaucratic apparatus.

Under the proposed Bill, the registrar will have the right to grant, refuse, cancel or suspend licences. However, he must provide reasons for his actions and any person affected by such decisions, of course, has the right to appeal that decision to a judge of the Court of Queen's Bench.

This legislation follows similar models which are currently in effect in other provinces, indeed, in other areas in the Province of Saskatchewan. The legislation models such Bills as the Motor Dealers' Bill which was introduced in 1969, a similar legislation respecting licensing and control. This legislation is also similar to the legislation which is currently in force in adjacent provinces of Alberta and Manitoba.

Now, Mr. Speaker, I said at the beginning of my remarks that I felt this Bill was one of the important Bills that I would be proposing at this Session with respect to the administration of justice and law and order. This is an area which, for the reasons I have enunciated in my second reading remarks, needs some attention.

I want to say that in the area of regular police services, while there are many things left to be done, there is a standard, or level of standards, which have now been set up since the implementation of the Saskatchewan Provincial Police Commission about a year and half ago. All rookies on the police

force join and go through the training of the Saskatchewan Police Commission and there is at least a minimum, and I think a pretty good minimum, of standards enforced there. Then, of course, there is the supervision by the local police force and the local police force in turn must reply to and be responsive to the local board of police commissioners in the individual community.

The point that I am making is that, while we will hear from time to time questions raised with respect to the standards of police in general, I don't view that to be of the same degree of urgency as I do the area that we are dealing with here in second reading, an area which is basically unregulated, unsupervised and one that has sort of grown on its own, like Topsy. I believe that we can implement a fair and sensible program which will be to the advantage of the security people and to the consuming public.

Accordingly, Mr. Speaker, I move second reading of Bill No. 3.

**MR. CAMERON:** — Mr. Speaker, I want to address one or two comments again to this legislation, both as to its principle and some of its detail. May I say that I do not on behalf of our group, agree with the Attorney General that it is a major step forward. It is a step forward but a pretty modest one, if I may say so, in view of the other issues that we should be contending with in this whole area. But I want to say as a matter of principle again we support this legislation.

There are two areas that give me some concern, one more concern than another, and I will address some comments to the Attorney General with respect to those when we come to them clause by clause, we will have a chance to look at them more fully.

The Act envisages a private eye applying for a licence to a registrar and the registrar then being given certain powers in connection with the way in which the licence is used. So that if one who is licensed under this Bill is guilty of either a criminal offence or some offence contrary to provincial statute, the Bill vests in the registrar power to suspend or to cancel the licence. It goes one step further. It empowers the registrar to suspend a licence of a private investigator if in the opinion of the registrar it is in the public interest that the licence should be suspended. That is pretty wide power. Fortunately, there is a saving provision in the sense that the person whose licence is suspended has an appeal to a judge of the Court of Queen's Bench. But that isn't quite enough, because I think the Act should in itself spell out more fully the rules of the game that these people have to abide by, as it applies to them from their point of view. They should know better what conduct on their part would likely incur the displeasure of the registrar and have the licence suspended.

The other side of that is that the rules of the game should be spelled out more fully for the assistance of the judge, who has to make a decision in connection with the appeal. I think we should give a little more attention as I say, to spelling out the rules of the game. There is another section in this Bill that I want to direct more strenuous comment to.

It is not something new, but is nonetheless something to be condemned. It is the Section which empowers the Lieutenant-Governor to make regulations of a whole variety of kinds, including a regulation to exempt any person or class of person from the provisions of this legislation.

Members will recall that that same provision was contained in The Rent Control Act, and I took issue with it as it being a very unacceptable practice. The reason for the practice, I think, is that when one in the Attorney General's office sits down to draft a piece of legislation of this kind, he likes to hedge his bets a bit, he is not sure that he has caught all the classes to whom the legislation ought to apply. He is a little concerned that he may have caught some that he shouldn't have, so there ought to be some provision to give him some exemption. I think that is the notion behind building a Section like this into an Act.

However, that is not, in my view, a justification for giving to the Cabinet the wide power to exempt anyone, anyone, and indeed any classes of persons from the provisions of the Act. In other words the Cabinet can simply say, very simply say, a given individual or a given class of individuals will not be subject to the law in this province in this respect. What has happened here is we have sanctioned a practice which is extremely bad in terms of draftsmanship. We have permitted it to become routine because we are not requiring our draftsmen to really direct their minds in a hard way to those people who should be included and those who shouldn't.

Suppose a draftsman makes a mistake and it has gotten too wide or too narrow, The place to remedy that mistake is in this House by changing the law; the place is not to give the Cabinet this wide-open, wholesale power to exempt people from the law. It is not only bad in practice and bad in principle, it is extremely bad in terms of appearance, because what we are doing is indicating to the public that this House, the Members here passed an Act, a rather stringent Act, requiring licences and it adheres to the law in certain standards, the maintenance of certain standards, but then we vest in the Cabinet the right to exclude at their discretion, without reference to the Assembly anybody whom they think ought to be excluded.

As I say it is extremely bad in principle, it is a bad practice in drafting and it is one which I would wish the Attorney General would take back to his people who drafted these Acts and instruct them to never again include a provision of this kind in an Act.

What we will do is to support this Act in principle. I will be raising again those concerns about this particular section in clause by clause reading and I would hope that we would get an assurance from him not to bring before the Assembly again a piece of legislation with a provision of that kind in it. We are, fundamentally, totally opposed to a concept of that kind.

**MR. R. KATZMAN: (Rosthern):** — Mr. Speaker, we, of our caucus, are in favor of this Bill but there are some problems with it and not being a lawyer, I will use layman language.

Under sub-section 19 the way this Bill is written you can lose the licence by getting a speeding offence. I don't think

that is the intent of the action, so, therefore, I will be moving an amendment when we get to clause by clause study.

Under sub-section (3) of Section 5, I see that if somebody prints a card up bearing a security name on it, that is prima facie evidence that you are in the business and I think that needs looking at as well.

I also understand the negotiations with the security companies have been going on for about three years and that it was going to be two Bills originally that were coming before this House, separating the guarding faction from the investigating faction and I assume the Attorney General later will explain why he put them as one Bill. Other than that we will speak in Committee.

**MR. ROMANOW:** — Mr. Speaker, I want to comment, first of all, with respect to the comments of the Member for Rosthern. Essentially the answer to the question of one Bill is that we felt that the job of licensing and the job of regulation can be done in the one piece of legislation. While the two fields of activity may be unrelated in some areas, nevertheless, one individual or one office, we think, should be able to handle the two areas of activity and it was felt that, rather than bring in two Bills, we should do it on that basis.

Further, with respect to the observation relating to Section No. 19, the important word there is “may”. It is correct that the registrar might suspend for a speeding ticket but I would suggest to the Hon. Member that this would be a gross abuse of a registrar’s power, easily remedied by an application to a superior court. I just don’t believe that civil servants, notwithstanding what reservations we all might have about their jobs, would be acting in that fashion. We felt that we had to have that wording because you would be coming back to the Legislature all the time trying to cover up holes and you want to give this person the discretion to do what is right, given all the circumstances.

With respect to the comments made by the Member for Regina South (Mr. Cameron), relating to the discretionary powers and relating to the exemption, I would only say that I have some sympathy with what the Member says. As a lawyer, I have endeavored, wherever legislation pertains to my Department, to make sure that wherever possible, without setting up a Pandora’s box which requires repeated amendments, provisions such as you point out should be clearly spelled out.

I would point out to the Hon. Member that in 1966 my predecessor, the Hon. Mr. Heald, now of the Federal Court, introduced a series of bills, which I thought were very good, which first introduced this principle. Indeed, if the Hon. Member will look at — perhaps he knows the Bill anyway — Chapter 95 of 1966 Statutes, he will see one that comes to my mind, the Dealers in Motor Vehicles Act, which talks about the licensing and registration of motor dealers. If he compares that Bill with the one that is before us, the wording will be almost identical in many areas. And more, speaking to the rebuttal point that he raises, identical to the two points, namely, the question of the discretionary powers of the registrar and the exemption powers of the Cabinet, Section 32 of that 1966 Motor Dealers Bill, says:

The Lieutenant-Governor-in-Council may make regulations a, b, c, d, e, exempting any person or class of persons from this Act or the regulations or any provisions thereof . . .

I am not trying to put the blame on Mr. Heald's shoulders for introducing this form of legislation but this is how I think it first cropped up. I wasn't in the House at that time. It may have even gone back further than 1966. And since that time I have spoken to counsel and to draftsmen as to that particular provision. It has been felt, on balance, by the officials and I must say I have concurred with them on this, that it is in many cases very difficult, if not impossible, to specifically put down in statute the type of classes which are to be exempted. In a case such as we have before us, while we think we have some knowledge of the security field and so forth, the boys simply tell me that the knowledge does not extend to such an area whereby we may not have to come back to the House for one or even more amendments.

Your answer would be "And so they should." My answer is that what is important for the Legislature are the principles of legislation. I believe that if an exemption is made, it will be readily, especially if it is the wrong exemption, uncovered as the Member for Wascana (Mr. Merchant) uncovered an exemption relating to the landlord and tenant bill, The Residential Tenancy Act.

All orders in Council are, of course, public property subject to review by not only Members of the Legislature but members of the public. I think that on matters such as this, while it is preferable to come to the Legislature to amend, keeping in mind the various matters of importance that we do discuss and debate, I really would suggest that perhaps it is not as important a principle for us to try to satisfy in this particular instance, especially since the precedent has worked for about ten years in the Province of Saskatchewan, at least ever since The Motor Dealers Act was introduced. And the same thing with the discretionary powers on the part of the registrar.

So I would say to the Member for Regina South that I welcome his support of the Bill in principle. With respect to these two points, I would argue with him that they are not so important as to involve ourselves in the regular types of amendments which I think they may present, given the day by day operations of the Act, in terms of the Legislature.

Mr. Speaker, I move second reading of this Bill.

Motion agreed to and Bill read a second time.

MR. ROMANOW (Attorney General) moved second reading of Bill No. 6 — *An Act to amend The Magistrates' Courts Act*.

He said: Mr. Speaker, I don't want to be skipping around in House businesses, but Item No. 3, Bill No. 4, which I am bypassing, Item 5, Bill No. 6, Item 6, Bill No. 7 and Item 7, Bill No. 8 are all of a similar package. I believe that the thrust of the remarks that I would make with respect to Item 5, Bill No. 6, will suffice, with the permission of you, Mr. Speaker, and the House to cover most of the items raised on those other Bills. I have a word or two to say as those other individual Bills come up.

Mr. Speaker, what the Government is doing here, on these four Bills, The Magistrates' Court Act, The Provincial Magistrates Act, The Justice of the Peace Act and The Summary Offences Procedure Act, is to propose a package of amendments. And as I said, it is customary to deal with each one of these Bills separately, but with the indulgence of the House I should like to say some general remarks with respect to this Bill which will be applicable to all.

There is one prime objective common to all of these Bills. That prime objective, Mr. Speaker, is to facilitate the improved administrative procedures and operations for our Magistrates' courts and our Justices of the Peace.

We had a debate in the House the other day with respect to Magistrates' courts, which I think was a good debate. I am sure that all Members will know that there are problems which do face our provincial level courts, both at the magistrates level and the Justices of the Peace level. Over the last several months, since the tabling of the Hall Report, my Department has been looking at the question of court structure generally, in terms of principles, large principles, and I don't pretend to suggest that these amendments deal with these principles, but also the question of the kind of administrative operations of the Magistrates' Courts and JPs. To an extent, these Bills deal with this latter half, the administrative procedures.

I should point out at the outset the proposed changes basically deal only as I have said with administrative operations. They don't touch on the fundamental principles of traditional operations or aspects of the Magistrates' Court and Justices of the Peace.

Sometime this fall, if all goes well, I will have a package of legislation, or at least proposals, which will cover the policy areas to the consideration of the Members of the House and the people of Saskatchewan.

In this regard, however, I would just simply say that the appointment of our Chief Judge, Ernie Boychuck, the appointment of the Chief Administrator Director for the Magistrates' Court which is a first for the Province of Saskatchewan, and Mr. Marvin Bruce, a few months ago, I think will result in further improvements and recommendations for improvements in the administration of the court at the provincial level.

The review of the administrative operations of the Magistrates' Court conducted by my Department, pointed out two significant needs. One, it determined that there is a need for much improved efficiency and control in the financial and administrative operations of these courts. Two, there is a need for more complete and more relevant management information concerning the administration of justice by our provincial level courts and by JPs.

We are implementing a new program which, by its initials is known as CJMIS, Criminal Justice Management Information System, which is, in broad general terms, the package dealing with the administrative streamlining, we hope, in the next few months, of the Magistrates' Court and the JP courts.

In order to give those administrative changes, the CJMIS

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program, a proper legislative base, we have to, we feel, amend these four Acts along these administrative lines.

Mr. Speaker, administration, improved administration, as symbolized by the CJMIS, which I am not going to talk about in detail today, can be discussed in Estimates more appropriately, perhaps on some other occasion.

There are two other policy issues which are involved in these legislative proposals. One, deals with the remuneration of JPs for their services in the administrative justice. Mr. Speaker, JPs provided several essential services in the administration of justice, such as the signing of information, issuing summons, issuing search warrants, conducting bail and remand hearings and conducting hearings on uncontested cases, some uncontested cases. The key to the value of the JPs is that their services are readily available 24 hours per day, 7 days per week. JPs currently are remunerated for their services out of court costs, which are imposed and collected. If costs are imposed and collected by a JP, then he merely retains his fee. If a JP is entitled to any cost per cases heard, in Magistrates' Court, for example, the signing of an information, his remuneration must come from any costs imposed and collected by that Magistrates' court.

The Summary Offences Procedure Act currently provides for fees to be paid to JPs out of recovered court costs, for services related to provincial statute or municipal bylaw offences. Fees allowable for services related to summary conviction or federal offences are set out in the Criminal Code of Canada.

In fact, with one exception, these fees are payable to our JPs only if the following conditions are met.

- (1) If such costs are proposed by the JP or by the Magistrates' Court and,
- (2) If such costs are paid by the party against whom they were assessed.

In order to ensure a fair and guaranteed remuneration to JPs for their services, we are proposing that a revised fee tariff structure be established, and that the Justices of the Peace bill the department directly for their services. Payments to JPs will be paid out of an appropriation rather than out of recovered court costs. We think this is an improvement to the system and to the fee structure because the JP is really an integral part of the justice system and should be entitled to a fair and guaranteed remuneration for services. I think this will improve the quality of services provided by the JP and will eliminate the situation where it might be viewed as a financial interest in the outcome or the disposition of a particular case. Also, I think this guaranteed and simplified method will improve the bookkeeping of the Magistrates' Courts and in our Department which is really quite an extensive amount of work to do. It is a paper war, there is no doubt about it.

The other policy issue covered by these legislative proposals, Mr. Speaker, concerns the elimination of court costs on summary conviction proceedings. The concept of court costs originated as a basis for payment for adjudicating magistrates and JPs. While JPs are still paid on the basis of recovered

court costs as I have described, judges and magistrates are all paid on a salary basis. The policy just discussed where JPs would be paid on a fee for service basis out of appropriation, I think, would meet the original rationale which exists in the Magistrates' Court.

There are several other arguments which support the abolition of these costs. (1) Court costs are administratively difficult to handle, since all costs are payable to the province or directly to a Justice of the Peace, while fines are payable either to the municipal government, the provincial government, and, also, the Federal Government. In the case of a fine which is payable to a municipality, it is necessary to split the total fine and cost payment for the fine going to the municipality and the cost going to the province or to the JP. (2) In many instances, persons who are sentenced to a fine and costs will pay the fine but for some reason or other will renege on the cost as a matter of "principle". It is simply not feasible to issue a warrant for failure to pay for a two dollar or four dollar cost assessment. It is also not feasible or desirable to attempt to collect this amount by corresponding with the individual. In many cases the courts are simply not sufficiently staffed to follow up to that degree of sophistication. (3) There is the added workload for all cases in which the fines are paid but the costs are not, since the unpaid assessments cannot be then formally written off. (4) This imposition of court costs as a distinct penalty assessment results, I think, in a poor image, particularly with voluntary penalty cases in which there is no court appearance. This argument may lack validity, since there are no real court costs associated with the case, but, nevertheless, there are some other aspects related to the administrative side of it. The imposition of costs in my judgment does not add in these types of offences to the overall prestige and image of the court system. (5) The costs may only be imposed for the so-called lesser offences. There is no provision for the imposition of costs for indictable offences, the more serious types. I don't know what the rationale is for this and I believe that it probably is not soundly rooted originally.

Mr. Speaker, the Hon. Justice Mr. Emmett Hall, in his report commissioned by myself and the Department on the court structure in Saskatchewan and its utilization said this about costs:

I have heard from many judges, lawyers and lay people that the "costs" addition to the fine is obnoxious and in many cases regarded as more offensive than the fine itself.

He then went on to recommend:

Since the judges are no longer paid on a conviction basis the time has come to discontinue collecting costs in addition of the amount of the fine.

Mr. Speaker, those are some of the general principles which are applicable through this package of bills. I want to now very briefly speak specifically to the Bill which is before this House, namely Item 5, Bill 6, The Magistrates' Courts Act.

The two basic objectives of this Bill are (1), as I have said to facilitate the improved administrative operations of



the court and, (2) to remove the antiquated enforcement and penalty clauses which require judges of the Magistrates' Court to comply with administrative requirements set out now in the Act. In order to accomplish the first objective, the Bill deletes the present sections which statutorily set out certain administrative requirements on our judges and replaces them with a regulation making Section 17, which authorizes regulations respecting such administrative matters as reporting of case dispositions, reporting of fine receipts and disposing of unclaimed moneys held by judges of the Magistrates' Court.

The regulation making section provides that these regulations may apply to specified areas of the province so that improvements and changes can be implemented on a phased-in basis throughout the province. This is important, Mr. Speaker. We have to have passage of the Bill because we are working concurrently with the program which is the CJMIS program, the Criminal Justice Management Improvement System. This program is not yet finalized. We are working on the regulations which I hope I will be able to table before the House is adjourned. In any event, this will allow us to move into the CJMIS on an orderly basis.

The second objective of the Bill as I mentioned earlier, is to remove the antiquated enforcement and penalty clauses. Although such clauses may have been essential in past years, in order that the Government could have some safeguards that adequate financial and administrative controls were in place. I think by and large there should no longer be a need for such safeguards. We believe that this is a matter which now falls within the jurisdiction of our recently appointed Chief Judge of the Magistrates' Court and consequently the provisions are being deleted from The Magistrates' Court Act.

Mr. Speaker, those are some general explanations of the policy behind this Bill. I think a more detailed consideration of CJMIS and other aspects can be discussed in clause by clause. With those few words, I move second reading of Bill No. 6.

**MR. S. CAMERON: (Regina South)** — Mr. Speaker, on behalf of the official Opposition I want to say that in so far as things like wiping out court costs we certainly favor that. The time has come to do those things. In so far as the objective of the Act to facilitate the administrative procedures in the courts, we support that. Let no one be under any illusion though, that these particular Acts are really beginning to meet the problems of which I spoke at more length the other night and no doubt the Attorney General and I will exchange comments again on these. These are principally, except in one area that I want to mention, housekeeping things, not amendments of great importance, although again they are steps forward, modest ones which we will be supporting.

The Attorney General made reference to the appointment of Chief Judge Boychuck and he will recall that I welcomed that on behalf of the official Opposition. May I say that I was very disappointed and remain disappointed that Chief Judge Boychuck was immediately seconded to the Anti-inflation Board in view of the great number of recommendations for reform which Mr. Justice Hall made in his report of December 1974. Again, I don't want to cover ground that I covered the other evening at some length in respect to which we, no doubt, will cover

again. There is a whole area there that is crying out in terms of fundamental reform which we aren't getting to. Members will recall that Mr. Justice Hall, also made some suggestions about senior court judges in various parts of the province, I don't see having been followed up on. Indeed there is a whole area that we haven't begun to attack.

Let me say that there is one area in these Bills, and I will speak to them as the Attorney General said, as a package, that I find totally unacceptable. And that is with respect, again, to the powers that are vested in the Cabinet. In this respect if not in respect of the other comments I directed to the other Bill, powers of the Cabinet in this Act, are particularly abhorrent. The public at the moment is perhaps more aware than it has been for a long time, of the need for a clear distinction and separation between the executive arm of government and the judicial arm of government. As a result, of course, of the judges' affair in the Federal Parliament.

Mr. Justice Emmett Hall directs himself to that very question as I raised the other night with the Attorney General. He said the Magistrates' Courts in Saskatchewan are more a branch of the civil service in this province than they are an important component of the judicial system, Mr. Justice Emmett Hall said, that was unacceptable. I said the other evening that was appalling and indeed it is. These Bills compound that very problem. Instead of taking Mr. Justice Emmett Hall's advice in that connection and doing something about it, these Bills compound the very problem that he put his finger on. Indeed, look for a moment at Section 16.

Now I ask you how a section like this can be possibly acceptable to anyone. It says the Lieutenant-Governor-in-Council may make regulations, and we skip down to part (iii) of (a):

Of such nature pertaining to the duties of his office as may be prescribed to Lieutenant-Governor-in-Council.

That is the Cabinet can make such regulations pertaining to the conduct of judges in the Magistrates' Courts as it thinks fit.

Now put that on top of Mr. Justice Emmett Hall's censure for a government — and perhaps the previous government did the same thing, I don't know, but for a government treating the Magistrates' Courts the most important Court in the province as a branch of the civil service rather than a component of the judicial system. We see this provision come out on top of that.

I want to examine that very question, Mr. Speaker, and direct far more comment to it than I have been able to do and I should like, therefore, to ask leave to adjourn the debate on these three Bills.

Debate adjourned.

MR. ROMANOW (Attorney General) moved second reading of Bill No. 4 — *An Act to amend The Provincial Magistrates Act*.

He said: Mr. Speaker, I have already outlined the basic rationale

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for the package of legislation which is before you. I will not do so with The Provincial Magistrates' Court, I think they are basically identical both in policy and in substance to those proposed by The Magistrates' Courts Act. Accordingly I move second reading of An Act to amend The Provincial Magistrates Act.

**MR. CAMERON: (Regina South)** — Mr. Speaker, I should like, as I indicated to direct some more additional comments in this one area to these three pieces of legislation so I again would beg leave to adjourn debate on this one.

Debate adjourned.

**HON. E. KAEDING** (Minister of Agriculture) moved second reading of Bill No. 22 — *An Act to repeal The Agricultural Extension Act*.

Mr. Speaker, in speaking to this Bill, I want first to emphasize that the repeal of The Agricultural Extension Act in no way represents a cutback in agricultural extension programs and our services to farm families. It does in fact indicate that the Act is outdated and no longer relates to our new regionalized extension service, and expanded grassroots advisory committees, board and regional councils.

He said: The original Act was named The Agricultural Representative Act and now The Agricultural Extension Act. It was designed when district agricultural representatives were the basic resident extension staff in districts throughout the province.

Speaking as a farmer, user of this service over the years, I would suggest that the district agricultural representative service has been exceptionally well received as a representative of government generally and in agriculture specifically.

Since attaining office in 1971 this Government has implemented many bold, new agricultural stabilization programs, such as FarmStart and Land Bank, in an effort to slow down the depopulation of our rural communities. We have not only completed reorganization of the Department of Agriculture but have expanded and decentralized our Extension Division.

You will know that the province has been divided into six agricultural regions. The regional co-ordinator in each region is responsible for program development and the necessary co-ordination of all Department of Agriculture staff within a region to best meet the needs of the farm families within those regions.

The present Agricultural Extension Act would require a complete revision to meet our present organizational needs and allow for advisor groups such a regional councils. Since the required authority is contained in The Department of Agriculture Act, The Agricultural Extension Act is no longer required.

Last year a pilot regional council was organized in the east central region. Farmers may now indicate their needs and concerns to their local agriculture committees. One to each rural municipality. Those concerns beyond the local level are

taken to the district boards, one representative from each RM committee, plus half again as many members at large.

A representative from each of these seven district boards in the east central region now sits on the regional council. He or she can then bring recommendations from all levels that should be a concern of the Government generally and The Department of Agriculture particularly.

We have asked the region to attempt to appoint a cross section of interests and involvement in community groups as representatives of the council. It may be necessary to add non-board members for complete coverage.

Recommendations from this pilot regional council will allow us to make necessary changes before proceeding with the five other councils. I am most optimistic about the advantages to our farmers and to our Government by having such a system, for me to meet with them and to get their reactions to programs and policies. And to alert me to those agricultural matters of concern to rural people.

As I have said The Department of Agriculture Act provides the necessary flexibility toward the appointment of extension committees, boards and councils as the need arises. The Agricultural Extension Act may be repealed.

In closing, Mr. Speaker, may I emphasize again that my Department will continue to provide to our farm clients the best extension counselling service possible. This is part and parcel of our Government's belief in the future of rural Saskatchewan and we do not believe that his confidence is misplaced. Mr. Speaker, I move second reading of Bill No. 22.

**MR. J. WIEBE: (Morse)** —Mr. Speaker, just a few brief comments in regard to this Act. The official Opposition has no quarrel with the repeal of The Agricultural Extension Act mainly because, if my memory serves me correctly, as the Minister has stated much of what is covered in this Act is also covered in The Department of Agriculture Act. I understand that last year and the year prior there were some fairly extensive amendments made to that particular Act to take into account some of the things that are now being handled under The Agriculture Extension Act.

There is no doubt, as the Minister has said, that the Agricultural Extension Act has served its purpose in the past. The Agricultural Extension Act was one of the Acts that enabled our government during the seven years, during 1964 to 1971 to implement many of the programs that have now been amalgamated under the Farmstart Program and these programs in turn are good and have done a job for Saskatchewan, especially for rural Saskatchewan. So with those few brief comments, Mr. Speaker, we have no objections to the passage of this particular Act.

**MR. R.A. LARTER: (Estevan)** — Mr. Speaker, would the Minister take a question? Does this mean that the future plans are then for complete doing away with Agricultural Representatives?

**MR. KAEDING:** No, no the extension services is not . . .

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**MR. SPEAKER:** — Order! If the Minister answers the question he will be closing the debate. Now if the Member wished to make any comments in conjunction with this question, maybe the Minister would answer him in closing the debate.

**MR. LARTER:** — Yes, I just wanted to get that point across to the Minister and if that is the case, would he enlighten us what would happen to these Agricultural Representatives would they be incorporated into other departments of the civil service or is he going to be a part of it?

**MR. KAEDING:** — Mr. Speaker, the question I think was, what would happen to the present Agricultural Representative service if we repeal this Act. The present Agricultural Representative service, of course, is covered under The Department of Agriculture Act, and all of their activities are covered under this Act. So there will be no curtailment or change in their program except that they are now in regions and it is handled under The Department of Agriculture Act.

Motion agreed to and Bill read a second time.

**MR. KAEDING** (Minister of Agriculture) moved second reading of Bill No. 23 — *An Act to amend The Animal Protection Act, 1972.*

He said: Mr. Speaker, the objective of the proposed amendment to The Animal Protection Act is to insure that any monies remaining after the payment of expenses incurred in enforcing the Act are returned to the owners of the animal seized under the Act. The Act, which was enacted in 1972, did not clearly spell out the disposition of residual funds. In those cases where officers of the Society for the Prevention of Cruelty to Animals, were obliged to seize and dispose of animals that had been cruelly treated. Members will appreciate that livestock of all kinds, including pets, have a tendency to stray away from their homes. These may often be valuable animals but their loss may not be known to the owners for some time. In such cases it may be possible, because they are not properly cared for, that they may be turned in to the SPCA. The owners may not be aware of his loss and the SPCA may have no means of identifying the owner before the animal is disposed of. This amendment will allow the owner of such an animal thirty days to establish his ownership and request that he be paid the value of the animal less any cost which may have resulted in his capture, feeding, transportation or otherwise handling the animal. Although this may appear to be a very minor amendment it will, we believe, result in a fairer disposition of these animals than is presently the case. These amendments meet the approval of the SPCA officials as well as requests from numerous farm groups.

I would, therefore, move second reading of Bill No. 23.

**MR. WIEBE:** — Mr. Speaker, just a few brief comments and the Minister can hopefully clarify a couple of questions that I may ask in regard to this when he closes debate.

It's my understanding that the thirty day period is not a

waiting period in which the animal is kept alive and not destroyed after thirty days. The thirty days is a period that comes into effect after the animal in itself has been destroyed. And after that thirty day period then the owner if he proves ownership may within that thirty days obtain some compensation for the loss of that animal. If he goes past the thirty days he is, of course, not eligible for any compensation for it. If that is the understanding of the Bill we have no objections to it.

**MR. KAEDING:** — Yes, I want to correct that impression, if I haven't left it, that the thirty day period, is a period in which he can apply to receive the money which was received from the animal. The animal could be disposed of in three days from the time that it was turned in and any time period after that up to thirty days up to thirty days he would have an opportunity to apply for compensation. We think this will add considerably to the value of the program and we think it's more equitable of the owner of the animal.

Motion agreed to and Bill read a second time.

**MR. KAEDING** (Minister of Agriculture) moved second reading of Bill No. 24 — *An Act to amend The Agricultural Machinery Institute Act, 1974.*

He said: — Mr. Speaker, this Act is entitled An Act to amend The Agricultural Machinery Institute Act, 1974. It contains only one provision, in my opinion a very significant provision, that of adding the word prairie to the name of the Act and to the Institute. You will recall that in 1966 the Federal Government appointed the Royal Commission on Agricultural Machinery, under chairman Clarence Barber, to study the farm machinery inquiry. The final report of this commission, which was submitted in March 1971, recommended, among other things, that the Federal Government establish a separate agency for farm machinery testing and evaluation. Because there was no apparent action from the Federal Government in 1972, Mr. Speaker, and because of the fact that about one-third of the dollar value of machinery sales in Canada are in Saskatchewan and nearly two-thirds of the dollar value of machinery sales in Canada are in the prairie provinces, the three prairie provincial governments set up a interprovincial committee to discuss and recommend what should be done to establish such an agency. After several attempts to work with and obtain co-operation, including financial assistance, from the Federal Government to establish an institute, the Governments of Saskatchewan, Alberta and Manitoba agreed to go it alone.

Mr. Speaker, you will recall we passed The Agricultural Machinery Institute Act last year in this Legislature. The Act gives power to the Minister of Agriculture to make agreements with other provinces in Canada to set up and operate the Institute. Such agreements were concluded with Alberta and Manitoba and as you are now aware, The Agricultural Machinery Institute is well on its way to being established as a regional or prairie provincial province venture. Headquarters are now established in Humboldt, Saskatchewan and additional stations are being established at Lethbridge, Alberta and Portage la Prairie, Manitoba. The Institutes objective is to improve the design, selection and use of

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agricultural machinery. This objective is not inconsistent with that recommended to the Federal Government in the final report of the Royal Commission on Agricultural Machinery.

While the objectives and functions of the Institute are completely scientific and educational, the Federal Government has added yet another obstacle to the development of that Institute. They have ruled that the Institute must pay federal sales tax and customs duty on purchases of thousands of dollars worth of scientific equipment, including considerable electronic recording and analysis equipment and computer hardware. This ruling is being appealed and is still under discussion but adding insult to injury the Federal Government not only has refrained from direct financial assistance in the formation of the Institute, but also appears to be trying to inhibit its establishment by taxing it beyond what is reasonable in comparison to other similar agencies.

Mr. Speaker, with no apparent interest in assistance to the new Institute from the Federal Government and even though the programs, undoubtedly, have national and international implications and effects. Once this program is completely in place it is a project solely funded and operated by the three prairie provinces. Because of these developments, Mr. Speaker, the prairie provinces agree that the Institute be called The Prairie Agricultural Machinery Institute and I am pleased to announce that the construction phase of this Institute is now almost complete and the official opening of the Institute will take place on April 29th.

I am pleased, Mr. Speaker, to move second reading of this Bill.

**MR. WIEBE:** — Mr. Speaker, a few brief comments, again, on this particular Bill. Again we have no objections to the Act being changed or the word “Prairie” being added to the Agricultural Machinery Institute. It’s only natural that it be given this name because there are three provinces involved. It’s kind of interesting and it’s kind of refreshing to see the Province of Saskatchewan and the other two provinces do something on their own without the help of Ottawa. This is rather encouraging and it proves to the rest of the people in agriculture that if we wish, we as a province can do something, we don’t have to rely on Ottawa to provide the funds and the dollars for us, as has been the case in most every other program that has been implemented through the Department of Agriculture.

While you have some qualms about the fact that the Government of Canada is taxing the equipment that is being put into that particular building, the fact that you are now appealing that decision may, of course, bring some results. I have no qualms one way or the other whether the Federal Government makes that equipment tax exempt to the province or whether it doesn’t. I don’t think the amount of money that’s involved in that particular form of taxation is going to make or break the Prairie Institute. It’s being used more from the provincial governments’ point of view as a political message that again can be carried out to the people of Saskatchewan, saying that terrible Federal Government is not providing tax exempt machinery or equipment to operate our particular machinery testing institute. And I would hope that something as valuable as the Agricultural Machinery Testing Institute be not dragged down to

the mire of political arguments between the east and the west. The program is good, the fact that we are able to do it on our own is even better and the fact that you are now changing this to The Prairie Agricultural Machinery Institute, Mr. Speaker, has my full support.

**HON. J.R. MESSER: (Minister of Industry and Commerce)** — Just in a very brief response to the Member who just took his chair. I am, indeed, pleased to hear that he is in full support of the testing of farm machinery. I take notice to how he heartily tried to work around the statements of the Minister of Agriculture in regard to the obligations of the Federal Government in regard to the testing of farm machinery which will clearly benefit farmers across Canada, not only in the three prairie provinces. Yet, the Federal Government has chosen to burden the three prairie provinces with the testing of that machinery. The point I want to make though is that it's nice to hear support coming from the Members who sit to your left now that they are in Opposition, Mr. Speaker. We don't have to go very far back to remind ourselves and the people of Saskatchewan that in the Province of Saskatchewan prior to 1964 we had an agriculture machinery testing association which was brought in by the former CCF Government. The Liberal Party, the Liberal Government of the day was quick to dismantle that testing activity which not only Saskatchewan farmers but all farmers on the prairies and again in Canada received direct benefits from. And I hope the Member takes note that if and when, I suspect that it will be a good deal of time in the future, that they ever hope to achieve the levels of government again in this province, they will be reminded of their actions by past performances.

Mr. Speaker, I think it is unfortunate that we have, at a provincial level, to undertake to test farm machinery which clearly has benefits for all Canadian farmers. I think it indicates most clearly the negligence of the Federal Government recognizing its responsibility. I think it also further has to be recognized as negligence on behalf of the Federal Government to undertaking to tax in an unfair way the equipment and machinery that's required for that testing institute to carry out its duties. I might also say that during the initial stages of development of The Agricultural Machinery Institute — The Prairie Machinery Institute that it is now going to be called — during the initial stages of development the Member for Humboldt, the Federal Member, Mr. Otto Lang, was, even though there is no funding coming from the Federal Government, was quick to undertake to take credit for the establishment of not only the Prairie Machinery Testing Institute, the funding and the location of it in Humboldt. And it wasn't until it was brought to his attention did he undertake to discontinue trying to take credit for an institute that he did neither fund nor contribute in any way to its location in the constituency of Humboldt which shows real meaningful diversification on behalf of the Government of Saskatchewan. So this Institute does a number of things, it provides the testing of machinery for Saskatchewan and prairie farmers and farmers in Canada and, in fact, in North America as a whole. And it also indicated how the Minister of Agriculture, Mr. Kaeding and the Department of Agriculture are undertaking to further diversificate the activities of government.

**SOME HON. MEMBERS:** Hear, hear!



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**MR. E.C. MALONE: (Regina Lakeview)** — Mr. Speaker, it is refreshing to hear from the former Minister of Agriculture and now Minister of Industry. It's very interesting to me though how he can't speak about his own Department because of such a mess that he decides to get up and speak about this former Department. It's probably a mess as well and that's why he is no longer the Minister.

**SOME HON. MEMBERS:** Hear, hear!

**MR. MALONE:** — But once again we have heard the same old NDP type of speeches. No matter how innocuous a Bill, they take it as an excuse to slam the Federal Government for whatever reason and secondly, to go into the past and talk about old policies. Well, I want to tell the Minister that it's not only the people on this side of the House, but, the people of Saskatchewan who are getting sick and tired of listening to you talking ancient history. And one of the main reasons that you are not going to form the government in 1979 again is because you can't get your head out of the sand, you can't get out of the past, you've got to keep looking back and looking back, you've no new policies, no new faces and no new ideas.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** — Order! I don't want to interrupt the train of thought of the Member for Lakeview but the Bill before the House is Bill No. 24 and I think he should confine his remarks to the principle of the substance of that Bill.

**MR. MALONE:** — Mr. Speaker, I certainly will confine my remarks to that Bill and I don't mind taking heckling from that side of the House but when it comes from you I have to sort of . . .

Mr. Speaker, I think the remarks of the Minister of Industry should be probably considered at some length and a suitable reply be made at a later date, and, therefore, I beg leave to adjourn debate.

Debate adjourned.

### **ROYAL ASSENT**

At 5:04 o'clock p.m. His Honour the Administrator, having entered the Chamber, took his seat upon the Throne and gave Royal Assent to Bill 48 — An Act for granting to Her Majesty certain sums of Money for the Public Service for the Fiscal Year ending the Thirty-first day of March, 1977.

### **SECOND READINGS**

**HON. E. KAEDING** (Minister of Agriculture) moved second reading of Bill No. 25 — *An Act to amend The Agricultural Products Market Development Fund Act, 1974.*

He said: Mr. Speaker, in speaking on the proposed amendment to The Agricultural Products Market Development Fund Act, 1974, I should like to review the objectives which the Government has established in the area of agricultural marketing and completely

outline the role which the Market Development Fund has played in achieving these objectives.

A fund designated to provide assistance to worthy applicants, to encourage promotion and development of markets for Saskatchewan produced agricultural products has existed in the Department of Agriculture budget for many years. In 1974, an Act was passed establishing a separate Market Development Fund in establishing a mechanism for administering of funds. The Departments of Finance, Industry and Commerce, work with the Department of Agriculture in the administration of the Market Development Fund.

I am very pleased, in reviewing the first annual report of the Market Development Fund and looking over the list of grants made, subsequently, that the Government has found a way to significantly assist in projects which will have an important impact on the agricultural economy of the province. In 1974-75, a total of 20 grants were made in the Market Development Fund Act. Fourteen additional grants have been made in the current fiscal year. These grants have indeed proved successful in improving the marketing system for a number of individuals, associations, co-operatives, and producer groups to assist in the exploration, development and expansion of markets for a variety of products produced, or are capable of being produced in Saskatchewan. Grants provided from the Market Development Fund have been instrumental in developing markets and marketing systems, both in the domestic and export markets. During the past year financial assistance was provided to producer associations for hogs, cattle and poultry to enable those associations to investigate opportunities for improving the marketing systems for their respective commodities. Assistance was also provided to a number of agriculture co-operatives and companies operating in Saskatchewan to encourage the production and development of markets for new agriculture products. Assistance to these agencies has resulted in a significant progress towards the development of new markets for products such as field peas, faba beans, winter wheat and sunflowers. In the domestic market assistance was made available from the Market Development Fund to develop a concept of a very successful farmers' market program.

An example of how the Market Development Fund can be instrumental in developing a new industry in our province is evidenced by our experience in the production of field peas. In 1973, a \$40,000 grant was made to a seed company to encourage the production of field peas in the Nipawin area. These funds were utilized in assisting farmers to plant field peas and to apply the proper agronomic practices. Four thousand acres of production resulted, sufficient to promote the establishment of a pilot pea processing plant in Nipawin.

The Market Development Fund has continued to work with other Government agencies in promoting the field pea industry in Saskatchewan. Through this support 6,500 acres of production were realized in 1974. And over the past crop year no less than a total of 14,000 acres of field peas were grown by Saskatchewan farmers. The result of the project has been so encouraging that a decision has been made to embark upon a commercial pea processing industry for Saskatchewan. This optimism has been culminated in the recent announcement, announced commercial scale processing plant to be established in Saskatoon.

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The Government places a high priority on increasing the value added component of agricultural exports from Saskatchewan. Through the Market Development Fund groups interested in exploring the potential for new industries, such as flax straw processing and Japanese style noodle production, have received assistance to assess the possibility of further processing in Saskatchewan.

The Government has established a number of agricultural development objectives for Saskatchewan. High on that list of objectives is the revitalization of our rural economy through the stabilization and diversification of economic activity in that sector.

Saskatchewan agriculture has traditionally relied upon the export market as an outlet for our unprocessed products. This dependence will no doubt continue in the future. The Government, however, feels that diversification of activity through further processing in Saskatchewan where possible will generate increased employment opportunities which will significantly benefit not only our cities but also a number of our rural communities.

The Government has also set a number of production objectives for agriculture commodities produced in the province which it feels are necessary to establish a more stable and prosperous agriculture economy. The achievement of these objectives will require significant improvement in present marketing systems. Here the Market Development Fund will continue to play an important role.

It is clear that present marketing systems in some cases will be inadequate to meet the challenges of changing agriculture. I believe the Market Development Fund will be an important tool in developing markets and perfecting marketing systems for these commodities in years ahead. With these points in mind I should like to outline some specific objectives of the Market Development Fund.

Grants from the Market Development Fund may be made to Saskatchewan applicants to encourage the identification of potential markets for agricultural products. Projects assisted in this way will contribute towards reaching the Government's objective of increasing the potential market for Saskatchewan agricultural production. Grants are also made from the fund to assist in the development of new products. The objective here will be to encourage the further processing of our agricultural products and hence increase the value added component in our province. Distance to markets has traditionally posed a major challenge to Saskatchewan agriculture producers. Assistance provided from the Market Development Fund to assist in developing transportation capabilities to markets not presently serviced by a suitable mode of transportation. Finally, grants are available from the Market Development Fund to assist in researching problem areas for various agricultural products and proposing corrective action with respect to existing institutions and traditional marketing procedures. Studies may also examine the further processing of specific agriculture products.

At the present time the Market Development Fund does not have authority to make loans. Our experience in administrating the Market Development Fund show that the Fund would be even more effective as a marketing development tool, if it were

granted the additional flexibility to provide loans and under certain circumstances to forgive those loans. Assistance has been provided from the Market Development Fund on the basis of an assessment by the Market Development Committee of the individual merits of each project application. The merits of the project and the resources of the applicant are considered. A guideline of providing assistance at the level of 50 per cent of the cost of a project in the form of a grant has been established. Other levels of assistance, however, may be considered more appropriate.

Our experience in administering the Market Development Fund has indicated that the nature of a market development project may be such that assistance by way of a loan may be more appropriate form of assistance from the Fund. In cases where the applicant has limited resources, for example, a community group wishing to establish a new agricultural processing operation a more beneficial approach maybe to provide a greater level of assistance on the condition that some or all of the funds are returned to the Market Development Fund if the venture proves successful. This approach will provide significant assistance when it is most needed, that is during the initial stage when the feasibility of an operation is being determined. It will also result in the return of those funds from projects successfully initiated so that those same funds can be used again to assist future projects.

The proposed legislation will provide the Market Development Committee with the authority to make loans and forgive loans from the Market Development Fund. The proposed legislation will significantly approve the effectiveness of the Market Development Fund and for that reason, Mr. Speaker, I recommend that this Bill receive the support of the House. I move second reading of this Bill.

**SOME HON. MEMBERS:** Hear, hear!

**MR. R.A. LARTER:(Estevan)** — Mr. Speaker, I am not speaking against the Act to amend The Agriculture Market Development Fund. I am not speaking against the Fund, I am speaking against the changes that the wide power that these changes bring about. In Section 3 a committee is given wide power to make loans, grants and supply goods or services considered necessary and Section 4, the committee may further cancel the loan. In Section 5, they are given the power to define any word or expression used in the Act, not defined in the Act. This latter provision is really a grant of extraordinary power. Often the court is asked to decide a definition of a word in the statute and here we have a subsection which would give the power to define words even after a court has come to a decision. The committee could thereafter act as an appeal court and one would guess provide a definition for words that would be in its favor.

**MR. J. WIEBE: (Morse)** — Mr. Speaker, just a few brief comments in regard to this particular piece of legislation. I believe the Act when it was first brought in, in 1964, was an excellent piece of legislation and I believe it still is.

It is something that must be done in this province, something that must be increased instead of decreased. It is discouraging for me as a farmer to read the Estimates of the 1976 Budget and find that funds being allocated to the Market

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Development Fund are being cut instead of increased. We have got a fantastic product to sell in this province and unless we get off our hind end and start doing something to promote that product, we are not going to be able to even maintain agriculture as our basic industry within this province. This is the only quarrel that I have with The Agricultural Products Marketing Act and we will have an opportunity to get into that I am sure once we get our agricultural Estimates.

The only quarrel that I have with the particular amendment that is now being brought forward is the fact that the Government is asking the committee to make loans. I have no objection to the Government guaranteeing the loans after these applications have been approved by the committee. We have banks within this province, we also have credit unions in the province which are in the business of granting money to people regardless of what their needs may be. Some of the need may be that a guarantee is all that is required by the Government or by this committee to enable this type of advancement of funds to go ahead. If this were the case, it would certainly offset some of the fears that the Members to my left have in regard to the powers of this particular committee. I have no objection whatsoever to that committee making grants available to these various organizations. I would just recommend that the committee or the Government guarantee the loan that would be taken by such a group at any chartered bank or credit union within the province. There are a few other words which I should like to say in regards to this particular Bill, Mr. Speaker, and I beg leave to adjourn debate.

Debate adjourned.

HON. E. KRAMER: (Minister of Highways) moved second reading of Bill No. 31 — *An Act to amend The Highways Act*.

He said: Mr. Speaker, it is a very simple housekeeping amendment of raising the advance account from \$25 million to \$50 million. I want to assure the House that we certainly hope that we are not going to reach upwards to the \$50 million. However, inflation caught up to us rather quickly last year and it seems rather a waste of time to be coming back with the upward limits each year. Therefore, we put them somewhat higher this year hopefully we will not have to be back again next year with these.

Now a few brief words as to what is going to be accomplished with this or what we do with the advance account. Additional capital required to purchase replacements that are no longer economic and are beyond repair, we need this money. Replacements this year will amount to \$6.88 million the original cost of that, to give you some idea of what is happening, was \$2.6 million and it will cost nearly \$7 million to replace it.

To give you a bit of an indication as to what is happening, Mr. Speaker, tractors of all types — the average age of these are 13 years; the average cost was \$7,200, the average cost to replace them today is \$32,100. I could go on with other items but due to the lateness of the hour I will not. Additional capacity of approximately \$6.3 million will be required to purchase new equipment. There will be a further \$14.3 million needed for investment in equipment and inventory during 1976 in order to provide a reasonable level of service for the Department and other public bodies which depend on it for construction and maintenance service.

Cash flow — the transactions through the advance account involve expenditures which must be carried until recovered from the Department, municipalities, other agencies of Government, etc. We will need \$6 million for that. The inventory of the equipment we have, I have it here and if anyone wants to have that on third reading we could go into detail then.

It is a pleasure to move second reading of Bill No. 31.

**MR. MALONE:** — Before the Minister takes his seat I wonder if he would answer a question.

Why are you coming to this Legislature and asking for this increase, why don't you just do it by Order in Council?

**MR. KRAMER:** — Well, simply because it has been the traditional method of doing it and I think we would be remiss if we didn't go to the Legislature for this amount of money.

**MR. MALONE:** — Mr. Speaker, I certainly want to say that I agree 100 per cent and completely with the latter remarks of the Minister of Highways. I think that it is perfectly proper and in order and desirable that any time the Government spends money, whether it be an additional \$25 million or \$25 that it comes to this Legislature and asks for the permission of the Legislature to do so. Furthermore, the Minister stated his case fairly well. He got up and said why the money was required. We accept everything he says at face value and we will be, of course, supporting the amendment when it comes to a vote.

I wonder if I could ask the Minister to do something for me. I wonder if the Minister would take it upon himself to communicate his remarks, as to why he came here to get permission for this amendment, to the Premier, to the Minister in charge of the Potash Corporation and to the Attorney General and to the Minister of Finance, because, Mr. Speaker, we spent about two months not very long ago fighting over this exact point. This Government came to this Assembly and asked us to vote for a Bill to buy potash companies without putting any . . .

**MR. SPEAKER:** — I hesitate to interrupt the Member again, but this is, as I understand it from the opening remarks of the Minister of Highways, is a Bill to amend The Highways Act, dealing with the raising of the limit on the advance account, and I think the Members would be well advised to stick to talking about the principle of the advance account as it relates to the Bill.

**MR. MALONE:** — Mr. Speaker, I agree and that is exactly what I am doing. I am speaking about the principle of coming to this legislature to vote money. I must say that I find it rather interesting as to why they are so sensitive on the other side when the word "potash" is mentioned and why they are so sensitive over there when it is decided that it is perfectly appropriate for the Minister to come here on one Bill and ask for money but not so appropriate on another Bill to ask for money, when that other Bill is going to spend a billion dollars. I

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wonder if the Minister, when he closes debate, would indicate to me the government policy on coming to the Legislature for money and I wonder if he would undertake before closing debate to explain his rationale and his thinking which I agree with 100 per cent, to his colleagues in Cabinet and to the caucus that sits to your right. Because I think that that is something, a message, that should be got very clear through to all of them.

Mr. Speaker, as I have indicated I am sure that we will be supporting the Bill. I just wanted to make those few comments because I think it is very important, that the Minister's position be very well made to the House and I am sure that he is speaking for the Government when he said those statements.

**MR. R.L. COLLVER: (Leader of the Progressive Conservatives)** — Mr. Speaker, I see I have been left a lot of time to address myself to this particular Bill. I am sure that it can be said in short order.

The principle of fighting inflation doesn't only apply to wages and prices and to other areas that have been mentioned in this Legislature, but it also applies to borrowing as well. One can make a good case for almost any organization in our society, whether it be the Government or whether it be business, or whether it be labor unions or whatever, one can make a pretty good case that they somehow got behind or that they somehow needed or required to increase their borrowings or their capacity, therefore, I don't see how we are fighting inflation by doubling the limits on the advance account from \$25 million to \$50 million.

Since I want to say a great deal more on that issue at some time in the future, I beg leave to adjourn the debate.

Debate adjourned.

The Assembly adjourned at 9:30 o'clock p.m.