

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Second Session — Eighteenth Legislature
33rd Day

Wednesday, April 28, 1976.

The Assembly met at 2:30 o'clock p.m.

On the Orders of the Day.

REPORTS OF COMMITTEES

Mr. E.F.A. Merchant (Regina Wascana) moved, seconded by Mr. Larson (Pelly) that The First Report of the Special Committee on Regulations be now concurred in.

Hon. W.E. Smishek (Minister of Finance): — Mr. Speaker, I notice that the Report contains a recommendation respecting the by-law approved by the Pharmaceutical Association. I have not had a chance to review it. I am familiar that the by-law was approved by the Association some time ago prohibiting any form of advertising or giving information, I am not certain whether that is the same by-law, if this is the case it has implications for the consumer and the price of drugs. I would, therefore, like to have the opportunity to peruse that, Mr. Speaker, and I beg leave to adjourn debate.

Debate adjourned.

WELCOME TO STUDENTS

Hon. E.C. Whelan (Regina North West): — Mr. Speaker, it is a pleasure to introduce to you and through you to all the Members of the House 52 students in the Speaker's Gallery from Ken Jenkins School. Ken Jenkins School is located in Regina North West. their teachers, Wayne Wilson and Bob Grocholski are with them. It is our intention to meet with them and to discuss governmental affairs over a soft drink. We hope they have a pleasant and informative stay in the Legislature.

Hon. Members: — Hear, hear!

Mr. S.J. Cameron (Regina South): — Mr. Speaker, if I may, I should like to introduce to you and to Members of the Legislature a group of students from St. Leo School in my constituency in the company of Mrs. Lipka. They are Grade Eight students. I hope, and I say this on behalf of all Members, that they enjoy their visit to the Legislature and I look forward, if I can, to meeting with them after the Question Period.

Hon. Members: — Hear, hear!

Mr. Thibault (Kinistino): — Mr. Speaker, it gives me great pleasure to introduce another fine group of students from Cudworth School, they are Grade Eight, led here by their teachers, Mr. Ferguson and Mrs. Gail Galgon and their driver, John Diatiw. They visited the

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city today, they have had a very good trip so far and I am sure that their trip here will be a very educational one. And like the students who went back home to Cudworth yesterday, I want to wish them also a safe journey home.

Hon. Members: — Hear, hear!

WELCOME TO SENIOR CITIZENS FROM CANORA

Hon. A.S. Matsalla (Canora): — Mr. Speaker, it gives me great pleasure to introduce to you and to the Members of the House, 38 senior citizens of the town and district of Canora. The senior citizens are seated in the west gallery. For some of the senior citizens this is their first visit to the Legislature. Amongst the group are Dan Daniels and Mrs. Daniels. Mr. Daniels is the president of the organization as well as the former MLA for Pelly. Dan, would you stand up, please.

Hon. Members: — Hear, hear!

Mr. Matsalla: — Mr. Daniels has done a lot of work in arranging for and co-ordinating this outing for the senior citizens as well as many other outings that they have been having. They arrived in the city this morning on a chartered STC bus. It might be of interest to the Members to know that to recognize the keen interest and the keen desire of the senior citizens to be part of the everyday society, they have decided to name their center Keenage Centre.

Hon. Members: — Hear, hear!

Mr. Matsalla: — I hope the senior citizens have a very enjoyable and interesting day here with us this afternoon. I also wish them a safe journey home.

Hon. Members: — Hear, hear!

WELCOME TO STUDENTS

Mr. J.G. Lane (Qu'Appelle): — Mr. Speaker, in the absence of Mr. Penner who is absent today on school board business, pressing local government business and as a former Saskatonian it gives me a great deal of pleasure to introduce through you to the Assembly 75 Grade Eight students from Alvin Buckwold School in the city of Saskatoon. Alvin Buckwold School is named after a very famous individual from the city of Saskatoon who has contributed much to the social development in that great city and someone who is held in a great deal of high esteem by the citizens of Saskatoon. They are sitting in the east gallery and they are accompanied by their teachers, Mrs. Lees, Mr. Garvie and student teachers, Miss Clark and Mr. Carlson. We wish them a very enjoyable afternoon and certainly a safe trip back to Saskatoon.

Hon. Members: — Hear, hear!

WELCOME TO NURSES

Mr. R. A. Larter (Estevan): — Mr. Speaker, it is my pleasure to welcome a group of nurses in all three balconies this afternoon. They are here on an unplanned vacation and it is my pleasure to welcome them here through the Speaker to this House. I hope they have a pleasant afternoon.

Hon. Members: — Hear, hear!

QUESTIONS

New Energy Policy

Mr. E.C. Malone (Regina Lakeview): — This is a question I would like to direct to the Deputy Premier and, if necessary, the Minister of Mineral Resources. The Deputy Premier is aware, of course, that there was an announcement in Ottawa yesterday about a new energy policy and a new price for oil and gas in Canada. My first question to the Deputy Premier, is the Government of Saskatchewan in favor, generally speaking, of the policy announced by Ottawa and if so do they intend on fighting for that policy at the first Ministers' Conference in the next few days?

Hon. R. Romanow (Attorney General): — Mr. Speaker, I believe the position has been set out by the Premier generally as follows, that looking at it from an overall standpoint the proposed policy paper is one that we could support and meets our favor. Particularly the two aspects of it, namely, the need to move the pricing up to world price levels and the need to get into a program of self-sufficiency for Canadians. There are perhaps some other areas that we would like some further discussion and consideration of that we might not agree with but I think in general that position can be taken.

The second part of the question, whether we intend to support it. I can't answer that because I don't believe that the nature of the conference on May 6th will be to deal with the broad general outline of the policy as announced, but rather more specifically with the particular matter of oil and natural gas prices.

Mr. Malone: — Supplementary question, Mr. Speaker. I think, Mr. Deputy Premier, that this new policy announcement is going to be discussed at that conference, in view of the fact that this policy is going to be opposed by many of the provinces in eastern Canada, they have already given notice of that, and also opposed by your federal counterparts in Ottawa and particularly Mr. Douglas, would you not agree that it is almost imperative now that the Premier as leader of this Government represent the Government in Ottawa to fight for the implementation of this policy if you do agree with it.

Mr. Romanow: — Mr. Speaker, as I said the policy has only been tabled 24 hours ago with that quite clearly the Hon. Member would fully appreciate that not only the Government but officials of the Government must have an opportunity to analyze it in detail to

make sure that there is nothing there which adversely is of interest to the people of Saskatchewan. All that I can say, is that, as a first blush reaction, if I may describe it in those terms, it seems to have some favorable points particularly with respect to the question of pricing and the need for self-sufficiency, two points that our Premier has been advocating in past conferences. Now whether that translates itself after a hard analysis of the policy into an out and out program of commitment or support at the conference I think is premature for me or anyone to say.

Mr. Malone: — A supplementary, Mr. Speaker. In view of the announced price increase which will be phased in over a period of time, will it be the policy of this Government to share in the increased price, will you allow the oil producers in this province to take a share out of the increased price or will it be your intention to take it all through taxation or royalties?

Mr. Romanow: — Mr. Speaker, the Hon. Member will undoubtedly be aware of the proposal the Premier made some time ago with respect to the establishment of an energy development fund, or an oil development fund. The proposal, in general terms, was that any price increase Saskatchewan would be prepared to consider, designating to this particular energy development fund, resources fund, so that Canada can find more oil reserves and become self-sufficient. To that extent this policy, I think, in general terms tries to aim toward that. Now that proposal is on the table and as the Premier has indicated a few days ago, we will be resurrecting it and advocating that again when we meet with the Prime Minister in a few days.

Mr. Malone: — A final supplementary, Mr. Speaker. I should like to ask more or are you going to cut me off, this will be the final.

Mr. Speaker: — If there is an opportunity later you may.

Mr. Malone: — All right. I point out that the Attorney General didn't answer the question that I asked of him and I will return to it later, but at this time Mr. Attorney General would you undertake as the Deputy Premier and as the Deputy Leader of this Party in Saskatchewan, to talk to your federal counterparts in particular Mr. Douglas, and persuade them to change the stance that they have taken in opposition to this policy, which will be of great benefit to the people of Saskatchewan?

Mr. Romanow: — Mr. Speaker, again I have not had an opportunity to analyze or even to discuss with Mr. Douglas, nor am I sure the Premier has had that opportunity either, to discuss with Mr. Douglas exactly what his position is federally. I see before me a Leader-Post article which in one paragraph, or less than one paragraph, says that Mr. Douglas has some reservations about the so-called self-sufficiency provisions in the agreement. I think what one will have to do is to discuss with Mr. Douglas what he exactly sees wrong with the policy, and it may very well be that we will have to change our, or my, initial reaction to tailor the situation if there is something that we have not looked at. So I can't give the Member a commitment that we will

be urging the federal people to follow the same line that the provincial government takes.

Further Five Per Cent Cut in Hospital Services Budget

Mr. E.F.A. Merchant (Regina Wascana): — Mr. Speaker, in absence of the Premier, and the Minister of Health who are away on Government business, I wonder if I might direct a question to the Minister of Finance the former Health Minister.

Would the Minister indicate to the House whether it is in fact true that on the 5th of April all of the hospital administrators were advised that a further five per cent cut in services, a further five per cent cut in budget, was necessitated and would have to take effect as of 1st of July. That would be a further five per cent to the cuts to-date.

Hon. W.E. Smishek (Minister of Finance): — Mr. Speaker, I am aware that the Minister of Health has had meetings with hospitals about the need for us to examine carefully hospital utilization. The Hon. Member is likely aware that in Saskatchewan we have the highest hospital utilization in Canada — 220 citizens per 1,000 population are admitted to hospital as compared to the national average of 154. There is no evidence that the people of Saskatchewan are more often ill than anywhere in Canada, but we are deeply concerned about the hospital utilization. There has been discussion about the reduction in the approved hospital beds in the order of five per cent. That may not necessarily represent a five per cent budgetary cut.

Mr. Merchant: — A supplementary, Mr. Speaker. Since I thought it was a good question in the first place, I perhaps will ask it again. Would the Minister indicate whether in fact as a result of your budgetary restraints or whatever, the Government has told the hospital administrators that there will be a further five per cent cut in utilization by patient days, which is to take effect as of the 1st of July?

Does the Minister, on behalf of the Government have knowledge of that further five per cent cut?

Mr. Smishek: — Mr. Speaker, it is not a further five per cent, it is part of the total concern about the rising hospital costs and this is part of the total effort of restraining hospital utilization and hospital costs.

Mr. Merchant: — A supplementary, Mr. Speaker. I wonder if the Minister would indicate whether these approximate figures are correct, that at the University Hospital, for instance, it will mean a further cut of 40 positions; that the cuts in 1976 will be over eight per cent at The University Hospital in Saskatoon; that at the Plains Hospital they will not be able to complete the opening of the Plains Hospital as a result of these cutbacks which are in the nature of the magnitude of eight or nine per cent, with the last cut and further five per cent cut for the 1st of July?

Mr. Smishek: — Mr. Speaker, I am not aware of the details, I will take the question as notice.

Mr. G. Lane (Qu'Appelle): — Mr. Speaker, a supplementary. Has the average daily census of the Plains Hospital in Regina, for this fiscal year, been set at less than 200 beds, which would put that hospital at less than 66 2/3 per cent capacity?

Secondly, is that 66 2/3 per cent capacity or two-thirds utilization to be the general figure across the province, which would mean in fact that we are having back-door closures of hospital beds?

Mr. Smishek: — Mr. Speaker, the Hon. Member is making assumptions that have no basis of fact. In the case of the Plains Health Centre, that hospital has to be taken in conjunction with the Pasqua Hospital and the General Hospital. As to the number of approved beds is not so much a concern in one hospital, but the number of approved beds in the three hospitals. I cannot give the Hon. Member a definite answer whether the number is 200 or whether it is 300 it can't go beyond 303 in the case of the Plains Health Centre, but I can't answer precisely how many in the others.

Mr. Lane: — By way of further supplementary. I am glad the Minister admitted that, that an empty bed is an empty bed, but secondly, will the Minister table the proposed average daily census for all hospitals in the Province of Saskatchewan before this Session ends, or is it your intention to withhold that information until after the Session so that we cannot debate this very vital matter?

Mr. Smishek: — Mr. Speaker, I can't table the information when I do not have the information with me. Certainly during the period of Health Estimates every opportunity will be made available to the Members, and he knows that, to ask about the number of approved beds in all the 134 hospitals in the province.

Mr. Merchant: — Mr. Speaker, admittedly that this would ordinarily be a question that the acting Minister might have difficulty with but in this case I'm sure that the Minister would be prepared to explain to this House the difference in relation to the current problems in the hospitals over emergency and urgency A operations and I wonder if the Minister would indicate whether I'm correct in saying that a situation such as is now present in the Wascana Hospital, woman with a gangrenous stump can't be operated upon because that's urgent A, it's not an emergency matter? There's a man, just released from the General Hospital . . .

Mr. Speaker: — Order! Member for Moosomin.

Interference in Collective Bargaining

Mr. L. W. Birkbeck (Moosomin): — Mr. Speaker, question for the Minister of Social Services. In the light of the Premier's announced policy yesterday of not becoming involved in collective bargaining

before an agreement has been reached, would the Minister not agree that to advertise for registered nurses at a higher starting salary by the Department of Social Services, than that even being requested by the Saskatchewan Union of Nurses, is gross interference in the collective bargaining process of the worst kind?

Hon. H. H. Rolfes (Minister of Social Services): — Mr. Speaker, I certainly don't know the details of a particular position, of many that have been advertised, and I'll have to take that question as notice.

Mr. Birkbeck: — Supplementary, Mr. Speaker. Because the registered nurses who are employed by the Department of Social Services are members of SGEA, is it this Government's intention by so advertising to inform the nurses of the Province of Saskatchewan in acute bed hospitals that if they choose a union approved by the Government of Saskatchewan they will be granted better terms of employment?

Mr. Speaker: — I think the Member is getting into a debate. Next question.

Consolidated School Districts

Mr. R. H. Bailey (Rosetown-Elrose): — I'd like to direct a question to the Minister of Education. Does the Minister and his Government support the continued operation of the consolidated school districts in Saskatchewan?

Hon. E. L. Tchorzewski (Minister of Education): — We have not said otherwise. I'm sure the Member is asking the question because of recommendations of an advisory committee of the Minister which indicated that there be some changes in that field. The Government has made no decision on that. It's a committee report, it is not government policy.

Mr. Bailey: — Supplementary question, Mr. Speaker. Will the Minister then assure the consolidated school districts in Saskatchewan that they will not be forced into a larger unit of administration against their wishes?

Mr. Tchorzewski: — Mr. Speaker, we have a report. We have no intentions of accepting any of those recommendations until that report has been duly and fully considered by school trustees, everybody involved in education, including the public of Saskatchewan. When that has taken place we will then be making some decisions on it.

Nurses Strike

Miss L. B. Clifford (Wilkie): — Mr. Speaker, a question to the acting Minister of Health. My colleague has tried to mention one case and I'd like to mention another that has been brought to my attention about a situation where a person who has cancer of the bowel has been sent home because it is not an emergency situation as

yes, but classed as an urgent A. My question to you is that, in these cases it seems to be a life or death situation and I was wondering if you would then commit yourself, and you've many times said you don't like to be interfering, but commit yourself to have the initiative to go and try to get this situation of the nurses' strike solved. Will you quit delaying action, try to alleviate problems in the nurses' strike?

Some Hon. Members: — Hear, hear!

Mr. Smishek: — Mr. Speaker, I had indicated on Monday that any Member who may have a particular case, I would be glad to investigate and to give a report. I have a report, for example, in the case raised by the Member for Kindersley (Mr. McMillan) which I think would be inappropriate for me to discuss in the House because of the privacy of a particular patient. Certainly if the Hon. Member has a particular case I would be glad to investigate it and to give her a report.

Mr. Speaker, it is interesting that on Monday the Leader of the Opposition raised the same question. When I asked him to give me the name of the person, that person didn't exist. I wonder whether some of these particular cases that are now being referred to are used for political purposes, rather than being real and definitive, Mr. Speaker.

Mr. Speaker: — Order! I would ask the Members to try and preserve the decorum of the House when I am trying to get order. I'll take care of the Member for Regina North East, to get him on his seat and on his seat when necessary.

Miss Clifford: — Mr. Speaker, I'd like to direct another supplementary to the acting Minister of Health. Not only do I resent lack of decorum exhibited by the Minister, but, resent the fact that you think that I'm making up these cases. People who are concerned also resent this attitude. I want to ask you, Mr. Minister of Health, if you will take it upon yourself to just assure yourself and your Department, that these situations are not occurring? Now you say there may be just one or two cases, would you assure yourself, which I think might be a good thing for yourself and your Department, that this is not an overall pattern. Would you assure us that you will do all you can to make sure that these situations are not occurring and you will do your job and get the negotiations completed.

Mr. Smishek: — Mr. Speaker, the Hon. Members are aware that in the Province there are 132 or 134 hospitals. We have a dispute in six of the 134 hospitals at the moment, in Regina and in Saskatoon. In cases of emergencies the medical doctors make the determination of what is an emergency. My reports are from the Department of Health officials that all emergencies are being taken care of and while there are problems, they are not problems that cannot be coped with, patients needing emergency care, are provided with that care. There may be the odd situation and we would be very pleased and the Department of Health would be very pleased to investigate and give the Hon. Members reports. I am satisfied on the reports that I am getting, Mr. Speaker, that all urgent cases, emergency cases, all are being taken care of.

Mr. E. A. Berntson (Souris-Cannington): — Is the Minister aware that elective surgery quite often, in the case of cancer uncovers emergency situations that have to be dealt with immediately? Although these aren't emergencies as such, elective surgery uncovers emergency situations that have to be handled immediately.

Mr. Smishek: — Mr. Speaker, in case of elective surgery, those are determined as to their urgency or necessity by the medical doctors. Again, I draw to the attention of the Hon. Member that out of the 132 or 134 hospitals, the dispute is only in six. So certainly the people in the province are able to get care and in fact, in most cases full care to what they've been getting before.

Mr. Berntson: — Supplementary, Mr. Speaker. Is the Minister aware that in St. Paul's Hospital in Saskatoon alone, 30 to 40 cancer patients have been turned out for lack of nursing staff and that many of these patients will either have to go out of the province for exploratory surgery or suffer what might be dire consequences?

Mr. Smishek: — Mr. Speaker, if the Hon. Member has the 30 or 40 cases and will provide us with those 30 or 40 cases, substantiated by the medical proof that they are urgent or emergency cases, there is need for a referral to specialty hospitals out of the province. So far, certainly that has not been the report from either the medical profession or from the SHSP, or the hospital administrations. Remember that the dispute has only been in effect since last Saturday, I would hope that the Hon. Members aren't advocating that somewhere the Government should interject itself into collective bargaining between the Hospital Association and the Saskatchewan Union of Nurses.

Mr. S. Cameron (Regina South): — Mr. Speaker, a supplementary to the acting Minister of Health. I should like to ask him how many nurses must leave and how many people must die before you want to interest yourself in this critical situation.

Mr. Speaker: — Order! Order!

Mr. Merchant: — Mr. Speaker, I wonder if by way of a supplementary if I might ask the acting Minister of Health whether it is not in fact the case that virtually all cancer patients are urgent A and not emergency. Secondly, are not all of the cancer clinics in Regina and Saskatoon and all of the surgery performed in Regina and Saskatoon, so that in a policy way, for that group of people, you are saying there won't be any cancer surgery in Saskatchewan until you settle the strike.

Mr. Smishek: — Mr. Speaker, one thing that is obvious the Hon. Member is not listening to the facts. One thing that the Saskatchewan Union of Nurses have done and for which we are grateful as a Province and I am sure the people of Saskatchewan, while they have gone out on strike, they have also assured the hospital administrations that they are available to look after patients . . .

Some Hon. Members: — Hear, hear!

Mr. Smishek: — . . . who require urgent or emergency care and they will make their services available to the operating rooms and for the care of the patients. For that we are grateful to them and we appreciate the offer they have made. Not only have they offered their service, but are on standby to provide that service. Really the Hon. Member is trying to create hysteria and using scare tactics in his approach.

Some Hon. Members: — Hear, hear!

Mr. Lane: — Supplementary to the acting Minister of Health, you have indicated that MLAs should bring to your attention matters that come to their attention and you would investigate. Rather than making the MLAs the ombudsmen of the public health system which we are not qualified to do, would you not admit it would be better for you to interfere in the collective bargaining process and give the nurses the fair deal which they are requesting.

Some Hon. Members: — Hear, hear!

Mr. Smishek: — Mr. Speaker, it is obvious we are believers in the free collective bargaining process.

Some Hon. Members: — Hear, hear!

Mr. Smishek: — If it was the Liberal Party that was sitting in government they would be invoking compulsory arbitration.

Some Hon. Members: — Hear, hear!

Mr. Smishek: — I know that neither the nurses or the Hospital Association want that. They want free collective bargaining. We believe that the Hospital Association and Saskatchewan Union of Nurses are responsible people and this problem will be worked out at the bargaining table.

Some Hon. Members: — Hear, hear!

Government of Saskatchewan Advertising for Nurses

Mr. R. L. Collver (Leader of the Progressive Conservatives): — A question to the Deputy Premier, the Attorney General. I would pass across to the Attorney General a copy, if I may, of an advertisement placed in the newspaper by the Government of Saskatchewan advertising for nurses. I would ask in this question, is it the Government of Saskatchewan's contention that nurses in acute bed hospitals dealing with life and death situations required to work shift work, weekends and holidays with the same qualifications as those employees of the Department of Social Services are not paid as much because they are members of a professional union as opposed to being members of an NDP approved union?

Hon. R. Romanow (Attorney General): — Mr. Speaker, I think if there is anything which symbolizes the attempts by the Conservatives and Liberals to make short-term political gain out of this unfortunate situation, it is that question.

Some Hon. Members: — Hear, hear!

Mr. Romanow: — Mr. Speaker, I want to say, the answer to the question is absolutely no. The Member gives me a photo-copy of an advertisement relating to Psychiatric Services nurses, psychiatric nurses . . . yes, just take a look at it, it is underlined right here under psych services and then he somehow couples that with the qualifications that may be required there into a purely political partisan basis. I say that Member and the Opposition should be condemned for their political partisanship.

Some Hon. Members: — Hear, hear!

Mr. Merchant: — Mr. Speaker, I should like to go back to the acting Minister of Health to the cancer question. Is it not a fact that cancer patients and cancer operations are almost invariably defined as an urgent A operation and, therefore, cannot take place under this current situation, that they are urgent A and regardless of what you may have said, would you just tell us how they are defined from your experience. I suggest they are ordinarily and almost exclusively defined as urgent A.

Mr. Smishek: — Neither the Department of Health nor does the Minister define the emergency or the urgency of the case. That is determined by the medical doctor. The medical doctor has to make the judgment and the decision. In the case of cancer patients or any other medical or accident case, that urgency is determined by the medical doctor and nurses are available to look after such cases. Nurses are provided by the Saskatchewan Union of Nurses, if surgery is required. They are prepared to attend to the surgical wards and to look after the patients as well as the operating rooms.

Some Hon. Members: — Hear, hear!

POINTS OF ORDER

Question Period

Mr. Lane: — Mr. Speaker, before the Orders of the Day I should like to raise a Point of Order on the Question Period.

I think the past practice has been that when an Opposition Member has got up to ask a question which you felt to be a matter of debate, the Opposition Member has been cut off immediately and in mid question, and that is your decision.

I submit to you, Mr. Speaker, it was interesting to note today that the acting Minister of Health and the Attorney General were able to complete their political answers to questions . . .

Mr. Speaker: — Order! Order! The Member has asked me to defend the decisions I have made today. I am not in a position to defend those decisions. The record will be my defence. Because the record today will show that there were Members on both sides of the House debating the issue in the Question Period. One, by giving the question, two, by giving the answer. I cut some of them off and I didn't cut some of them off.

Mr. Collver: — Mr. Speaker, I rise on a Point of Order for clarification purposes only. In the past Minister have given notices of questions to Members to my right and you have allowed supplementaries to questions that have been given notice. Today I got the impression that you were not going to allow supplementaries to questions that have been given notice as far as we are concerned. I wonder whether there is the possibility of clarification if the Minister gives notice to a question, are we allowed supplementaries or are we not allowed supplementaries on questions that have been given notice?

Mr. Speaker: — Under the previous practice of oral Question Period, supplementary questions were not allowed when a Minister said, "notice." In this experimental Question Period, I have been allowing supplementary questions if the Minister said, "I will take it as notice." The Member runs the risk of having the Minister say again, "I will take it as notice." But, however, I have allowed them and in some cases they have been answered.

Mr. L. W. Birkbeck (Moosomin): — Mr. Speaker, I should like to make a Point of Order on the Question Period too, mainly for clarification purposes as well.

Is it or is it not fact that when you are on your feet nobody else in this House is supposed to be on their feet? Is that right?

Mr. Speaker: — That is correct.

Mr. Birkbeck: — You didn't get up you see. Okay. Then I observed in the Question Period that four Members on this side of the House jumped to their feet to ask a supplementary question. Our Leader was one of those and there were three from the Liberal Party. The person whom you recognized was the last to sit down when you were on your feet. The last one. Now when four or five people jump up on this side of the House to ask a question, are we to stay on our feet when you are on your feet, or should we show respect for the Chair and sit down, like our Leader did?

Mr. Speaker: — Perhaps I gave the Member a general observation about when the Speaker stands the Members are supposed to sit down. That is a general observation, however, in the Oral Question Period when Members are rising to get in a supplementary, I don't mind. As soon as I recognize one, I expect the other three to sit down though.

Mr. Birkbeck: — The last thing I want to say is that you recognized

everyone of those three before you recognized the Leader of this Party, everyone of them.

Mr. Speaker: — Well, the Member is reflecting on my decision. As the Member checks the record I think he will find a pretty fair balance in the Question Period today.

MOTIONS

Sitting of the House

Hon. R. Romanow (Attorney General): — Mr. Speaker, I wonder if I might get the indulgence of the House very briefly. The Members will know that there is a Government motion after Orders of the Day with respect to morning sittings and Members will know that Public Accounts concluded and so has Crown Corporations Committee concluded its business now. And what I'd like to do is not move, because it's outdated anyway and if it's out of order I'll be asked either to withdraw it when they come to it, not move the Government motion under my name, by leave of the Assembly move a new motion for limited morning sittings, for the beginning anyway, namely starting this Friday, April 30th and each Wednesday and Friday morning thereafter, 10:00 o'clock and 12:30 o'clock. Those are the evenings when we don't sit. We don't sit Wednesday evening. We don't sit Friday evening. We might be able to get some work done. I tell the Members quite frankly I hope we can expand the morning sittings in the near future. But in any event I should like to thank the House for its indulgence.

I will, therefore, propose by leave of the Assembly, seconded by the Hon. Member J. R. Messer (Kelsey-Tisdale):

That notwithstanding Rule 3, this Assembly shall, commencing Friday, April 30, 1976, and each Wednesday and Friday thereafter, meet at 10:00 o'clock a.m. and there shall be a recess from 12:30 o'clock p.m. until 2:30 o'clock p.m.

Motion agreed to.

SECOND READINGS

Mr. R. Romanow (Attorney General) moved second reading of Bill No. 60 — **An Act to amend The Potash Corporation of Saskatchewan Act, 1976.**

He said: Mr. Speaker, I shall be very brief in moving Bill No. 60. I realize that the Members of the Opposition may not have had a full opportunity to examine the Bill. However, we wanted second reading remarks off so that they will understand what the Bill does.

Bill No. 60 is an Act to amend the Potash Corporation of Saskatchewan Act, 1976. And, Mr. Speaker, these amendments are purely technical, I would submit, involving no major policy changes or variations from that which had been announced at the time of the protracted debate in the Legislature in late fall and during the bulk of the winter.

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They are amendments which have been urged upon us by Counsel upon passage of the Legislation and having come to light subsequent to the passage of the Bill.

Very briefly, sub-section 1 of Section Potash Corporation of Saskatchewan Act, 1976, is being amended to remove an apparent inconsistency between that provision and Section 4 of the Act. Sub-section 1 of Section 10 presently contemplates the Corporation acquiring property from the Crown. Really that can't be. Section 4 of the Act sets out the Potash Corporation of Saskatchewan is, for all its purposes, an agent of the Crown and any property held by the Corporation shall be deemed to be the property of the Crown. It would be inconsistent, therefore, to allow the Corporation to acquire property from the Crown which upon its acquisition would then be property of the Crown. Mr. Speaker, that's all the amendment does. It seeks to remedy that inconsistency and with those few words I move second reading of Bill No. 60.

Debate adjourned on the motion of Mr. Merchant.

Mr. R. Romanow (Attorney General) moved second reading of Bill No. 61 — **An Act to amend The Potash Development Act, 1976.**

He said: Mr. Speaker, similarly with respect to this Bill, these are also what I would submit as technical amendments which are designed to clarify any possible inconsistencies or difficulties with respect to Potash Development Act, discovered subsequent to the passage of this Bill. I think the best that I can do is just go right to the text of my very brief remarks and I think it will explain the amendments to Bill 61.

Sub-section 5 of Section 45 of the Potash Development Act, 1976 is being amended in this Bill to make it clear that the Income Tax Act of Canada and the tax structure contemplated by that Act prior to May 6, 1974, will be applied when calculating Federal Income Taxes in valuating assets expropriated.

Clause (b) of subsection 5 of Section 45 sets out certain assumptions which are used in computing Federal Income Taxes by an owner from whom assets are expropriated. As Clause (b) currently reads it is conceivable that in computing taxes payable by a foreign corporation conducting its potash operation as a branch business, the corporation would be subject to a branch tax under part 14 of the Income Tax Act of Canada. This is not intended and can be avoided by the wording proposed in this amendment, with the result that all corporations will be treated the same in the calculation of federal income tax for the purposes of the Act. This was stated as the intention at the time I explained Section 45 and we thought we were doing that with respect to Section 45 at the time, but in subsequent examination we had discovered this possible interpretation.

Further, the Income Tax of Canada, enforced on May 5, 1974, provided that commencing January 1, 1977 a 15 per cent tax abatement would be given to taxpayers in respect of mineral resource income. May I say this was in effect put in there as a compensation by the Federal Government for the fact that they did away with the non-deductibility of royalty provisions. In addition, the Act provided that a one per cent reduction in the rate of federal tax would be applicable for each of the 1975 and 1976 taxation years. As I have said these reductions

appear to be geared to compensate for the non-deductibility of the provincial royalties and taxes after 1974.

Clause (a) of sub-section 5 of Section 45 presently allows the deduction for provincial royalties and taxes from federal income tax and thus a double benefit will result unless the Act is changed. The double benefit being, namely, that we give them for the purposes of valuation, credit for their royalties paid as it was prior to the term budget of May 5, 1974, that's when the Turner Bill was passed in the Federal House.

Subsequently, we discovered that the Federal Government came in and gave them another credit, 15 per cent for taking away the double credit. If we don't amend the Bill, the effect is that they get two credits. One as set out by the Act and secondly, one as 15 per cent deductibility. Well, it wouldn't be awful but it would not state what we argue has been the policy of taxation when the taxation bills were in under consideration, at the time of the term budget, namely May 5, 1974. Again, nothing by way of policy change. It's simply to do with what we said we wanted the evaluator to do with respect to Section 45. New clause (c) of sub-section 5 of Section 45 is to provide the provincial income taxes, calculated for the purpose of evaluation of assets expropriated, if they are expropriated, on the tax structure pursuant to which the federal taxes are calculated under that Act. That's why that formulation is there.

New clause (d) of sub-section 5 of Section 45 is former clause (c) of that Section and has been re-numbered. No change in that Section whatsoever.

So, Mr. Speaker, I would submit, as I say, these are basically technical amendments. I will summarize them in very general terms, because of these tax wrinkles which were in the Bill, Federal Tax Bill, these amendments in effect do what we say we want it to do and what the Bill was intended to do on Section 45 at that time in order to make the provisions applicable.

So, Mr. Speaker, with those few brief words I move that Bill No. 61 be now read a second time.

Debate adjourned on the motion of Mr. Merchant.

Mr. R. Romanow (Attorney General) moved second reading of Bill No. 62 — **An Act to amend The Mineral Resources Act.**

He said: Mr. Speaker, this Bill proposes a number of amendments to the Mineral Resources Act. I think in general terms this can be stated as being to strengthen the provisions of the Act with respect to the conservation of minerals. The Bill is also intended to strengthen the position of the Government with respect to the enforcement of the prorationing scheme, which was first introduced by the Liberal Government of the late Premier Ross Thatcher in 1969.

Now, Mr. Speaker, I think the best way that this can be handled is to get right into the specific Sections and deal with them and to give an explanation to the Members of the House. I will so do.

First of all, Mr. Speaker, sub-section 1 of Section 2. This sub-section adds a new clause (a) to Section 2 of the Act, defining “conservation”. This definition is added to the Act to make it clear, that the word “conservation” as used in the Act, expressly that word there now, includes the prevention of waste or improvident or un-economic production or disposition of minerals and the prohibition of limitation of the production of minerals.

Basically this is designed to clarify any possible argument that may be advanced that the present word “conservation” in the Act does not extend to such matters, as are set out in this definition proposed. Notwithstanding the fact that the ordinary dictionary meaning of the word conservation has been considered to be sufficient to include these matters which we are proposing in the amendments. Sub-section 1 also provides for a re-numbering of the new clause.

Sub-section 2 of Section 2 of the Bill adds a new clause (o) defining the word “utilization” and the definition of the word utilization is in the same terms as the definition conservation. This amendment is made for the same reason that conservation is included in the Bill as I’ve described earlier.

Now, Mr. Speaker, moving to Section 10, sub-section 1 of the Act. Under sub-section 1 of Section 10 of the Mineral Resources Act, we are providing for the Lieutenant-Governor-in-Council to make such regulations and orders not inconsistent with the Act as he deems necessary for the purpose of carrying out provisions of the Act, according to their obvious intent or to meet cases that may arise for which no specific provision is made.

The sub-section also provides specifically the regulations may be made for a number of specific purposes set out in clause (a) – (s).

Section 3 of the Bill adds four additional clauses, (t) to (w) which is sub-section 1 of Section 10, with respect to regulations which can be enacted by the Lieutenant-Governor-in-Council. In other words, it’s clarifying the regulation making power. Clause (t), for example, and specifically, provides for regulations being capable of being passed prohibiting the production of any mineral unless a producing licence is granted by the Minister in such form and subject to such terms and conditions as the Minister may deem appropriate. I won’t say this, but, the Members will know that there are production limits and orders made by the Minister now and always have been.

Clause (u) provides that regulations may be passed provided the Minister may refuse to issue a producing license. Clause (v) provides that regulations may empower the Minister to order a public inquiry for the purpose of inquiring into any matter deemed to be necessary or advisable for the administration of the Act for the regulations providing for the prohibition of the production of any mineral except by that authorized to a producing licence.

Now, Mr. Speaker, it was considered that in general words in sub-section 1, it was considered that the general words in this sub-section were wide enough to authorize The Potash Conservation Regulations of 1969, that were passed by the

former Liberal Government, which provided for a producing licence being issued in such form as the Minister may determine and subject to such conditions as the Minister might deem appropriate. It is considered advisable, however, to place this matter beyond question by adding these additional clauses to sub-section 1 of Section 10 in the Act. In other words we're saying it was felt and we have felt that the 1969 regulations were sufficiently broad to cover that, but, in order to clarify that we will be putting it into the Act.

The provisions are not limited to potash as the matter of production licences may arise with regard to minerals being produced in the Province other than potash.

Now, Mr. Speaker, with respect to Section 4 of the Bill. Section 4 of the Bill amends Section 11 of the Act by adding two sub-sections. Section 11 of the Act provides for the disposition of Crown mineral lands in accordance with the Act and regulations. The new sub-section 3 to Section 11 provides that any disposition of minerals shall be in such form and subject to such terms and conditions as the Minister may determine. This has always been considered to be the law under the Act, at all times. But as questions have been raised with respect to it, it's considered advisable in the interest of the people of the Province to make express provisions for this.

The new sub-section 4 of Section 11, the second amendment, provides that if the holder of a disposition of minerals made under the Mineral Resources Act or the regulations, contravenes or fails to comply with any provisions of the Act or the regulations or contravenes or fails to comply with any terms or conditions set out in the disposition or any production licence issued to the holder, with respect of a mineral covered by the disposition, then the Minister may cancel the disposition on 60 days notice.

The sub-section provides that the Minister shall not cancel a disposition if the default is remedied to the satisfaction of the Minister within a period of notice given to the holder or within such further period as the Minister may allow. A disposition includes a Crown mineral lease.

Now, Mr. Speaker, this involves a number of the leases with respect to the Province. In one particular lease the provision is similar to the provision for cancellation contained in the new Section 11, sub-section 4, except that there is provision in the amendment for the Minister to extend the period within which the default may be remedied. There is now provision for extension. I should say that the sub-surface mineral regulations of 1969 contain a similar, if not identical, (I guess similar would be the best way to describe the provision), for cancellation in Section 37 thereof. Again, lots of precedent for this in the Province of Saskatchewan.

Now, here again, Mr. Speaker, it is considered to be in the interest of the Province that provisions for the cancellation be made statutory and retroactive, in order to prevent it being open to misinterpretation or being argued that the regulations did not contain statutory authority or that the Act did not authorize the regulations in the formula lease, even though, it's always been assumed that that authority existed with respect to the regulations and leases.

Section 5 of the Bill enacts a new Section 11 (a), providing where the holder of a production licence authorized in the production of potash, contravenes or fails to comply with any term or condition of the licence, and the contravention continues for more than 30 days after being brought to the attention of the holder, the Minister may cancel the licence.

Now, Mr. Speaker, one company was advised of its failure to submit satisfactory schedule of production, it was advised more than 30 days later that unless the default was remedied the licence would be cancelled in seven days. The potash conservation regulation of 1969 contained a provision in sub-section 2 of Section 5, authorizing the Minister to amend, revise, or vary the allowable production allocated to any potash mine, with or without an inquiry, as he deems advisable to meet the changing circumstances and conditions. That is the way the regulations were worded.

Now in the case of this one particular company, the changed condition was that the company had failed to comply with the conditions of its licence and was producing at too high a rate. The Government considers the provisions for varying the production licence was wide enough to cancel the licence by reducing the production allowed to what had already been produced. But in order to make the power of the Minister absolutely clear, although we felt it was there in the potash prorationing regulations, the new Section 11 (a) has been included in the Bill to clarify that.

Section 6 of the Bill ratifies and confirms the amendment made to the regulations on March 19, 1970 under the former Liberal Government and provides for such ratification and conservation to be retroactive to July 1, 1970, being the date on which they came into force. It is considered to be in the interest of the Province that these regulations which were acted on by all the companies mining potash and which were stated by the Government of the day and by the potash industry to be so beneficial to the industry. It is thought that we should ratify these regulations and confirm them, those which were in the public interest, so as to remove any possibility that the courts would hold them to be unauthorized under The Mineral Resources Act.

Section 8 of the Bill provides that the regulations confirmed in Sections 6 and 7 of the Bill above, can be amended from time to time by the Lieutenant-Governor-in-Council, to again meet any argument that the regulations on being ratified and confirmed become statutory and cannot be amended except by statute. We don't simply accept that argument. I don't think legally that is one that can be advanced but one that shouldn't be perhaps advanced and, therefore, we are giving that argument to meet that as a condition.

Section 9 of the Bill provides that the amount of potash allowed to be produced in Saskatchewan, from January 1, 1970 and up to the end of the year, which commenced on the 1st day of July, 1975, from each of the mines, shall be deemed to be limited in the amount set out in the attached schedule (a) as to each company and for each period set out therein.

I want to emphasize this to the Members of the House. The amounts set out in the actual amounts that the companies were authorized to produce during each of the years since July 1, 1970, when prorationing came into effect.

This Section is made retroactive by Section 10 and quite obviously the purpose is to make it clear, the production allowed by each company is the amount set out in the schedule for each company and period set out therein. Those are the actual production amounts. This Section would, therefore, apply even though the regulations might be held by some legal interpretation to be beyond The Mineral Resources Act.

Section 10 of the Bill provides for the Act coming into force on the day of the Act and for Sections 2, 3, 4, 5, 6, 7 and 9 of the Act being retroactive.

Sub-section (2) of Section 10 of the Bill provides that Sections 2 and 3 of the Act are retroactive and shall be deemed to always have been part of the Act. These are the provisions dealing with the definitions of conservation and utilization and adding the four additional clauses that I referred to earlier, (t) to (w), I think, to the matters which are regulation making powers to the Cabinet.

As I said, Mr. Speaker, I want to emphasize the provisions are to be deemed always to have been part of the Act because the Act has been administered on that basis for some number of years now, that the two words had the means provided in the amendments, which are tendered here, and that the provisions of sub-section (1) of Section 11 of the Act were wide enough to authorize the regulations to take into account those four new clauses. That is the way the Bill has been administered by the Department.

Sub-section (3) of Section 10 of the Bill provides for Sections 4 and 5 of the Bill to be retroactive and for the new sub-sections (3) and (4) added to Section 11, and the new Section 11 (a) added to the Act, also retroactive and deemed always to have been part of the Bill. This is provided because it has always been considered that the provisions for regulations passed under the Act were wide enough to cover these matters as well. It is not considered to be in the interest of the people of the Province that the matter be left in doubt.

Sub-section (4) and (5) of Section 10 of the Bill provides for Section 6 and 7 of the Act to ratify and confirm the potash conservation regulations of 1969 and the amendments made thereto, which came into force on July 1, 1970, being retroactive to the dates they came into force in which the dates the Province promulgated these regulations on that date.

Sub-section (6) of Section 10 of the Bill provides that Section 9 and Schedule A, that is the production quotas, are the actual production quotas, enacted by Section 9 and providing for the limits from July 1 to June 30, 1976, are retroactive and deemed to have been in force from January 1, 1970.

Mr. Speaker, I have given a fairly elaborate, for a second reading speech, explanation of the Bill. I think when we get into committee we can discuss this in more detail as to the full legal implications, but I simply want to say, as Members will see, that in general terms the main purpose of these amendments is to clearly, by statute, clarify and to

ratify in almost all the cases the way the potash proration regulations were applied and implemented ever since 1969 and of how the Department viewed them. There are some areas where perhaps even amendments may not be necessary, strictly speaking, but it was felt that the explanation should be advanced and the matter should be put beyond doubt. These were laws which were promulgated by the Government of the day, laws which this Government has inherited and in their interpretation has lived with regardless of the other provisions that one may or may not argue about and that accordingly the position that we should be in is to put these matters beyond issue, if I can put it in that sense, and to tend to the clarifications which are set out here.

Mr. Speaker, with those words with respect to this Bill, I would move second reading of Bill No. 62.

Mr. Merchant: — Mr. Speaker, I suggest to you that what we have heard is one of the smoothest presentations by . . .

Mr. Speaker: — Order! I thought the Member was going to ask a question.

Mr. Merchant: — No, Mr. Speaker.

Mr. Speaker: — Then I will put the question.

Mr. Merchant: — As I was saying that what the Hon. Attorney General has done, in a very calm and collected manner, he has tried to slide by this House some very significant changes. Mr. Speaker, I will in one moment be asking leave to adjourn debate, but let me simply say that what this Act does is it tries to undo all that a lawsuit has done and is doing to the potash regulations and the way that this Government has chosen to use potash prorationing.

Mr. Speaker, the prorationing legislation, which this now amends, wasn't at any time intended to be used as taxing legislation. The Government is fond of pointing out that the prorationing legislation was brought in by a Liberal Government now defeated. The prorationing legislation was not designed to be used in a way that that Government has used prorationing. That legislation came under attack as a result of the Government taking a good idea in the first place and twisting it into taxing legislation. The legislation came under attack and, indeed, the Government lost the lawsuit and, indeed, that lawsuit now moving towards the Supreme Court of Canada, is a lawsuit which quite obviously the Government thinks that it will lose in the Supreme Court of Canada.

The Government had said that the prorationing legislation should be maintained as within the jurisdiction of the Government of Saskatchewan within provincial rights because it was basically conservation legislation. The Queen's Judge hearing the matter couldn't agree with that interpretation and, indeed, by this Act the Government demonstrated that they agree that it wasn't conservation legislation either. Now the Government comes back and says, we will define conservation. We have been doing it by regulations and we have had our hands slapped for that. The direction in which we were moving was an improper direction so the courts have said. So we will come

up with a new Act and we will define what conservation means and we will say, essentially for the purposes of the prorationing legislation, conservation shall include and then the Act goes on. What the Government is really trying to do is take the matter out of the hands of the court and say, it is no longer a matter of regulation, the court no longer has the right to view the matter because this House will have passed the legislation which defines what conservation is.

The Government, Mr. Speaker, is trying to undo what the lawsuit has done and that, Mr. Speaker, is the reason that they back date the legislation to the 7th of November 1969.

Mr. Speaker, I think it is a judge in Ontario who is quoted as saying the “the commandment, thou shalt not steal, applies to everybody and every business and every organization and association in Canada and in the world, but not to the legislators in Parliament of this country.” What he was referring to was the absolute power that a Legislature has. But it is an absolute power that has to be handled with care and an absolute power that this Legislature has with any other, has to handle with caution the rights of people and companies and with an ingredient of fairness and honesty.

We don't have a system by which a wrong can then go before the courts as it does in the United States and the judiciary can do away with what the legislative branch has passed. I suggest, Mr. Speaker, that that means that the Government exercising its majority has to be even more careful that they don't improperly use their power to undo what the courts are trying to do when the courts say this is fair or this is not fair. The courts of this land are about to say that the use by the Government of the prorationing legislation, as taxing law, is improper. They said it once and they are going to go on saying it and now the NDP will use their majority to say that the courts have no business in dealing with that matter, that the courts can't define what is fair and what is just and whether it is stealing or not.

The other major area, Mr. Speaker, that I propose to bring to your attention and to Members of the House, is that the legislation essentially gives to the Government the power to stop the production of any mineral resources; to stop the production for whatever reason that Government may chose. It is similar, for instance, to the legislation which allows the Government to close any business, for some days, and, Mr. Speaker, I don't think that is the kind of overall massive power that this Government should be taking unto itself.

Mr. Speaker, as I indicated earlier, for a number of reasons I don't, at this point, approve of the direction in which the Government proposes to go. I want to examine the comments of the Minister and I beg leave to adjourn the debate.

Debate adjourned on the following Recorded Division:

YEAS — 9

Lane	Cameron	Anderson
Wiebe	Nelson (Assiniboia-	Merchant
Malone	Gravelbourg)	McMillan
	Clifford	

NAYS — 6

Collver
Larter

Bailey
Berntson

Katzman
Birkbeck

Hon. N. Shillington (Minister of Co-operation) moved second reading of Bill No. 63 — **An Act to amend The Condominium Property Act, 1968.**

He said: Mr. Speaker, I have been around the horn many times with the Assembly on this particular Bill and I don't intend to take a lot of time developing the background for it. I think most of you are aware of the problem, it was discussed in Estimates as recently as a couple of weeks ago.

The problem is that there is believed to be a threatened wholesale conversion of apartments to condominiums to avoid the rent control legislation. It is believed that some level of government, should review these conversions to make sure that it is in the best interests of society. I think it is fair to say that all the provinces west of Quebec, including Quebec, have some control over the conversion of apartments to condominiums, because it does aggravate the shortage.

The approach that we have taken is that we have asked the municipalities, when granting their consent to the conversion of an apartment to a condominium, to inquire as to whether or not it will aggravate the shortage of apartments and if that answer is, yes, and I think it is likely to be, yes, in the immediate future, then the municipalities can exercise that jurisdiction how they see fit really, but we would expect that if it is going to aggravate the shortage of apartments they would say, no.

The other approach would have been to prohibit conversion of apartments to condominiums altogether. I suppose there might be some merit in that. It might then be a guaranteed solution that condominiums are not going to aggravate the shortage of apartments. You would be pretty sure of that. We chose this approach because we think that the local authority is in the best position to determine whether or not there is a shortage of apartments and whether or not a particular apartment should be converted. We believe that this is one of those areas where the local municipality, is in a better position to know than officials who might reside in Regina or one of the central cities.

Section 8 of the present Condominium Act requires that anyone who wants to convert an apartment to a condominium get the consent of the municipality. Currently the municipality can refuse to give their consent merely on two broad grounds. One, that is doesn't comply with the zoning by-law, secondly, they can refuse it if it isn't in harmony with the neighborhood, whatever that may mean. But the discretion granted to the municipalities is limited to refusing it on those grounds.

We will broaden the discretion, if this Act is passed, it will broaden the discretion, if this Act is passed, it will broaden the discretion of the municipality so that the municipality may refuse to give their consent to the conversion if the conversion will reduce the availability of rental accommodation in the area, if it will create a significant hardship for any or all of the tenants on the premises or if the building and the parcel or the physical characteristics

are considered undesirable for the conversion.

There are some apartments which could not be converted to condominiums because they are just not suitable for that type of affair. I think we can envision those apartments, it might be a small eight unit apartment which because of its make or location has a high transient population. Someone has got to be around a condominium, to manage a condominium to see that the halls are kept clean and the place is repaired and so on. You have got to have reasonable, fairly stable tenants to provide that core of managing. In the apartment I just described it isn't likely that there would be that core of management and that might be one because of its physical characteristics that could not be converted.

I think some of the people in the area have expressed a need for the municipality to exercise this sort of discretion as well. I suppose it might be done in a different way, it might be possible for the municipality to pass a zoning by-law which set out minimum requirements for condominiums but not all municipalities have those voting by-laws. We think the discretion granted to municipalities makes good sense in the present context.

I must say, Mr. Speaker, that I have discussed this at length in Estimates, I don't intend to go over it again, and I would recommend to the Assembly that this Bill be given second reading.

Some Hon. Members: — Hear, hear!

Mr. J.G. Lane (Qu'Appelle): — Mr. Speaker, I don't know whether it is fair to get up and say I told you so, I think it is fair. I find it somewhat strange at the outset to follow the Minister's argument that the local authorities should enforce the Rent Control legislation as they are the best ones able to decide whether or not there will be a shortage if conversion exists. I get the strange feeling that local authorities weren't asked whether they wanted the Rent Control legislation in the first place or not, now all of a sudden they are being given added authority or added duties. It is somewhat inconsistent, I think, in the Government's approach.

I should like to make it clear at the outset first of all that we in the Opposition brought this to the attention of the Government on several occasions one of which was in second reading of the Bill. Another occasion when it was debated most fully was in the Committee of the Whole. The Party Whip says he knew about it before that. Well, let me tell you why didn't he bring in the legislation properly at the time instead of tying up the House at the last minute and bringing it in at the last minute and having another debate. If you were trying to run a good Government and an effective Government and an efficient Government, I wish you wouldn't run away and hide like the Minister of Health, you certainly wouldn't be bringing in this type of governmental house practice which means you can make mistakes, you can make blunders, you can do whatever you want, poorly drafted legislation, and then decide after that, well, we'll come back and correct it, we'll go through the whole exercise all over again.

You know it is a strange thing, Mr. Speaker, the Opposition gets criticized for not being positive and yet time after time

after time we bring constructive criticisms into Bills of the Government and legislation proposed by the Government, and because the Opposition, no matter which party, the Conservatives or the Liberals, propose a constructive change, it is turned down and voted down like this particular proposal was at the time of the Bill, because the Opposition brings it in and for no other reason. Mr. House Leader that is not good government, that is bad government and this is not a good way to run this House, it is a lousy way to run this House and I say with all respect that the Attorney General knew full well at the time as House Leader the Minister responsible for this Bill, that this problem did exist and could exist and could very easily have been taken into account.

Now, Mr. Speaker, I am a little disappointed in the Minister when he says that we are giving this discretion to local government. But make no mistake that this legislation doesn't give discretion to local governments or local authorities, it is mandatory, it is a requirement of local government that they now start to operate and enforce one major aspect of the Rent Control legislation. It doesn't just give them the right to refuse an application for conversion to condominium units, it requires the local government to take into account whether or not the conversion will reduce the availability of rental accommodation. In other words this Bill imposes upon local authorities the duty to go out and find out what the rental accommodation is in the area, whether or not it's only this particular application, and there could be many applications, and it is going to have to be done in each and every case, is it going to reduce significantly the availability of rental accommodation.

I don't know what the cost is going to be to local governments to enforce this but I'll bet you it is reasonably high and it is a cost that is being imposed from the top by the Government opposite on local authorities and I really wish, Mr. Whip, that you and your party and your Government had the political foresight and courage to put this in your own legislation and operate it yourself instead of putting this added burden on local government. I think it is unfair, I think this legislation is unnecessary and I think the actions of the Government opposite in refusing and stonewalling constructive criticism by the Opposition party is something to be condemned, it is something that, as I say, is not good Government practice.

I again have a great deal of surprise as the Minister keeps saying discretion, discretion, discretion, because does that mean either he is pulling the wool over our eyes with this type of Bill, or he himself doesn't understand The Condominium Property Act of 1968. Because this Bill is not just a discretion that local governments may take into account if they want, if a certificate allowing conversion, or allowing a condominium unit is to be granted then the local authority must do a study, do a survey, to see whether or not there is a reduction in the availability of rental accommodation. The local authority must, and it has no choice, try and determine and hold an investigation as to whether there will be significant hardship for any or all. Now that is a pretty broad statement, for any or all tenants of the existing premises. If one tenant decides he doesn't want to see this converted to a condominium then he can hold up the condominium plan no matter whether the local authority think it is a good idea or not. And you have given veto power to every single tenant in the Province of Saskatchewan. And this is what this Bill does.

Thirdly, the local authority must then make the subjective decision whether the particular building has the physical characteristics considered necessary by the local authority to make the premises suitable for conversion. Now I don't know what subjective criteria are going to be required but I venture to guess that if a reasonable approach is taken by local authorities and this Government decides that that still is going to hinder the Rent Control legislation, that they will impose further changes on local authorities. I think, Mr. Speaker, that this is bad legislation. It takes away the discretion of condominium conversion from the developer or the owner, the one who should have the right to decide whether he wants to have a condominium or not and in fact the authority is imposed on local government, the added cost is imposed on local governments, the added duties are imposed on local governments and I think that is an unfair practice by the Government opposite.

Mr. Speaker, I don't like the actions of the Government in the way they have handled this legislation. That of itself is not grounds for opposing this Bill, but the fact that it is bad legislation and unfair legislation are certainly grounds for opposing this Bill. Mr. Speaker, I will have more to say and beg leave to adjourn debate.

Some Hon. Members: — Hear, hear!

Debate adjourned.

The Assembly adjourned at 5:28 o'clock p.m.