

**LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**  
**Third Session — Eighteenth Legislature**  
**50th Day**

**Monday, May 2, 1977**

The Assembly met at 2:00 o'clock p.m.

On the Orders of the Day

**WELCOME TO STUDENTS**

**MR. R. A. LARTER (Estevan):** — Mr. Speaker, I should like to introduce through you and to this House on behalf of the Member for Souris-Cannington (Mr. Berntson), a group of Grade Five and Grade Six students from the Manor School. Manor, of course, is very close to the famous Cannington Manor of the early days. The teachers are Lynn Northworthy, Mrs. Roland and the chaperons are Mrs. Allendack, Mr. Rowley and Mrs. Henmarsh. I will be meeting with them later for drinks and pictures. It is our hope that you have a very good day and enjoy the Legislature and we wish you a safe journey home afterwards.

**HON. MEMBERS:** — Hear, hear!

**QUESTIONS**

**FIRST MINISTERS' CONFERENCE**

**MR. E. C. MALONE (Leader of the Opposition):** — A question to the Premier. I believe we are all aware that the First Ministers' Conference for the western provinces is coming up later this week. My question to the Premier at this time is to ask him whether or not he would be prepared to take the initiative at that conference to determine a common front or a common policy for the western Premiers and the western provinces in dealing in future days with the Government of the Province of Quebec? I think - if you will just indulge me for a moment, Mr. Speaker - we should well remember that while Quebec has been asking us for assistance, that is, in this province for things like SGIO, we as western provinces are also in a position of dealing with Quebec and sending them certain things like energy resources. I understand that most of the beef cattle from western Canada go to Quebec. There are several trade arrangements between these provinces in the West and the Province of Quebec. I think perhaps at this time it would be fitting for the provinces to come up with some united front as to future dealings with the Province of Quebec and that Government and I am wondering if the Premier would take the initiative at the conference coming up to bring this to the attention of his colleagues and to devise some sort of common policy that they would have?

**HON. A. E. BLAKENEY (Premier):** — Mr. Speaker, the four western Premiers will undoubtedly be giving attention to the subject raised by the Hon. Member. In effect he raises two subjects, or a subject which might be divided into two categories. Firstly, what will be the stance taken by the four western provinces in what I might call ordinary governmental relations with the Government of Quebec, and secondly, what will be the stance or stances of the four western provinces, with respect to any proposals that the Government of Quebec may put forward to change the nature of the Canadian federation.

With respect to the second item, it will certainly be discussed as an agenda item. There is an agenda item dealing with "the state of confederation" and I know well that that question will be the range of discussion.

With respect of the first item it will undoubtedly arise as it does in a more informal way, when we discuss how each of us is handling this or that situation.

Accordingly, to the question asked by the Hon. Member, I think the answer is. Yes, I intend to be raising the larger or second question formally and I had intended to raise the first question informally. I will give him the answer that these will be raised.

**MR. MALONE:** — A supplementary question, Mr. Speaker. I think it is important - if I can just preface my question, Mr. Speaker - that there be a common front of some kind developed and it is of concern to this side of the House and, indeed, I think perhaps to all Members of the House that there is an appearance and I stress the word 'appearance' developing that the NDP Governments of Manitoba and Saskatchewan appear to be helping Quebec with certain of their aspirations in that they have been . . .

**MR. SPEAKER:** — Order! I must caution the Leader of the Opposition that he is getting into an area that is obviously going to invite debate. I don't know how the Member can say that without concluding in his own mind that there is bound to be some invitation to debate on the matter and I wonder if he could get to the nub of the question.

**MR. MALONE:** — If you would let me get to the nub of the question then, Mr. Speaker. We are worried about an appearance being given of governments co-operating with the Government of Quebec and I stress the word 'appearance' not reality. So my question to the Premier is, would he not agree that this could be a dangerous type of operation if it is perceived by other people in Canada as co-operating with Quebec and, indeed, does it not make it more important than ever that all provinces of western Canada come to some kind of common front that I have indicated before and as soon as possible after this meeting make some announcement as to future dealings with the Government of Quebec and with the Ministers of that particular government?

**MR. BLAKENEY:** — Mr. Speaker, I think that the governments of the four western provinces along with the governments of the other provinces in Canada, excluding Quebec, are walking the same line. It is clear that we cannot give an appearance of rejecting the Parti Quebecois Government of Quebec since that will feed the fires of separatism. Similarly we cannot give the impression that we are acquiescing in the separatist aims of the Parti Quebecois since none of us do and we would want to make that clear to the people of Canada that we do not. This difficulty has been addressed by a number of Premiers, notably Premier Davis who would face the issue most quickly and most strongly. He has indicated that he will accord to the Government of the Parti Quebecois the normal relations accorded to any duly elected provincial government in Canada while strongly stressing that he does not in any way acquiesce in the separatist aims of the Parti Quebecois. I think that is a fair statement of the position

of Premier Davis and I have tried to say the same thing. It seems to me that other Premiers have done the same, because it is a line that one walks with some anxiety.

I agree with the Leader of the Opposition that if it is possible to get a formulation that would be accepted by four Premiers it might well be useful.

**MR. MALONE:** — I think that the main problem coming up now is the language paper in Quebec and the legislation on that. May I ask the Premier, Mr. Speaker, will you be putting any representation to the First Ministers' conference of the prairie provinces and the western provinces as to a common front in connection with that particular legislation, and indeed whether you will be asking Ottawa to look at the legislation with the possible view of disallowing it as being bad for the peace, order and good government of Canada?

**MR. BLAKENEY:** — We have not reached any position which we are prepared to put forward. Obviously this will be one of the items which will be discussed by the four western premiers. I have no position to put forward and will accordingly not be putting forward a firm position on Bill 1 or the White Paper on language. That is a matter of very considerable delicacy so far as disallowance is concerned. The Prime Minister has already made a statement on that. In this regard it would have to be he who makes that judgment. I hesitate to try to do any grandstand quarterbacking on that subject for the benefit of the Prime Minister who is clearly better able to grapple with it than I because of his position and because of his personal knowledge. It may well be that the four Premiers will be able to reach some conclusion with respect to it. It will be discussed. I can't say to the Hon. Member that we will arrive at such a conclusion.

**MR. J. G. LANE (Qu'Appelle):** — Final supplementary, Mr. Speaker, to the Premier. I had asked the Premier a couple of weeks ago about the possibility of the Government of Saskatchewan studying the economic implications of separation by Quebec. I believe you indicated that that was a matter of consideration. I would like to take it a step further and say, would the Premier raise, at the conference the possibility of working in concert to formalize the study of western provinces and separation and what position economically they should take, whether there can be any concerted action? I believe in the past we have had the ability of the provinces to work together, for example, the veterinary college and formalizing the type of study I think would be in order. I think the Premier would agree with me that to be caught with separation and not having prepared ourselves or having options available to us would be certainly a matter of poor judgment by all concerned, should that situation rise. Would the Premier consider some type of formalization of studying the implications of separation for western Canadians?

**MR. BLAKENEY:** — I want, before answering the question directly to make clear that I am not interpreting the question as meaning our province or the four western provinces turning out a set of figures on the impact on Canada and Quebec of separation, not a set of figures like the Tremblay ones or the Darcy McKeough ones or the Federal Government ones. I did not take that to be the thrust of the Hon. Member's question. I took it to be rather what would be the effect on either Saskatchewan or the four

western provinces, of the separation of Quebec from the rest of Canada. That is, I think, an area where a study would be more fruitful than the ones I referred to earlier. Some relatively informal work has been done on the basis of which I have made statements to the effect that I think that the sovereignty association, the formula put forward by Mr. Levesque would have very little appeal for western Canadians.

No decision has been made to have a joint study, but it is certainly worthy of consideration and I undertake to the Hon. Member that I will raise it.

## **FREIGHT RATES**

**MR. S. J. CAMERON (Regina South):** — I want to direct some questions as well, Mr. Speaker, to the Premier in connection with the upcoming western Premier's Conference.

Transportation, I gather, will be one of the topics to be discussed. I want to ask the Premier whether in view of two facts (a) that we in this part of the country pay freight rates in respect to some products 200 to 250 per cent above cost, and, (b) that the Federal Government at the moment doesn't have the direct power to set freight rates, but relies instead on competition, will the Premier be seeking a sort of common ground among the Premiers to support the empowering of the Federal Government directly to set minimum and maximum freight rates particularly in this part of the country?

**MR. BLAKENEY:** — Mr. Speaker, I don't know whether that will arise. We would have no reasonable expectation that anything will be done on the basis of what the four western Premiers thought about freight rates. Our position on that was made with great clarity at the Western Economic Opportunities Conference, with great unity. Our belief is that the National Transportation Act of the 1960s and the whole concept of competition as an appropriate measure for freight rates, are wrong and that we believe that the transportation system ought to be used as the basis for regional development.

That thesis has been put at that time and many times since to the Federal Government. We find the current Minister of Transport showing no sympathy for that position and accordingly, while we may put it forward once again I would think that while the current Minister of Transport retains that position, we will not attain any success in pursuing what I think is a laudable objective.

**MR. CAMERON:** — Let me ask the Premier a supplementary. Does the Premier propose to suggest to the other Premiers or himself support for Bill C33, which are the amendments now before Parliament which would empower the Federal Government directly to set maximum freight rates in western Canada, to get away from the business of the railways charging on the basis of competition, rates 200 to 250 per cent above cost? Do you support the amendment to the Act, which is now before Parliament, which would give the Federal Government that direct power?

**MR. BLAKENEY:** — The answer to that is while we think that that Bill is insufficient, we support the additional powers to be given by

the Federal Government and I would be surprised if any one of the four western governments did not support it.

**MR. CAMERON:** — One last supplementary. There is another area that the Premier, I am sure will be aware of, that was raised at WEOC and that is the long-haul, short-haul freight anomaly situation. Bill C33, again, before Parliament has a direct section in it empowering the Federal Government to overcome those long-haul, short-haul anomalies, but there have been representations in the past, in British Columbia that a certain variety of exceptions may have to be carried forward and accepted, in effect, from a general rule that we shouldn't have long-haul, short-haul anomalies. My question is, will the Premier be raising that one at the conference in an attempt to seek the support of the Premier of British Columbia, at least, to come to grips with those long-haul, short-haul anomalies in the way that Bill C33, that is now before Parliament, proposes to do and that is by empowering the Federal Government directly to take a hand in coming to grips with those rates?

**MR. BLAKENEY:** — Mr. Speaker, I can try that. The previous Premier of British Columbia was persuaded by our arguments prior to the Western Economic Opportunities Conference of the merits of this. He was prepared to make the unified approach that was seen at Calgary at the Western Economic Opportunities Conference. We will support those proposals as contained in the proposed federal legislation. Whether or not I will be as persuasive with the current Premier of British Columbia remains to be seen. We find him a little less sympathetic to the problems of the prairies than the previous Premier.

#### **PASTURE LANDS IN REGIONAL PARKS**

**MR. R. H. BAILEY (Rosetown-Elrose):** — Mr. Speaker, I should like to direct a question to the Minister of Tourism and Renewable Resources.

On Friday, last, I asked the Minister of Agriculture a question, in your absence, regarding the acres, the thousand of acres of pasture land, the former pasture land that has been associated with regional parks and the Minister of Agriculture at that time explained that he would be working with your department and on a one year basis only to extend the former grazing privileges to these lands. Due to the lateness of the season and the obvious emergency measures, have you had an opportunity to discuss the question with the Minister and can you provide me with any information as to when we can expect some announcement as to the opening of these lands again?

**HON. A. MATSALLA (Minister of Tourism and Renewable Resources):** — Mr. Speaker, I didn't have an opportunity to discuss this question in any detail with the Minister of Agriculture, but I do want to say that many of the lands outside the core area of our parks are presently under lease, particularly in the Cypress Hills Park and the Moose Mountain Park. In those areas there are livestock associations which pretty well control the grazing in the park areas. In assessing the available grazing land in these two parks and several other parks, the grazing area is pretty well to capacity at this moment. Nevertheless there might be some possibility of providing some of this area for haying purposes, that is the harvesting of hay. But up until

this time I cannot tell you, very definitely, just how much land there is available. Nevertheless, we are looking into it to see just how much land is available for, not only grazing, but for fodder purposes as well.

**MR. BAILEY:** — A supplementary question, Mr. Speaker.

Mr. Minister, I am referring to the land, not the lands presently with grazing leases, but rather lands which were once Lands Branch land, but had been surrendered to your department and are no longer being used for grazing privileges. What I am asking is, are these lands going to be reopened, or released for grazing privileges for this year only, because I think and I am not referring to the larger parks, I am referring to the smaller parks where there are two and three sections of land surrounding each one, in many cases have been turned to your department and I am asking that these are the lands that be reopened for this year?

**MR. MATSALLA:** — Mr. Speaker, any of the lands that have been taken over or transferred to our department from Agriculture, were certainly transferred for the purpose of recreational need. If these lands are available and there is a possibility of providing them for grazing purposes, we are certainly going to look into it.

### **DROUGHT CONDITIONS IN SASKATCHEWAN**

**MR. L. W. BIRKBECK (Moosomin):** — Mr. Speaker, a question to the Minister of Agriculture. Mr. Minister, southern Manitoba drought conditions are similar to the existing drought conditions in Saskatchewan and in light of the fact the Premier of Manitoba and his government have already announced plans to feed and water that province's livestock industry as the condition worsens, what plans, Mr. Minister, are you preparing in this province to assist our livestock industry as the drought conditions worsen here day by day?

**HON. E. KAEDING (Minister of Agriculture):** — Mr. Speaker, an inter-departmental coordinating committee has been set up within the Government to look at the problem of what we might do in terms of providing additional grazing and water supplies if the situation demands. That committee has, is at the present time making an inventory of what kind of land we might have available, where we could get extra pasture and so on. The committee is now working on that.

**MR. BIRKBECK:** — Supplementary, Mr. Speaker. As you would be aware, the Manitoba Government plans to move parts of its herd at least in the southern part of the province, to the northern part of the Province of Manitoba, in particular to the South Saskatchewan River area, north west of The Pas. Would this committee be studying the feasibility of locating possible lands in Saskatchewan and if not enough land could be located in Saskatchewan possibly an arrangement between Manitoba and Saskatchewan to move part of our cattle herd into Manitoba into that same area, would that be conceivable?

**MR. KAEDING:** — Yes, Mr. Speaker, the committee is looking at the proposition. I think you will recognize though that that is not

an easy proposition to move livestock from the southern part of the province into an open area in the North. There are no fences, no corrals or anything up there and it might be very much more reasonable to save that area for forage and try to get machinery up there to cut forage for livestock this summer and move the forage down rather than try to move livestock up there, because it would be pretty difficult in many areas to try to contain cattle if there is no range, no fences or corrals or anything to handle them. And to set them up for a one year basis would be very expensive. With regard to the other provinces, there will be discussion at the Premier's conference in that regard with other provinces as to how we can co-ordinate our activities and bring the most resources to bear on the total situation.

### **TRADE UNION WITH QUEBEC**

**MR. E. F. A. MERCHANT (Regina Wascana):** — Mr. Speaker, again to the Premier. Mr. Speaker, as you will be aware the Government of Ontario has very clearly indicated that it would be unalterably opposed to a trading union. I wonder whether our Government agrees that a trading union of any form with the Government of Quebec, if unfortunately there were a separation, would be appropriate and I wonder if the Premier would agree that it would be valuable to have a clear statement from the four prairie provinces to the Government of Quebec indicating that a trading union would not be possible, because I suggest to the Premier that to some extent the Quebec people are being conned into believing that that may be possible because of the appearance of co-operation by the two NDP Governments in Saskatchewan and Manitoba?

**MR. BLAKENEY:** — Mr. Speaker, I think that the last comment by the Hon. Member demonstrates his lack of study of the issue. I have had the opportunity to speak in Montreal. I did so about three weeks ago. I said with some precision and clarity. I was addressing the question of the sovereignty association proposal. I indicated that if association meant a customs union or a tariff union, as it appears to mean, then I felt this proposal would have very little appeal to western Canada. I am pleased to say that this got extensive press coverage. I would be happy to provide the Hon. Member with the headline on the top of page one of *Le Devoir* which announced that point of view. That is perhaps a better place to have it than in this House, since the object was to convey something to Quebec voters and to Quebec people. That has been stated as the position of the Government of Saskatchewan. I stated it again yesterday at Kingston and heard it this morning on the CBC news as quoting me to that effect. I think that our position has been made clear and indeed was clear before other people such as Premier Davis made their statements.

**MR. MERCHANT:** — Supplementary, Mr. Speaker. I again then ask the Premier whether it would not be valuable in the sense of the view of Quebec voters for a formal and public statement to be made by the four western provinces to the same effect? I am, of course, well aware of the Premier's view and I also wonder whether the Premier would not agree with me that the two NDP Governments of the West appearing to be co-operating more with the Government of Quebec than other provinces makes it appear perhaps improperly to the Quebecois that some form of co-operation might follow after separation, if that took effect? I wonder, lastly, if the Premier would agree that his having said that he was pleased, or words to

this effect, pleased that a left leaning style of government was elected and Premier Schreyer having said similar things, has again left the impression among Quebec people that some co-operation from this part of the country would be possible and it makes it easier for the PQ to con their people into believing that a post-separation union might be possible?

**MR. BLAKENEY:** — Shortly put, the answer is, No, I do not agree with that. I think a stance which says, "Yes, we will co-operate with you as a province of Canada like we have co-operated with any other government in the province of Canada but if you separate we don't want to deal with you," doesn't encourage anyone to separate. And anyone who can contort that stance as a support for separatism is someone who is looking for distortion.

### **BAYDA COMMISSION BRIEF**

**MR. R. KATZMAN (Rosthern):** — Mr. Speaker, a question to the Premier. This morning at the Bayda Commission, the Saskatchewan Power Corporation presented a brief. In it the words were stated:

future use of uranium for source of fuel for the production of electrical energy in the Province of Saskatchewan.

Does that mean that the Power Corporation is going to be building a nuclear reactor in this province? Is that your party's policy?

**MR. BLAKENEY:** — I have not seen the brief presented by the Saskatchewan Power Corporation. I was surprised to hear that they presented a brief this morning, but it may well be so. With respect to the position on nuclear power, it has been stated on many occasions and it will be stated in another brief, and the Saskatchewan Power Corporation brief, I believe, makes it clear that there are no plans to build any nuclear reactors in Saskatchewan, and the planning indicates that it is really not appropriate to consider such action for twenty years at least, if then.

**MR. KATZMAN:** — A supplementary, Mr. Speaker. In the final end of the brief it says later in this century you intend to build one.

**MR. BLAKENEY:** — Mr. Speaker, will the Hon. Member quote the brief. No one can reply to three words quoted.

**MR. SPEAKER:** — Order! I think we are going to cease that line of questioning on that particular item for an obvious reason which relates to the rules of the Question Period. I will take the Member for Shaunavon.

### **PROPOSED GRASSLAND NATIONAL PARK**

**MR. E. ANDERSON (Shaunavon):** — Mr. Speaker, I should like to direct a question to the Minister of Tourism and Renewable Resources. I believe you met with the federal Minister on the proposed Grassland Park. Has any decision been made to go ahead or not go ahead with the park?



**HON. A. MATSALLA (Minister of Tourism and Renewable Resources):** — Mr. Speaker, that is true. I met with the Hon. Warren Allmand on Friday. We had a very good discussion with respect to the whole area of the establishment of the proposed Grassland National Park. I might say that we have come to see eye to eye on quite a number of the items with respect to this development. However, there are at least four areas that are still unresolved and I should like to mention these four areas. One of them is the compensation to the rural municipalities for the loss in the municipal tax base. Another one is with respect to the cost sharing that hasn't been firmed up. The third one is with respect to the continuation of controlled grazing in the park area. Then the fourth one is the transfer of lands from the Federal Government to the Provincial Government in place of the lands that are going to be used for the park area.

**MR. ANDERSON:** — Supplementary, Mr. Speaker, to the Minister of Tourism and Renewable Resources; is there a deadline being set as to whether the park is going to go ahead or is it not going ahead so that the people in the area are not left in limbo on it for a longer period than it has been?

**MR. MATSALLA:** — Mr. Speaker, an announcement was made earlier, a joint announcement by Mr. Allmand and myself that the deadline date for the decision is going to be June 30, 1977. If we are able to make a decision earlier than that then the announcement would be made as soon as possible.

#### **CONDITION OF TRACKER AIRCRAFT**

**MR. G. N. WIPF (Prince Albert-Duck Lake):** — Mr. Speaker, last week I was questioning the Minister of the Department of Northern Saskatchewan on the use of the Tracker Water Bombers in fire fighting. On the weekend I noticed in the paper that there had been some mechanical difficulties or lack of training of pilots. What is the position of these aircraft now? Are they serviceable and are they ready to go out and be used on firefighting patrols?

**HON. G. R. BOWERMAN (Minister of Northern Saskatchewan):** — Mr. Speaker, I can't give precise or specific answers with respect to the Tracker aircraft. There are six of them, and there are other aircraft in service, forest fire control services in the North. I wouldn't be able to give a detailed description of each aircraft as to whether it's serviceable today or whether it was serviceable yesterday or might be serviceable tomorrow or three or four days ago. All I know is that the Tracker aircraft and other fire control aircraft under contract and otherwise, have in my opinion, been placed ready for service. As the hours are used I suppose that from time to time there may become one or two or more of them at some time or another that will have to go in for service and repair. I believe every 50 flying hours they have to go in for service. There may be other mechanical requirements that are needed to the aircraft in the interim. I can't be sure unless you would give me a specific aircraft, I can't be sure of an answer to that question, Mr. Speaker.

## STATEMENTS

### BAYDA INQUIRY

**HON. N. E. BYERS (Minister of Environment):** — Mr. Speaker, I should like to make a brief statement concerning the operation of the Bayda Commission.

Mr. Justice Bayda, Chairman of the Cluff Lake Board of Inquiry, has referred to me for consideration, proposals from some interest groups that the reporting date for the Inquiry Board be extended beyond November 1, 1977. The groups requesting an extension of the reporting dates state that they do not have the resources or time to become fully acquainted with the Cluff Lake project proposals and the broader issues of uranium development and to prepare submissions for consideration by the Board. Other groups including those from the Uranium City area oppose an extension, stating that they believe the issues are clear and that a delay would have adverse effects on northern development.

In weighing the pros and cons of an extension, one must recognize certain facts. 1. The environmental and health and safety assessment reports on Amok's Cluff Lake development proposal have been available for public review for some months. 2. The public has been aware since late December of last year that a Board of Inquiry would be appointed and that the Board would not only be reviewing and hearing submissions on the Cluff Lake project but on the broader implications of uranium development as well. 3. A number of public interest groups were studying these broader implications, well before the establishment of the Board, and indeed some have already made submissions directly to the Government of Saskatchewan. 4. The Department of the Environment has announced that financial assistance would be provided to those groups which required it in order to study to prepare submissions to attend hearings of the Board and to present their submissions. 5. An extension of the Board's reporting date would have an unsettling effect on the uranium mining industry in general, in northern communities in particular.

The industry and northern people accept the need for detailed assessment of major development proposals, followed by public review of the adequacy of the measures proposed to safeguard the health, safety and environment. They are co-operating with the Board of Inquiry regarding the broader issues before the public and the Board. However, they are anxious that these broader implications be addressed as expeditiously as possible so that the Board can make its recommendations to the Government and the Government can make the final decision whether it is in the public interest that uranium mining be expanded in Saskatchewan.

I have reviewed the proposals for extension of the Board's reporting date. I have discussed them with my Cabinet colleagues. After careful consideration of the pros and cons it is the Government's decision that the reporting date for the Cluff Lake Board will not be extended beyond November 1, 1977.

I am impressed with the number of organizations and individuals who intend to make their views known to the Board. I believe the Board will receive a good cross-section of views on both the Cluff Lake mine proposals and on the broader issues. I am advised by Dr. J. A. Brown, Chairman, of the committee reviewing applications for financial assistance that a large number of groups have applied for funding and that additional money will be

needed to meet the legitimate needs of these groups. I have advised Dr. Brown that the Government through my department, will provide additional funding beyond the \$50,000 already committed. I haven't advised the Board of Inquiry that should they need additional financial support to complete their very thorough and wide-ranging public hearing and detailed review process, that additional financial resources will be made available to them.

In conclusion, I repeat the request which I made to Saskatchewan citizens when I first announced this Inquiry. The public of Saskatchewan has an opportunity to make their views known, and I again urge all interested groups and individuals to take fully advantage of this opportunity.

**MR. MERCHANT:** — Mr. Speaker, I think this is an important area. I am not sure that it is so important as to merit a Ministerial Statement of that length, but let me make one brief comment about it. The comment is not much different from that which I made to the Premier by way of a question some time ago.

We believe that the Inquiry in large part is being run as little more than an appeasement to the environmentalists. The scanty amounts of money that have been put forward even if increased seem to support that view. There are so many groups that they can't possibly have the help of lawyers and engineers and physicists so that they are able to come before the Bayda Inquiry with the same kind of expertise that the industry brings before the Inquiry.

Mr. Speaker, my suspicion is that the Inquiry will result, properly so, in a finding that uranium development is safe. But that is only my suspicion. I say to you, Mr. Speaker, that I don't believe that the Inquiry is being given the tools to hear the other side because the environmentalists are not being given the financial assistance to which they are, in fact, deserving. We believe there is tremendous potential for growth in the North, and that if that potential can be realized in a safe way that by all means Saskatchewan should be moving ahead in the North, that we may well be the world leader in uranium development.

It all comes back, Mr. Speaker, to what I said to the Premier that they should not have combined inquiry in the specific case with this broader inquiry, that the Cluff Lake development should have proceeded or not, based on the more brief and succinct inquiry that has always existed under the Act. And a broader inquiry should have been conducted by Bayda or someone else which would have looked into the questions of safety of the industry as such. We consider it improper that Cluff Lake is delayed and so does the Government, and for that reason, Mr. Speaker, we now hear the Minister when he knows full well that the environmentalists are not being given the time or the resources to properly marshal their arguments as they did for instance, in the Fox Inquiry in Australia which took a far greater length of time, that the small inquiry and this broad inquiry should not have been combined. The industry should have been able to proceed with the safety afforded by the brief and small inquiries as it always was and a broader and more complete inquiry should have proceeded without the moratorium that the Government had proclaimed.

**MR. R. KATZMAN (Rosthern):** — Mr. Speaker, as one who has been attending the Bayda Commission, I am very disappointed to hear that an extension will

not be given. It is unfortunate that those who wish to prepare briefs, either pro or con, do not have the opportunity. I am glad to see there will be a little more funds available, to present briefs because of time. At the Bayda Commission they have informed the people that there are effects that can last up to over 2,000 years in this province. Yet, you are not willing to give them at least one more year to do their study.

## SECOND READINGS

**HON. G. T. SNYDER** (Minister of Labour) moved second reading of Bill No. 93 - An Act to amend The Workers' Compensation Act, 1974.

He said: Mr. Speaker, we have before us an Act which seeks to do two things. It proposes to raise pensions for those on Workers' Compensation and it also contains housekeeping amendments which have become necessary for practical and administrative purposes.

I think the proposed pension increases will not come as a surprise to the Hon. Members who are in touch with the problems of living in today's inflationary climate. Pensions it will be remembered were increased on January 1, 1974. The cost of living has risen substantially since then. In other words it costs all of us a great deal more to live in 1977 than it did in 1974. A great many people in Saskatchewan are well aware, Mr. Speaker, that this Government has in the past brought about changes in Workers' Compensation which have made this province a model in the field. Present amendments continue that admirable tradition.

In many ways our Government inherited something of a nightmare when we were elected in 1971. The income ceiling for which workers were covered, was unrealistically low, benefits were shamefully low and there had been no pension increases or they had been so small that they were insulting to all of our citizens, not just those who were the victims. Then to top it all off, Mr. Speaker, the assessment rate on employers had actually been reduced over the years until the fund itself was in such poor shape that it was going to strangle the whole Workers' Compensation Plan, very soon.

Upon election we took immediate action, Mr. Speaker. We appointed a new board of outstanding quality and ability. As well we increased the ceiling under which compensation was payable, so as to give the worker a better level of coverage. We also appointed a Workers' Advocate who was responsible for assisting injured workers in bringing their claims before the Workers' Compensation Board. We also appointed a Task Force, Mr. Speaker, to carry out the most extensive study into Workers' Compensation that had ever been done in the Province of Saskatchewan. As many here will know, that Task Force held public hearings at which all interested parties were invited to present their views. It heard literally hundreds of people/employers, employees and others. The complaints and the frustrations came forward in torrents, Mr. Speaker.

In 1973, the Task Force came out with a set of recommendations, most of which were put into effect shortly thereafter. However, I think it has to be said that 1974 was a banner year in so far as Workers' Compensation in Saskatchewan was concerned. At that time a major rewriting of the Act resulted in the present legislation. One of the many important things it did was link the income ceiling for which workers were covered to the actual earnings of workers who had submitted claims to the board. This

May 2, 1977

provision has now seen the income ceiling rise from a level of \$6,600 per year, under the former regime to its present realistic ceiling of \$16,000 per year. This, Mr. Speaker, is an example of the rational approach which has made Saskatchewan a leader in the field.

We didn't forget the previously disabled workers, of course, nor did we ignore the dependents of those who had received fatal injuries on the job. The disabled received an increase equal to two per cent of their monthly cheque for each year they had been on compensation and benefits were increased to dependent spouses and dependent children as well.

In addition to this, Mr. Speaker, a new method of computing compensation was introduced which allowed workers to have their best possible earnings used for purposes of calculating their highest compensation entitlements.

We also wrote in a clause which gave the benefit of the doubt to the injured worker in any case where there was some question.

These are only a few of the improvements we made, Mr. Speaker. I think it's fair to say that the significance of the 1974 Act is second only to the original Workers' Compensation Act in the history of this kind of social insurance.

In 1974, increases in pensions were expensive needless to say. As I mentioned earlier, we found ourselves taking over a very seriously unfunded compensation scheme which required an immediate transfusion of some \$6.5 million out of the public purse just to keep it alive. We provided this without hesitation because of our genuine commitment to the philosophy of Workers' Compensation. I'm proud to say, Mr. Speaker, that that contribution supplemented by adequate legislation and many administrative changes has given Saskatchewan the best funded Workers' Compensation scheme in the whole of Canada.

We've done all of these things, Mr. Speaker, because we believed in the need for this kind of insurance. A social contract was made between employers and employees at the time of the implementation of Workers' Compensation back in the 1930s. The focus of that social contract may have grown a little dim between 1964 and 1971, but it's always been there. Employers for the most part have seen it as both a right and a practical way to pay their fair share in support of those who have sustained an industrial injury on the job.

Let me take a few minutes then, Mr. Speaker, just to outline the changes that we are presenting in this amending legislation today.

The increases in benefits which we are proposing cannot correct all of the mistakes overnight, but I believe they do go a long way towards keeping up with the rapidly increasing cost of living in our inflationary economy.

Mr. Speaker, for workers who are totally and permanently disabled, we are proposing that pensions be raised by \$80 a month. This means that a person who is disabled at a rate less than 100 per cent, say 50 per cent for example, that his pension or her pension would be increased by that portion of \$80, in that particular case by \$40.

In line with this increase we also propose to increase the present minimum level of compensation by \$80. This would raise the minimum pension that could be paid to a 100 per cent disabled person from \$325 a month to \$405 a month.

For dependent spouses, children and orphans, we have similar increases to recommend. For the dependent spouse, an increase of \$50, from \$275 a month to \$325 a month; for dependent children, an increase from \$65 a month to \$85 a month and for orphans, an increase from \$80 a month to \$110 a month. The cost of funding these increases that I have just alluded to, Mr. Speaker, will be something in excess of \$14 million. Good management over the past few years has resulted in a situation whereby our compensation system can handle these adjustments. I might compare this, Mr. Speaker, with the situation in Ontario, a province supposedly run by intelligent business minded individuals and I quote from the Toronto Globe and Mail of Friday, February 4, 1977 and this is a direct quotation from the Toronto Globe and Mail which says:

The Ontario Workmen's Compensation Board has built up a \$400 million liability and labour Minister, Betty Stevens wants a special committee to look into the matter. The committee's mandate will be to examine the whole financial structure of the Workmen's Compensation Board with special attention to the actuarial deficit. The study is being launched because of mounting concern expressed by a number of groups, not only employer groups which finance the Board's operation, about the increased cost of providing compensation and their concern about the validity of the current financing system.

Now, Mr. Speaker, here in Saskatchewan we have the best funded compensation scheme in the whole of Canada, and I want to suggest to you that it will continue to be a properly funded scheme as long as this Government is in power. Some Members may find it interesting to compare the new rates which we are discussing today with rates in our neighboring provinces. Saskatchewan has a ceiling of coverage up to \$16,000 a year, and that means simply that workers in Saskatchewan are insured up to a maximum of 75 per cent of their gross earnings up to and including \$16,000. That compares with Manitoba's ceiling of \$16,000, equal to ours; Alberta's ceiling of \$14,500. Dependent spouses in Saskatchewan will be receiving \$325 a month under our amendment. Dependent spouses in Alberta will be receiving \$320 per month and those in Manitoba, \$310. In the case of dependent children in Saskatchewan, dependent children will receive \$85 a month, Alberta \$5 above ours, \$95 a month and in Manitoba \$77 to \$88 per month. I think these comparisons, Mr. Speaker, make it clear that we in this province compare favorably with our neighbors in terms of dollars and cents. In addition to this, the Saskatchewan legislation has been fine tuned with such things as I mentioned earlier as giving the benefit of the doubt to the injured worker and using the method of calculating workers' compensation benefits to their advantage. I don't hesitate to say that with amending legislation before us today, we in Saskatchewan have the most progressive legislation of its kind of any jurisdiction in Canada.

Mr. Speaker, I don't want to leave this House with the impression that the present amendment is the end of improvements to our Workers' Compensation Act. Saskatchewan has always led the way except for a short digression under a past regime in keeping workers' compensation benefits among the best in the nation. We believe that working men and women in Saskatchewan

deserve the very best possible coverage from their Workers' Compensation Act, therefore Saskatchewan workers can expect to have continuing improvements to this legislation, changes which will make Saskatchewan's legislation innovative and in tune with the times. The amendments we are considering today, Mr. Speaker, represent a necessary and significant move. It keeps Saskatchewan benefits for insured workers abreast of or in the lead of other provincial jurisdictions. Accordingly, Mr. Speaker, I am pleased at this time to move second reading of a Bill to amend The Workers' Compensation Act, 1974.

**MR. MERCHANT:** — Mr. Speaker, we will be supporting this Bill, the benefits which the Minister proposes which will be increases are adequate. I suggest to the House that they are no less than are deserved and we approve of these fair increases.

Mr. Speaker, I wanted in a second area, however, to address myself to what the Minister described as the 'operation of the board'. There are two areas within the operation of the board that deserve the attention of the Minister and of Members of the House.

The first area, Mr. Speaker, is the area that centers around the secrecy of the board. I think the Minister well knows that the secrecy the board from habit demands for itself, is I suggest, no longer necessary and causes great hard feelings among, workers and the appearance that the board may on some occasions be acting against the interests of workers. Well, I suggest, Mr. Speaker, that even a Member like that just speaking from his place, though no doubt not attracting the attention of his constituents, is someone who can accomplish anything for his constituents, has even in that case been approached by people who have complained about the fact that they don't believe they were fairly dealt with by the board. And I say to the Hon. Member and to the Minister, that the secrecy is not needed, and the secrecy that surrounds the operation of the Workers' Compensation Board is the cause of most of the hard feelings and ill will that exists by people who have complaints about the board's operation. I have raised this before, Mr. Speaker, with the Minister and the Minister's reaction has been to say that if doctors' reports were made public, were available to the person claiming compensation, that the doctors might be reluctant or fearful to deal fairly and to honestly say to the board what they believe to be the case about their patient. The fact is that doctors face that problem all the time in terms of the reports that they write, concerning ordinary automobile accidents and they write those reports fairly and honestly and frequently say they believe that their patient is a faker. Some times they say that they believe that their patient does not have a legitimate claim, put it in the kinds of words that say that there are no clinical findings to support the injuries, or the claims of injuries. Those are the kinds of things, Mr. Speaker, which appear constantly in medical reports and doctors are not afraid to honestly portray the true situation about their patients.

The response of the Workers' Compensation Board was to claim that everyone was entitled to counsel before their board, which set up the Workers' Advocate. But the Workers' Advocate is not a lawyer. The Workers' Advocate is not a person of the choice of the worker and the Workers' Advocate almost brings out as many bad feelings as having no such advocate whatsoever, because again the workman feels that this person is in the pocket of the Workers' Compensation Board and whether that's true or not,

doesn't really matter; it's the perception.

We believe that lifting the cloak of secrecy would be an improvement to the Workers' Compensation Board, that the Minister well knows would get rid of some of the hard feeling about the Workers' Compensation Board. That then at least as people do when they face the courts, they would know why they were dealt with in the way in which they were dealt, even if they then felt that they were dealt with unfairly.

The secondary, Mr. Speaker, is that we believe that there should be some right of appeals from the decision of the Workers' Compensation Board. We have made that a part of our policy. We think that the situation of one tribunal dealing without the assistance of counsel really representing those individuals is an unfair way in which to deal with workmen and again it may well be more a problem of the perception of being dealt with unfairly than the actual situation of having being dealt with unfairly. A right of appeal under certain circumstances and certainly a proscribed right of appeal so that there isn't a wholesale right of appeal as there is for instance from certain courts to higher courts, but a proscribed right of appeal in the same sort of way that the right of appeal is limited when one goes from a court of appeal in a province to the supreme court, that kind of limited proscribed right of appeal would go a long way giving the impression of fairness, which is not always an impression that is left in the minds of the workmen.

Now, Mr. Speaker, with those few comments as I said, we support these increases which we consider to be fair and we will be supporting this Legislation.

**MR. G. N. WIPF (Prince Albert-Duck Lake):** — Mr. Speaker, I have very few comments to make on this Bill and probably the biggest criticism I have is that it could have come forward a little sooner. I concur with what you said that before 1971 the Compensation Board was in a mess. I was one of those people who was drawing compensation at that time.

We will be supporting this amendment and one of the complaints that we do have, or that we feel, is much like the Member for Wascana said, the problem with the board getting fair hearing, which the client feels like he is not getting a fair hearing and as you stated that the board has a lot of room for improvement which we will be looking forward to in the future, but our party will be supporting this amendment.

**MR. P. P. MOSTOWAY (Saskatoon Centre):** — Mr. Speaker, I should just like to say a few words in regard to this Bill. I think I have a right to say a few words on it because I have involved myself with many compensation cases over the past and I just wanted to talk in regard to some of the points made by, particularly, the first speaker after the Minister. He is talking about secrecy. I really don't think there is the secrecy that he talks about. I have involved myself, and I know that constituents and non-constituents have involved themselves with the board, asked for reports and have always received favorable treatment and were able to look at the reports.

He talks about creating the impression of fairness. Well, that is not really what people want. They want fairness, and they don't want an impression of fairness. I found out that when



people on compensation asked for a reconsideration that the board always gave reconsideration, and that they have bent over backwards on the basis of new evidence that was presented to them. I think that is really an invalid criticism directed at the board.

The one thing that I would like to say, Mr. Speaker, is that knowing full well that it is the best compensation scheme in Canada, I would still like to see more adjustments made to the pensions paid to the recipients, a little more made a little more often than in the past. I don't know if it could be tied to some sort of an index or not, but far too often these are the very people who are not in a position to make themselves vocal, and sometimes they get left behind. So it is with that in mind that I certainly support the Bill, but I would like to stress the point that I think periodic adjustments should be made more often. You can get away from adjustments by tying it to some sort of an index.

**MR. R. KATZMAN (Rosthern):** — Mr. Speaker, first of all as the Member behind me said, we will be supporting the Bill, but it is an unfortunate situation that exists when people who need satisfaction because of workers compensation must go to an MLA to be able to get his records and so forth. I think, the department should strongly consider a little better information to the individuals that are on compensation rather than the only way that they can get any results and answers is to go through an MLA.

**MR. SNYDER:** — Just a very brief word or two, Mr. Speaker, relative to some comments that have been made by Members opposite in particular. Once again the perennial question has been raised with respect to the secrecy of the board, and while I have a degree of sympathy with the argument, I am still moved to suggest that the overpowering influence in this particular instance seems to be that this would result from the principle of opening books totally and completely to the client, a reluctance of the medical profession to report as frankly as we would wish them to do and I think this is one of the principal reasons why at this point in time we have not moved from the position of having the medical records, in particular, not a public document and readily available to the injured worker. I suppose what I am doing is merely repeating the argument that I made to the Hon. Member for Wascana during the time Estimates were before us. However, I think it has to be acknowledged that the worker advocates do have absolute authority to lift the files from the Workers' Compensation Board, examine them in minute detail and provide to the injured worker any detailed information which they regard as being prudent, and, of course, withhold information when it would be harmful to pass that particular information on to the injured worker.

I think the suggestion by the Member for Regina Wascana, that the general assumption seemed to be that the Workers' Advocate was in the pocket of the Workers' Compensation Board is totally without foundation. I know it not to be the case first of all and secondly, I don't believe it to be perceived to be the case. Mr. Speaker, it is not a difficult chore for me to reach into our files and find a large number of letters of commendation that have been written by injured workers, who have taken advantage of the work and the assistance that has been provided by the Workers' Advocate. Their expressions of gratitude, I think, indicate their diligent work and the high regard with which the workers' advocates are held by injured workers. I just simply do not accept nor do I believe that the

workers' advocates are perceived to be in the pocket of the Workers' Compensation Board.

Having said all of that, Mr. Speaker, I believe there is some value in exploring further with the medical profession what their current thinking in 1977 may be with respect to a fuller revelation of medical records. I rather expect that their position is not changed since 1975, but I am willing to pursue that possibility.

Finally, Mr. Speaker, with respect to the suggestion by the Member for Regina Wascana of respecting the right of appeal and what he believes to be a necessary device in order that the injured worker may fight his case through the courts of the land, I have to say first of all, Mr. Speaker, that this was a principle which was rejected out of hand in the days of the dinosaurs with respect to Workers' Compensation. I hope that it is one which doesn't return to the Province of Saskatchewan or any other provincial jurisdiction.

I think that is tantamount, Mr. Speaker, to setting up a particular set of circumstances where the big winners will be the members of the law society, the colleagues of the Member for Regina Wascana, opposite. It places an injured worker in a rather unequal struggle, I believe, to pursue court action through the Court of Appeal, following the Court of Queen's Bench action further to the Supreme Court of Canada.

I frankly believe this is from the age of the dinosaurs and I hope it would be something we would not see again in Saskatchewan in terms of providing that kind of appeal mechanism in the Province of Saskatchewan or elsewhere.

Before I resume my seat, Mr. Speaker, I should remark about the Member for Rosthern who suggested in turn that it seemed that the only way for injured workers to get any information was from their MLA. I wonder where he arrives at that conclusion or by what method? He will be aware of the fact the Occupational Health and Safety Division has conducted a number of courses which have provided information to injured workers in a number of industrial plants and a number of seminars throughout the province providing information with respect to the availability of workers' advocates, providing information with respect to the proper method of filling out a form in order to submit a claim to the Workers' Compensation Board and things of this nature.

In addition to that, we do make literature available upon request with respect to the Workers' Compensation Board and the benefits that are available and the fact of availability of the Workers' Advocate in connection with this.

With respect to promotion of understanding of the Act, I think probably not all has been done, but certainly we have gone a considerable distance, Mr. Speaker, over the last number of years. I believe this legislation which is before us today points us once again in the right direction.

I am particularly pleased to move second reading at this time, Mr. Speaker.

Motion agreed to and Bill read a second time.

May 2, 1977

**MR. SNYDER** (Minister of Labour) moved second reading of Bill No. 107 - **An Act to amend The Trade Union Act, 1972.**

He said: Members I am sure will be enchanted with a very routine, I believe, and a very necessary and a very brief second reading speech that I offer as an amendment to The Trade Union Act, 1972.

Mr. Speaker, it has become necessary for the Government to introduce this amendment to The Trade Union Act because of a recent interpretation which we feel goes against the spirit of the law.

Many of the Members of this House are no doubt aware that a recent decision of the Court of Appeal held that, based upon a rather narrow construction. Section 33 of the Act, a union which was seeking to revise its collective agreement, and which had a no-strike, no lock-out provision in its collective agreement did not have the right to strike. This has created a situation which this Government could not accept.

Where a union has a no-strike, no lock-out provision in its contract the decision would declare the union to terminate its collective agreement in order to be certain that it could strike, if strike action became necessary.

This I suggest is contrary to long established practices in Saskatchewan, Mr. Speaker. Almost all notices to negotiate are, in fact, notices to revise an existing collective agreement. Very seldom is the old agreement terminated and a new one negotiated in its place.

I should point out that more than half of the collective agreements in Saskatchewan have a no-strike, no lock-out clause. To force those unions to terminate their collective agreements in order to gain the right to strike would, in the Government's opinion do a great deal of damage to the collective bargaining system. It would necessitate stresses being formed. I think it would bring about strains and stresses on the system which would be very disruptive.

For that reason, Mr. Speaker, the Government proposes to amend The Trade Union Act by making it clear that employees in these circumstances do have the right to strike after the existing contract expires. At the same time it is also made clear that employers have the right to lock-out under the same circumstances. This, Mr. Speaker, will ensure that the law says exactly what it was intended to say, before the Court of Appeal judgment.

I believe that Members are aware that an amendment to this effect was requested by the Saskatchewan Federation of Labour. I have also received letters from the Saskatchewan Chamber of Commerce and the Regina Chamber of Commerce, asking that the Act be amended to correct the situation created by the decision of the Court of Appeal.

It was necessary that this provision be drafted in such a way that it applied to all existing collective agreements; to all agreements currently being negotiated; and to all agreements which will be negotiated in the future.

This amendment, Mr. Speaker, as I indicated earlier, is intended to ensure that the Statute says what it was believed and intended to say prior to the decision of the Court of Appeal. Accordingly, Mr. Speaker, with those few brief words, I move second reading of Bill No. 107.

**MR. WIPF:** — Mr. Speaker, very briefly on this Bill. We will be supporting this amendment. All we see it do is put into force what has been a generally accepted practice in many areas. The people that I have talked to have also endorsed this. Our caucus will support the amendment.

Motion agreed to and Bill read a second time.

**HON. N. E. BYERS** (Minister in charge of the Liquor Board) moved second reading of Bill No. 101 - **An Act to amend The Liquor Act.**

He said: Mr. Speaker, I should like to offer a very few comments on this somewhat non-controversial Bill. The Treasury Board asked the Saskatchewan Liquor Board to transfer some of the funds to the Minister of Finance deposit account for purposes of fund management.

Section 210 subsection 3(b) of the current Liquor Act says that the Treasury Board should only direct funds to the consolidated funds of the province. The Auditor questioned the transfer because the Act specifically designated the consolidated fund. The Auditor's problem really had nothing to do with the Saskatchewan Liquor Board. He felt it had implications for the way the financial accounts of Finance were kept. Therefore this amendment is being presented as complementary to an amendment to The Department of Finance Act, which deals with the matter, namely, the placing of any funds in the Minister of Finance deposit account. This amendment provides the Treasury Board may order the Saskatchewan Liquor Board to transfer funds either to the consolidated fund or to advanced funds, that is the Minister of Finance deposit account.

With those brief comments, Mr. Speaker, I move second reading of Bill No. 101.

Motion agreed to and Bill read a second time.

**MR. BYERS** (Minister in charge of the Liquor Board) moved second reading of Bill No. 102 - **An Act to amend The Liquor Licensing Act.**

He said: Mr. Speaker, I should like to offer a few words of explanation to the provisions contained in this Bill to amend The Liquor Licensing Act.

I want to deal with the Bill section by section for the benefit of Members.

Section 2, the Northern Outfitters' amendment. At present there is no provision in The Liquor Licensing Act authorizing the Liquor Licensing Commission to issue the type of liquor licence that meets the needs of the Northern Outfitters' Association.

The amendment proposed will include camps in the northern

administration district as a type of outlet that may be licensed by the Commission. I want to assure all Hon. Members that this amendment meets the request of the Northern Outfitters' Association for a special licence, having special privileges, designed to meet their specific needs; namely, a licence to sell liquor to their registered guests for consumption on and off the licensed premises. The added privilege to sell beer and liquor for consumption off the premises, which this licence will provide for, places an additional responsibility on the licensees to ensure that such sales are made only to adult persons who are registered as bona fide guests.

Section 3. There is at present no provision in this Act to hold a local option vote in most of the northern administration districts. The present Act provides that every "local option area shall include at least one city, town, village or hamlet." All Members will be aware that many centres in northern Saskatchewan are not incorporated as a town, village or hamlet or city. This amendment is being proposed to permit the holding of a local option vote in parts of the northern administration district. The right to hold a local option vote in the northern administration district will be another step in establishing self determination among the northern residents.

The amendment to Section 4 of the Bill was recommended by the Department of the Attorney General. It recently became apparent that part of Section 36, subsection (4) was inconsistent with Section 38, subsection (3). The Attorney General's Department has given the opinion that Section 38, subsection (3) is the overriding section and is therefore recommended that this provision be repealed to avoid inconsistency and confusion. Besides, Mr. Speaker, the substance of this subsection is now redundant. It is a carryover from the time when all licensing provisions were in The Liquor Act and I am advised since the inception of the Liquor Licensing Commission in 1959, no vote for the discontinuance of a licence has been required, as only beer parlors were issued pursuant to The Liquor Act and these are no longer in existence.

With regard to Sections 5 and 6, I stated earlier that Section 3 of this Bill provides for the establishment of a local option area where there is no incorporated city, town, village or hamlet in the northern administration district. At present the request for a vote in any local option area is requested of the Commission by way of a resolution of the local government.

The amendments to Sections 5 and 6 of the Bill will permit the holding of a local option vote in parts of the northern administration district.

Section 7 becomes a new section of the Bill to be numbered Section 68. This amendment is recommended by the Liquor Licensing Commission and it will dispense with the need to hold a public hearing under the following circumstances. Some situations, I am told, have arisen where one or more individuals holding a licence have requested to have the same licence issued to a company that they control. In such a case a public hearing would be pointless because there has been no real change in the situation. This would apply equally where a new application is made in the name of persons as members of a partnership licensed immediately prior to the date of the application or in the name of the applicant or his spouse.

Although the public hearing procedure will be circumvented

in the circumstances just described, there has never been an objection filed with the Commission in the circumstances I have mentioned. Criticism by some applicants attending public hearings has been voiced concerning the redundancy of the procedure and the necessary expense and inconvenience caused. The expression 'red tape' has been heard. Therefore, the amendment would be readily accepted by applicants in the circumstances mentioned.

The amendment to Section 8 will be necessary because the mandatory hours of sale as specified in Section 119, B subsection (2) will now be prescribed by the Lieutenant-Governor-in-Council.

Sections 9 and 15 pertain to ethnic clubs. Sections 9 and 15 of the Bill are designed to accommodate the wishes of members of some ethnic clubs whose cultural activities are closely related with their families. The present Liquor Licensing Act permits persons under 18 years of age to enter licensed dining rooms and licensed restaurants for the purposes of procuring food and this amendment will allow children under the age of 19 to accompany their parents to club premises where their parents are members for the purposes of procuring food.

Section 10 deals with commercial aircraft. At present the sale of liquor is only permitted on aircraft where flights do not originate and end in Saskatchewan. The proposed amendment will authorize the sale of liquor on aircraft where flights originate and end in Saskatchewan. Presently the only commercial aircraft licensed for this purpose is Air Canada. The purpose of this amendment is therefore two-fold. One, it will meet the demands of passengers who desire to purchase and consume liquor on aircraft operating solely within the province. Two, it will satisfy the requests of air carriers for licences.

But, Mr. Speaker, I want to emphasize that the Liquor Licensing Commission will be prescribing in regulations the precise terms and conditions under which such a licence will be issued for this purpose. The Commission intends to restrict the issuing of licences for this purpose to persons operating aircraft with a seating capacity of not less than 25 persons.

Section 11 of this Bill provides for the naming and entitlement as well as the privileges and responsibilities for a Northern Outfitters' Licence that are referred to in Section 2 of the Bill.

A word on Section 12, dealing with hours by regulation. In 1972, the hours of sale, formerly in the Liquor Licensing Regulations, were placed in The Liquor Licensing Act. Now the Commission has, in some instances, continued to exercise its authority to approve later or earlier closing hours, even though it could be argued that the provisions for the hours of sale required by Section 119 (b), subsection 2, are mandatory. There are, for example, certain dining room licensees whose specialty is the sale of food that is not normally consumed in the early hours of the day. There are some licensed clubs which desire to open later or close earlier. The amendment will empower Cabinet to authorize the Commission to approve earlier or later opening or closing hours.

Section 13 of the Bill merely authorizes the holder of the Northern Outfitters' licence to sell wine and liquor by the bottle for off-premise consumption to bona fide registered guests of the legal drinking age.

May 2, 1977

Section 14 is a housekeeping amendment as beer parlors were eliminated in 1972 and the same comment can be said of Section 16, as beer parlors are now non-existent.

Section 17 of the Bill will create a new Section 143 (a) in The Liquor Licensing Act. Section 89 in The Liquor Act provides that no liquor shall be sold to persons convicted of several specified offences for a period of two years from the conviction. Now the proposed amendment will relieve licensees from that provision for a period of time to allow them to appeal the conviction. In the event that there is no appeal or the appeal is unsuccessful, then the two year prohibition will still apply to the licensee.

Sections 18 and 19 provide for an increase and a more realistic schedule of fines for certain violations of The Liquor Licensing Act.

And finally, Section 20. At present the police do not have the power to effectively enforce those provisions of the Act which make it an offence for a person to enter an outlet if forbidden to do so or if forbidden to do so by a licensee or to refuse to leave the outlet if requested to do so. This amendment or this proposal will give the police the normal powers of arrest. It has been requested by both the hotel owners and the police. Members of the Hotel Association have met with both the Commission and the Department of the Attorney General and expressed serious concern that their efforts to maintain an acceptable level of deportment in their beverage rooms is now somewhat restricted.

Mr. Speaker, with those few words of explanation, I would move second reading of Bill No. 102 to amend The Liquor Licensing Act.

**MR. MERCHANT:** — I will want in a moment to adjourn debate on this matter because there are things further that I will want to say, but let me at this time only draw to the attention of the House two sections and say to the Government that I am very pleased to see those sections finally having been brought in and those are Sections 9 and 15. It would seem to me, Mr. Speaker, that since 1974 virtually every Member of the current Cabinet has at one point or another, and I see Mr. Koskie when he was an Executive Assistant, had virtually every Member of the Cabinet and some of the Members who aren't in the Cabinet have had something to do with liquor licensing. Mr. Koskie was in the Premier's office and the Premier took personal responsibility for this Act. I always felt, in fact, that the Hon. Member for Quill Lakes (Mr. Koskie) was the Cabinet Minister in charge of liquor licensing.

And, Mr. Speaker, these sections are sections which I think will assist the ethnic clubs particularly, to be able to make feast days and so on within their organizations a more meaningful occasion because they will be able to bring their children into their clubs when those clubs are having gatherings of one sort or another. If the Ukrainian Club, for instance, wants to have a celebration which they would have on feast days which are not the feast days that are celebrated commonly by the rest of Canada, they are not able to do so in their own club because, under a rather curious anomaly that did exist, they were unable to bring their children into the club at a time when any liquor was being consumed.

We had the curious situation that you could take your children into a restaurant and pay \$20 or \$30 for dinner, you could take your children into some establishments where liquor and food was served at the same time, but you couldn't take your children or your spouse into a club that was designed and assisted by the Government to maintain the various ethnic backgrounds of the people of this province. I always thought that that was a curious situation and I've been seeking since 1974 to have that change made and I am very pleased that finally the Government has found a way; I know that it is always difficult for governments to tamper, if I may put it that way, with the law regarding liquor licensing.

Mr. Speaker, my reason for wanting to adjourn debate is that, at some later time, I propose to have some comments to make about the operation of the Liquor Licensing Commission, the operation of their investigators. It seems curious that curling clubs and Legions and Army and Navy Veterans clubs come under so much pressure by this Government in the operation of those clubs, that though they have rules which are extremely difficult for them to meet, they are constantly being investigated, even though there is no complaint by anyone about the operation of the club, constantly being investigated and to some extent harassed by officials of the Liquor Licensing Commission, even though no one in the town or village where they operate has complained to the Government or finds the operation of that Legion or the curling club or the small golf course to be an objectionable operation. And the way principally, Mr. Speaker, that they come under pressure is the Liquor Licensing Commission will come in and almost as agents provocateurs will try to persuade the operator of the Legion or the Army and Navy Vets Club or whatever it may be, to serve a drink to them and then they will close them down because there wasn't a sufficient investigation done to ensure that that person was indeed a member or a signed-in guest of the club.

Mr. Speaker, I think that when you have, for instance in the case of curling clubs, frequently a third to a half of the income of that club flowing from the operation of the liquor side of the club, though those drinks are sold at a very cheap price, when you have Legions which are often the mainstay of the local town, Legions which provide their clubs and so on for the police to operate out of when they are doing their prosecutions in the towns, when you have the Army and Navy Vets throughout Saskatchewan bringing a sense of togetherness to a group of people who have served their country so well, to harass those clubs seems to me to be curiously over zealous, if I can use that word, over zealous to put it as charitably as I can.

Now, Mr. Speaker, as I have said, I expect that I will have further comments to make about that side of the operation which should bring greater direction to the operation of Mr. Burns and the people working with him and though I am not for a minute suggesting that in my current thinking we would be opposing these changes which I think to be commonsense changes and changes which will not affect the level of liquor consumption in this province, but just bring some uniformity and fairness to groups who like the northern camps and the ethnic clubs have been unable to obtain that kind of fairness.

With those brief comments, Mr. Speaker, and my assurance that we will be supporting these changes, I beg leave to adjourn debate.

Debate adjourned.



May 2, 1977

**HON. E. WHELAN** (Minister of Consumer Affairs) moved second reading of Bill No. 106 - **An Act to amend The Residential Tenancies Act.**

He said: Mr. Speaker, by this Bill, like most provinces, we extend rent control. We provide an administrative procedure in the legislation at the same time to decontrol rentals if the situation allows. A brief review of rental control across Canada shows that a recent decision of the Government of Ontario extends its control program originally scheduled to expire July 31, 1977 to the end of 1978. The Manitoba legislation was proclaimed last May and covers about 100,000 units. About 40 persons are employed and the controls were recently extended there for another year. In British Columbia the Rental Review Commission handles matters directly related to rental increases while the office of the Rentalsman administers all other sections of the Landlord and Tenant Act. There is no indication that they plan to immediately decontrol rentals. Alberta has indicated recently an extension of controls.

The Residential Tenancies Act was amended on January 28, 1976 to provide for control of rents and to transfer responsibilities for landlord-tenant disputes from the Magistrate's Courts and the Provincial Mediation Board to the office of the Rentalsman.

An office was opened in Regina during January and the hiring of staff commenced, policies and procedures were developed, and a public information program was put into gear. As staff became available, regional offices were opened in Moose Jaw on February 12, Saskatoon on February 23, Prince Albert on February 23 and at Yorkton on March 1. As each office was opened, it was flooded with applications from landlords and tenants and requests for information.

The office of the Rentalsman now has a total of 33 staff members including the staff in Regina, in Saskatoon, in Prince Albert, in Yorkton and in Moose Jaw. Deputy Rentalsmen in Saskatoon and Regina issue all orders for the North and South respectively.

Most residential rental accommodations in Saskatchewan, including mobile homes and boarding houses where four or more rooms are for rent are covered by The Residential Tenancies Act. The Act as presently constituted details certain exceptions to the rent control provisions, lists the responsibilities of the landlord and the duties of the tenant, deals with leases and how they may be terminated, security deposits and how they must be handled, adjustments in rents, notice required and the provision of rental accommodation services.

The amendments introducing controls were introduced in February, 1976 and retroactively set the base rent maximum for 1975 at 10 per cent over the last rent payable in 1974. For many landlords this meant repayment of excess rents charged in 1975. In 1976 a further eight per cent increase was allowed over the maximum 1975 rent charged. In 1977, a 10 per cent increase was allowed over the maximum rent charged in 1976. The Act also stipulated that these increases and all future increases could only be applied at 12 month intervals after the date of the last effective rent increase, and only on three months notice.

Permission is allowed in cases of 'hardship' to apply for an

increase in rent above the permitted levels of eight per cent in 1976 and 10 per cent in 1977 provided the claims can be justified by demonstrating to the Rentalsman that their costs have exceeded revenue. Further, any landlord who received an increase in 1976 rents under a hardship application must re-apply to the Rentalsman demonstrating increased costs for 1977. Depending on the evidence submitted, the landlord may be allowed no increase - less than a 10 per cent increase or more than 10 per cent which he may charge tenants during the year 1977.

The Act provides that any decision or order of the Rentalsman may be appealed to the Rent Appeal Commission within 15 days after the date of the decision or order. It provides that any person affected by an order of the Commission may within 30 days, with leave of a judge or the Court of Appeal, appeal to the Court of Appeal against the order, on a question of law or on a question concerning the jurisdiction of the Commission.

The Rent Appeal Commission was appointed towards the end of July, 1976 with the appointment of the chairman and a vice-chairman and seven other Commission members. However, the Commission didn't hold its first hearing until well into August, with the result that a considerable backlog of appeals had built up by the year end.

The experience of the first year of operations uncovered some shortcomings and difficulties in the administration of the Act. On the whole, the administration of The Residential Tenancies Act with its control features has been reasonably effective, largely limiting rent increases to the allowable 10 per cent in 1975; eight per cent in 1976 and 10 per cent in 1977. Of course, there have been allowable exceptions under the hardship claims.

Discussion commenced in July on steps which might be taken to introduce and correct any weaknesses in the Act. The Lowery Commission was appointed on July 28, 1976, by the Minister of Consumer Affairs to "Review the Adequacy of the Landlords' Rate of Return" under the Rent Control Program. The report was made to the Minister in September, 1976.

In October, 1976, the Rentalsman met with representatives of the Landlord Associations in Regina, Saskatoon, Moose Jaw, Prince Albert and Yorkton and obtained their views on proposed changes to The Residential Tenancies Act. In addition, meetings were held with representatives of tenants in Regina and Moose Jaw.

With this background of information, a committee appointed by me, studied the Act in detail and submitted drafts of proposed changes commencing in March, 1977. In total, 41 amendments were proposed, many of them of a minor nature. In addition, a new Part II addition to the Act is proposed which would provide, if the Government so decides, for the establishment of a Residential Tenancies Rent Review Board to be available in the event of decontrol either in whole or by area.

Included in the 41 amendments to The Residential Tenancies Act are the following proposals of significance:

(1) It is felt that too much time is now being spent by the office of the Rentalsman in mediating disputes over security deposits. Amendments are proposed which would return the mediation of disputes over security deposits to the Provincial Mediation Board.

(2) Another change will exempt church colleges and other institutions, which provide room and board, from the provisions of the Act. The provision of meals is something that has not been subject to controls and should not be included in measures to control rental accommodation. Even in wartime, meals were not controlled as part of board and room.

(3) In some instances, landlords have used harassment to pressure tenants to move who have exercised their rights under the Act with regard to rent increases. This has taken the form of discontinuing services such as heating and lighting, services that were essential to the comfort of the tenants. This amendment will, and of course the jurisdiction and the judgment of the Rentalsman will be a key factor, impose a penalty of one-tenth of the monthly rent for each day that services are suspended.

(4) Landlords complain that provisions for the eviction of tenants for arrears of rent, offensive or illegal behavior, or for repeated wilful damage to premises after warning to desist are too slow. The provision of 30 days notice, and extended time if forced eviction becomes necessary, further increases arrears of rent, nuisance behavior and wilful damage. The new proposals will allow the landlord to serve immediate notice in such cases to vacate and where the tenant refuses to vacate the landlord may obtain an order to vacate from the office of the Rentalsman.

(5) In cases where landlords carry out major improvements to their premises, such as fire safety modifications, carpeting, parking lots, etc. the landlord may not increase rent to cover increased costs in providing these services until one year after his last increase. This amendment will permit the Rentalsman to approve increases in rents on application after inspection shows the improvements are complete.

(6) A new proposal is advanced which will disallow any further automatic increases in rents, except for the automatic 10 per cent that the Rentalsman has committed himself to. Further increases will only be allowed on application to the Rentalsman documenting increased costs which must be verified by the Rentalsman before an order to increase rent is ordered sufficient to cover costs.

(7) An addition to the Act is intended to establish the means to provide for review of increases in rents and this board is to be known as a Rent Review Board if and when repeal of the control sections of The Residential Tenancies Act takes place, either in whole or by designated areas. Since repeal of the control sections discontinues the authority of the office of the Rentalsman in the area decontrolled, it would become necessary to provide mediation over rent increases where tenants felt they were being charged exorbitant rents beyond actual cost increases. This Review Board, which incidentally could be a mediation board according to the legislation, is given the authority to conduct hearings where, on application by tenants, it considers rent increases to be not fair and reasonable. Proceedings to dispossess tenants are prohibited where the board has been consulted or appealed to, unless the board orders the termination of the lease. In considering whether or not a proposed increase is fair and reasonable, the board shall consider:

- (a) the amount of the increase and the amount of the rent paid for similar premises in the area;
- (b) increases in costs borne by the landlord for maintenance, services, repairs and improvements;

(c) the cost to the landlord for financing.

The board may disallow the proposed increase, or order an increase which the board feels is fair and reasonable. The board may order the landlord to repay any excess rents collected. No appeal is allowed from a decision of the Review Board which incidentally could be the Mediation Board.

The provisions of this part of the Act will apply to any residential premises in respect of which an Order in Council suspends the control sections of Part I of the Act.

The Lieutenant-Governor-in-Council may suspend the operation of this Act with regard to any city, town, village, hamlet, or any other residential premises, indefinitely or to a specified date, or may end that suspension.

In summary, these sections added to the Act are intended to be in place for use if and when housing becomes more freely available. At present, Central Mortgage and Housing and the Rentalsman are doing surveys regarding the vacancy rate in Saskatchewan cities. Our survey and the survey of Central Mortgage and Housing indicate that there are no accommodations readily available and the vacancy rate is less than three-quarters of one per cent.

The Bill provides for simplified procedures in the settlement of landlord-tenant disputes with procedures that are equally fair to both landlords and tenants in the event of gradual or complete decontrol.

This Bill is practical. It gives tenants protection where needed. It is fair to landlords. The administration has improved machinery for decontrol if the vacancy rate improves.

I now move second reading of this Bill.

**MR. MERCHANT:** — Mr. Speaker, this is a very important Act as Members will know in a very important area. We will want an opportunity to consider the comments of the Minister and I will in due course be asking leave to adjourn debate. But let me say a few things about the comments of the Minister and about the Act. Mr. Speaker, I couldn't begin at a better place than to quote the Minister as he says that, "There are some shortcomings in the operation of the Act."

Mr. Speaker, I think that all the people in this province, both those looking on and the tenants and the landlords who are involved would agree that there have indeed been some shortcomings in the operation of the Act. Indeed, Mr. Speaker, it is for exactly that reason that we are surprised to see the Government at a time when they should be defusing rent control, we should be in a phasing out period to find the Government instead building in a whole new hierarchy, building in a whole new program and another layer of bureaucrats with which tenants and landlords will have to deal. The amendments, Mr. Speaker, should be unravelling rent control and instead what they are doing is they are shoring up the program.

Rent control was introduced as a part of the entire attack on inflation or so the Government told us. And yet we find that the Government is not prepared in Saskatchewan to give any

May 2, 1977

indication when this legislation will come to an end. Now the Minister has said, if they can see rates were up in the cities then we would be looking at getting rid of rent control. That's what they have been saying but you really have to examine that a little more closely. My colleague, the Member for Eastview (Mr. Penner) asked the Premier not long ago, at what point will we know by the vacancy rate that this Government will get rid of rent controls? And the Premier as he can sometimes very deftly do, ignored that question, avoided that question. Because the Government is not prepared to say that rent control will end at any particular time regardless of the vacancy rates. A program that was a good program in some ways, a program that was needed at the time, has become, in the hands of this Government, a political program and they maintain it now as a political program.

Now, Mr. Speaker, as I said, we will want to consider the comments of the Minister and consider the Bill in further detail and with those thoughts about it, I beg leave to adjourn debate.

Debate adjourned.

**HON. W. E. SMISHEK** (Minister of Finance) moved second reading of Bill No. 108 - **An Act to amend The Department of Finance Act (No. 2).**

He said: Mr. Speaker, the purpose of this Bill is to provide an adjustment in the salary of the Provincial Auditor. You are aware the salary of the Provincial Auditor is fixed by the Legislature and is incorporated in The Department of Finance Act. Salary adjustments have recently been approved for all other out of scope government employees. The proposal to increase the annual salary of the Provincial Auditor from \$31,872 to \$35,644 has two components to it. First there is an economic adjustment of \$2,332, which complies with the guidelines of the Public Sector and Compensation Board and secondly in recognition of the market situation and historic relationship, a further \$1,440 has been provided bringing the total increase to \$3,772.

I'm sure that all Members of this Legislature will support the proposal we make and, Mr. Speaker, I move the Bill be read a second time.

**MR. E. C. MALONE (Leader of the Opposition):** — We won't be opposing this Bill, of course, and I don't intend on adjourning debate at this time. But, just let me say a couple of things about the Bill. I'll repeat what I said to the Premier the other day when he introduced a Bill on the salary of the Ombudsman. Every year it seems we have one of these Bills presented to us to increase the salary of the Provincial Auditor. Surely the time has come where the Minister and the Government should be tying the Provincial Auditor's salary to some other salary in the Government so that we don't have to continually review it at this time. And I make that suggestion to you, Mr. Minister. I believe the Premier indicated to you that he would look into the feasibility of doing so as far as the Ombudsman is concerned. And I think that the matter could be dealt with through your department as well^ for the Provincial Auditor. The problem about the Provincial Auditor, of course, is not the salary that he makes. I can see that he should be paid a proper salary because of the onerous duties that he has.

The problem that the Government should be addressing itself

to is the operation of his department, his office. I think it's fair to say that the office of the Provincial Auditor is badly understaffed, that he simply cannot perform adequately the tasks that are assigned to him by the legislation that creates his office. He has Crown corporation after Crown corporation to look after as well as the government departments that fall under his jurisdiction. What concerns me more than anything is the earlier amendment that we dealt with indicating that some of these audits would be taken out of the hands of the Provincial Auditor and would be put into the hands of private CAs. I'm not suggesting for a moment that private CAs cannot do an adequate job but what that means is that we don't have the same access to the findings of those private chartered accountants as we do the findings of the Provincial Auditor who's responsible to this Legislature. I for one, disagree with the moving of the work done by the Provincial Auditor to private institutions. I believe that the Government should be looking at strengthening the Provincial Auditor's office as an arm of this Legislature rather than moving away from that situation. The earlier amendment that I refer to will move away from the idea of the Provincial Auditor to this Legislature and accordingly, I suggest to the Minister that is improper, that the Provincial Auditor should be doing these particular amendments or particular audits that are required and reporting to this Legislature rather than having outside agencies doing so.

I fully realize the Provincial Auditor can go to the outside agencies and demand information as he requires it. That doesn't in any way undercut the principle or take away from the principle that you are taking away from, that is, hiring outside agencies to do these government audits. We brought this to your attention on the potash Bills, when this was first brought about. And we are going to continue to bring it to your attention as time goes by in this Legislature.

So with those few words, Mr. Speaker, I indicate that we will not be opposing the Bill. We will be supporting it and I ask the Minister to consider looking at some other device to have his salary raised from time to time as required without having to come to the Legislature with a Bill to do so.

**MR. C. P. MacDONALD (Indian Head-Wolseley):** — Mr. Speaker, I only want to make one very brief comment that this Bill is a clear confession by the Minister of Finance of the inadequacy of this Government to provide for an Auditor's staff for the Province of Saskatchewan and for this Legislature.

It's a clear indication of his failure; it's an admission of failure by the fact that he is now asking this Assembly to take their Auditor and the Auditor who is responsible to report to this Assembly and therefore to the people of Saskatchewan and hire outside agencies to perform the function that he should be doing. It's a clear indication. You should be expanding the Auditor's staff; you should be expanding it and not going to outside agencies. Mr. Speaker, I say it's a clear admission of the failure of this Government in looking after the Auditor and having him report to this Assembly.

**MR. W. C. THATCHER (Thunder Creek):** — Mr. Speaker, I fully support the Bill in principle. I would like to respectfully suggest to the Minister of Finance that this is only one portion of the problem. The Minister, I believe is aware that there are problems with the Provincial

Auditor's staff. Raising his salary is step one. But the Minister is aware of a request that has been made by the Provincial Auditor to the Public Service Commission, one which I shall not go into today. But it involves the upgrading of his staff and something that may be a little different and may be difficult for the Government to accomplish. But I believe the Minister knows full well that under the situation, the Provincial Auditor is unable, or the Provincial Auditor's office anyway/to perform the function that it is supposedly to do, without placing a great deal of hardship on the existing staff and, in fact, they are not able to perform their job in a manner that the office itself feels is up to an acceptable standard.

The Minister knows full well that he must be able to attract many more of the term the "Auditor IV" classifications. I encourage the Minister to expand this Bill, not only to the Provincial Auditor himself but to his entire staff of top-of-the-line CAs. And I would like to assure the Minister that the official Opposition anyway, will support any move to strengthen the Provincial Auditor's office because I think all Members of the House will agree that the Provincial Auditor's office is really the court of last resort. It is really the last solid mechanism that is there to ensure that taxpayers' money is being spent efficiently and in accordance with the provincial statutes. I think it is generally a policy of governments of all political stripes, not only in this province, but in Canada, in the Federal Government to more or less view the Provincial Auditor as an adversary.

I sincerely hope that the problems in the Provincial Auditor's office will be corrected and Mr. Minister, in some discussions with some members in your department, I feel confident that they are moving towards the same. If this Bill is step number one, then the official Opposition gladly supports it.

**MR. SMISHEK:** — Mr. Speaker, I welcome the remarks of the official Opposition critic. As Chairman of the Public Accounts Committee the Committee had some discussion on the question of salaries for the employees employed in the Provincial Auditor's office. During the current collective bargaining negotiations there were some adjustments made. You can well appreciate the problem that we have had in the last couple of years as the Anti-inflation Program has had a bearing on the salary level. There have been certain ceilings that had to be complied with. This had created problems for us in the Provincial Auditors, particularly in the area of recruitment. A certain time period had to lapse before we could take action and I believe the Public Service Commission has, this year, corrected the situation. Looking at the Blue Book, you will note that additional staff is provided for the Provincial Auditor. In fact, I can inform the Members of the House that since this Government took office the amount of money provided for the Provincial Auditor's office is three times as much as was being provided in the 1971 budget.

**MR. MacDONALD:** — You're three times as much.

**MR. SMISHEK:** — I listened to the remarks of the Member for Indian Head-Wolseley. I don't know why he got himself all that excited, because he was completely off the mark. We aren't talking about outside auditors. This Bill has nothing to do with it. He just wanted to stir up the pot; that's his usual style. Sometimes he says, "Let's get out of here in a hurry, but let me stir up

the pot so that I can catch a headline." I'm sorry but you just can't have it both ways.

Mr. Chairman, in the case of the Leader of the official Opposition suggesting that some system of not dealing with salaries on an annual basis other than by legislative amendment the Premier has indicated that in the case of the Ombudsman, and this position, we're prepared to look at it and see whether we could provide for salary adjustments in some other way than by legislation because I think there is something to be said for what he proposes. Now, Mr. Speaker, this Bill has nothing to do with employing private accountants on a contract basis. The Opposition can't have it both ways. On one hand they say the Public Service is getting too big and on the other hand they say, don't contract out work, hire more public servants.

Mr. Speaker, there is a real contradiction and inconsistency as usual in the official Opposition. I move that this Bill be read a second time.

Motion agreed to and Bill read a second time.

## ADJOURNED DEBATES

### SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Snyder that Bill No. 73 - **An Act for the Promotion and Protection of the Health and Safety of Persons Engaged in Occupations** be now read a second time.

**MR. E. F. A. MERCHANT (Regina Wascana):** — Mr. Speaker, I continue to be very troubled by the Occupational Health and Safety Provisions and I choose on this occasion to make some comments to the House about the operation of the Act, which has not been operating in the way that it should. I object to the kind of involvement that Occupational Health and Safety has meant in the operations of small and large businesses in Saskatchewan. And frankly I am growing to share the suspicion held by many small business men that the Occupational Health and Safety Committees are used as spring-boards towards unionization of their plants.

Mr. Speaker, while I view the formation of honest and dedicated unions in the work place to be by and large a good thing, I, unlike this Government consider that government should stay out of the question of whether there should be a union or not. The freedom of choice for the worker could be left to the worker. Governments should not be neutral or should not use their neutrality on the unionism question. And this Government has lost its neutrality on that unionism question and I believe tried to impose unionism and is guilty of trying to impose unionism through the vehicle of the Occupational Health and Safety Committees.

I'm troubled by the fact that the Occupational Health and Safety Committees are a potential vehicle for the Government's over-all aim of bigger unionism. I am troubled by the decision of this Government to make the operation of Occupational Health and Safety a political adventure. And I suggest, although I don't like ordinarily to deal with the personalities of particular public servants, that the choice of the director has been a bad one, not because of his understanding of the problem, not because of any lack of dedication to Occupational Health and Safety, but



May 2, 1977

because in my view he'd use his position to be a very political position He'd use the formation of greater unionism to be a positive step. He is prepared to see Occupational Health and Safety misused in that way. Better, I believe that all Occupational Health and Safety programs should follow the pattern of other jurisdictions and be more medically directed.

The director, I suggest, would more appropriately be a doctor than a political scientist or sociologist. These are medical matters and not political matters. Occupational Health and Safety stands to suffer in this province because it has been politicized and I believe is suffering because it has been politicized. That politicizing has not been at the level of Conservative or Liberal or NDP, but it has been politicized in terms of left or right wing outlook.

The Government has allowed that to happen. The Government has done little to allay the fears of small business men which I'm sad to say, I believe could be to some extent legitimate. There is no indication that the program though extremely expensive has been successful. The Government is not able to point to a decline in the number of injuries in the work place. Indeed there has been an increase in the number of injuries. The Government is not able to show a decline in the cost of compensation paid by the Workers' Compensation Board as a result of those injuries. Indeed, there has been a dramatic increase. This program that we're dealing with in this legislation costs a great deal and should be showing results, but it does not appear to be showing results. The Government nonetheless, has not reexamined its approach to Occupational Health and Safety to discover why the results, to justify the cost, have not been materializing.

Frequently, Mr. Speaker, you hear me in this House, by and large, agreeing with most of the positions of the Government in relation to the Department of Labour. In this area I, in fact, would like to be in a position to punish the Government in some way for the failure to do what this program should be doing. In some ways I'd like to vote against this Act. That would be the more politically correct direction in which to move. Those men who are conscious of this legislation, who tend to gravitate towards supporting our political party would very likely prefer to see me not vote for this kind of intervention into worker-management relations.

Nonetheless, notwithstanding those legitimate concerns the Member says, "Yes, I intend to support the Act." The lives of the people involved seem to me to be too important to not have this kind of legislation though I find the operation of this legislation to be bad and subject to a great deal of censure. The waste of lives caused by injury has to stop and when I talk as I do quite frequently to men in their late '30s and 40s and 50s, crippled by injury, perhaps troubled for life by a back problem, when I read about death and the loss of limbs, when I talk to those less affluent in my constituency, I genuinely feel that something has to be done. And I continue to be depressed at the loss of lives and money through injury. But I don't think the Government is getting value for its Occupational Health and Safety program. I will be supporting this program, until such time as the Government can do better with a better program that better protects the workers of this province and shows a decline in injuries, a decline in cost as measured by the Workers' Compensation Board. Nonetheless I find it unpleasant and unfortunate that the Government is failing to get full value for

the Occupational Health and Safety Program, which is such an expensive program and a program which has been growing at such a dramatic rate in the last three years. Workers have to be made to see that their safety is their concern. They need to be protected if they decline to do some piece of work because of safety concerns. They need to have the kind of information that the Health and Safety people can provide for them. They need to learn to work collectively to solve the problem which is theirs and not that of government, the problem being, their personal occupational health and safety.

I am, Mr. Speaker, to some extent embarrassed that by fluke of birth, I was motivated perhaps towards an education, which means that I likely will never face the possibility of a backache or the loss of an arm or death in the work place, and perhaps to some extent because of that, I am almost more sympathetic to the problems that I see, because I know that I will never share those problems. And I very much want to see the Government have an Occupational Health and Safety Program that is an effective program. I am troubled when I see this Government spending large amounts of money and not getting the full value for the program that they should get. I am troubled when I see a program that has been characterized by business, to be a politicized program. I am troubled when I see a program which I think has become a politicized program, and though I find the program not doing what the program should be doing, I personally, even though I consider that there are great faults here, will be supporting this legislation.

I am hopeful, Mr. Speaker, that the Government will reconsider their kind of blind support of the program as the support now is. They hear from industry, the kinds of objections that I voiced to them. They hear from people around them that the program isn't working as well as they like to think it is working. It's the jewel of the Government, almost. The Ministry of Labour is so proud of this program, that they refuse to re-examine the way the program is operating. The program is costing a great deal of money, and the results aren't there.

Now, Mr. Speaker, I hope that the Minister may consider my words in relation to the fact that, in most areas I agree with the department. In most areas, the Minister probably finds that within his framework, I am more enlightened than other Liberals, and I hope that he doesn't say, "Well the man is no better, I find, than I thought that Liberals of past generations really were." The Liberal Party is a different Liberal Party in labor matters, but this Act doesn't come up to the standard. This Act will be passed, and I hope that in the coming year or so, the Government takes another look at what has been happening because what should have been happening - the aims that both the Minister and I have for this program - has not been happening, and that means that it is time that the Government looked again at what is going on in that program, and I hope irons out some of the bugs that are causing great expense with little result and are causing bad feelings between the department and some small business and not getting the results for workers that the legislation requires for workers and that workers deserve.

**MR. G. N. WIPF (Prince Albert-Duck Lake):** — Mr. Chairman, I would like to have time to study the comments of the Minister and the rebuttal from the Member for Wascana, so I beg leave of this Assembly to adjourn debate.

Debate adjourned.

May 2, 1977

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Whelan that Bill No. 65 - **An Act respecting Warranties on Consumer Products** be now read a second time.

**MR. R. A. LARTER (Estevan):** — Mr. Speaker, just a few items of concern I have on Bill No. 65. I can think of a few years ago, when an Act was passed in Manitoba which increased warranty on farm machinery over the manufacturers' warranty by one year, and as you know the farm machinery price books in Manitoba have carried, anywhere from three to five per cent higher prices than farm machinery in Saskatchewan, and the only caution I have on this, on going after people that build various things like irons, television sets and other products under The Consumer Protection Bill, the money only has to come from one place; it is going to be passed on to the consumer. I just would like to make these observations. In many cases I think that everybody should be possibly buying quality products, but there are many people working on low incomes and in some cases cannot afford to buy quality products; in the case of an iron or whatever, electrical appliance where they can buy something for \$3 or a name brand for \$9, in many cases they are going to buy the \$3 unit, and certainly, there is no dealer that can afford to stock parts or give warranty on the \$3 unit.

So, all I want to do is just warn, on a Consumer Protection Bill, that you are automatically going to raise the cost of living on certain things, and no longer make some of these pieces of equipment available for the general public. As I say, if a person can afford it, I don't see anything wrong with it. I think it is always best to buy a quality product, but many people in this fast age of ours and in low income groups do not look too closely at this warranty product. It might be cheaper for them in the long run, and these are the only cautions I have on this Consumer Protection Bill, and that is that it has got to be paid for somewhere and it is going to be paid for by the customer.

**MR. MERCHANT:** — Before the Member takes his chair, I wonder if he would permit a question?

**MR. LARTER:** — No.

**MR. R. H. BAILEY (Rosetown-Elrose):** — Mr. Speaker, I just have a couple of comments that I want to direct to the Minister. When we take a look at this particular Bill, I am reminded of some of the products that I, as an individual, purchase. Most of the purchasing in our household, as I am sure in most households, is done by the boss of the household. But I am afraid with this particular piece of legislation that we could well be protecting those who abuse products, and not those who use products. I am very concerned about this. Now I want the Minister to bear with me just for a moment. Is he well aware that radial tires have been on the market now for quite a relatively short space of time? I took a look at this and I have a little book in which I mark down purchases and so on. Each set of radial tires that I have purchased for vehicles for myself, as well as those that I have purchased for one of my daughters' cars, have in effect, exceeded the warranty that was provided. Now, because these tires have been used as the manufacturer would have you use them, I have been well satisfied. On one occasion, sir, that I did have the opportunity to test the warranty of a tire, it happened to be in the city of

Weyburn, and I was more than pleased with the adjustment that I got. Now, take the same brand name tires, same size, same everything, and while one person gets the 40,000 or 45 000 miles with proper use, somebody else is coming back in with 10.0UU miles and fewer than that, on the tires and he is wanting warranty because of abuse.

I think that we have to be very careful. Seven years ago, a little over seven years ago, one of the major car manufacturers in North America came out with a 50,000 mile warranty on the power train and they had to drop that. Do you know why they had to drop that? Not through normal use; not through normal use, but rather through abuse, rather to abuse. How do you attempt to establish the difference between use and abuse? Now, a number of you people who sit on that side of the House have had some business experience. I am quite sure that the Member for Melfort (Mr. Vickar) when he was in business, would be a little bit leery about this particular type of legislation, because every manufacturer, whether it be of a car tire, a car battery, or whatever it may be, in order to have a strong piece of legislation like this, it is incumbent upon the dealer and eventually on the manufacturer that they have to establish the difference between use and abuse, and I, to be quite candid, and quite honest with you Mr. Minister, I don't think that this is possible. And the thing which bothers me, the thing which bothers me about this, is that because of somebody's abuse and it can t be established, it is going to be necessary to put a higher price on commodities and so those people who normally purchase and normally use the product and not abuse it, in the end are going to have to pay for the small percentage of the people who abuse the product. I have great fear of this happening, and I don t think the Minister can assure me, or any Member of this Assembly, that with this legislation passed, that that in effect is not going to happen.

You go out and buy a car battery, guaranteed for five years, and under normal use, a car battery now lasts five years. You buy guaranteed tires for 40,000 miles. Under use and not abuse they last that long. But if you are going to place legislation which forces the businessman and eventually on to the manufacturer under this stringent Act, and I think it is very stringent, it is simply going to mean that the person who steps up to the counter to buy something, is going to have to pay more for it because of those who will abuse the product once they get it.

And therefore, Mr. Speaker, I just seriously cannot accept, I cannot accept a piece of legislation that would give further protection to people who abuse the commodities within our society. That they should be protected from poor manufacturing, that they should be protected from poor workmanship, I agree to that; I agree 100 per cent with that, and think that basically we have that today. But, to further strengthen the hand of the percentage of people who abuse our society and products manufactured within our society, to me is a very, very dangerous thing.

**MR. MERCHANT:** — I wonder, if before the Member takes his chair – he may be less timid than his colleague - if he might permit a question?

**MR. BAILEY:** — No.

**HON. E. C. WHELAN (Minister of Consumer Affairs):** — Mr. Speaker, this legislation was introduced because there was a need. That need came about because the Department of Consumer Affairs, over the years, has discovered that it is impossible on occasion to negotiate with people who are putting forth warranties without legislation. And in answer to the Hon. Member who has just taken his seat I want to advise him that if he feels that we are short on expertise that is required to put together a warranty law that will be effective, as has been stated or has been suggested in the comments that he made, I want to point out that there are people here in Saskatchewan and maybe he agrees with the eastern financial interests who are saying exactly the same thing that he is saying, but there are people in the 'hinterland', as they suggest, that are sufficiently sophisticated and intelligent and educated or knowledgeable to do this sort of thing. The fact is that the Bill was not developed solely or slowly from our own inadequate laws or views. It is based on the US and English legal procedure, on Ontario Law Reform Commission reports, and surely that is a font of wisdom. On discussions with many knowledgeable experts in consumer law, our department, after the experience that it has had with warranties, not only feels that the legislation is necessary, but has set out a procedure that in my estimation, will very carefully sort out use and abuse. The legislation does that. Not only is there a procedure for establishing use, but also for estimating the abuse.

Now, I suggest that the procedure is as democratic as any that can be found, and I recommend this Bill to every Member of the House and I urge the full support by every Member of this Legislature.

**SOME HON. MEMBERS:** — Hear, hear!

Motion agreed to and Bill read a second time.

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. MacMurchy that Bill No. 104 - **An Act to amend The Vehicles Act (No. 2)** be now read a second time.

**MR. D. M. HAM (Swift Current):** — I'd like to address a few remarks if I may.

Mr. Speaker, I might qualify my remarks by saying I personally wear, my wife and my two children wear seat belts. I have a seven year old son and a five year old daughter. I have pledged in public and in private that I will spend whatever time is necessary to convince those who don't believe in the use of seat belts that they should wear them.

However, Mr. Speaker, I should relate at this time a conversation that took place between myself and a Member of the Government last May when this House prorogued. It revolved around a subject of seat belts, wherein I was criticized that I was taking an Opposition stand to the use of mandatory seat belts. References to the medical costs as are being advertised regularly on television . . . Mr. Speaker, if the Attorney General would listen to hear what I have to say . . .

**MR. SPEAKER:** — Order! Order! I notice the Attorney General hasn't spoken on this Bill and I'm sure he'll get an opportunity. Member for Swift Current.

**MR. HAM:** — I'll start again, Mr. Speaker. This was a very friendly conversation, for the sake of the Attorney General, and I have no intentions of causing any problems for anyone in this House, let alone me.

In any event, the discussion and the argument if you like, revolved around the use of seat belts and the fact that I was speaking against the mandatory use of seat belts and he took the opposite stand. He felt and probably had just reason to feel that it was costing our society millions upon millions of dollars to maintain and treat the people who were injured as a result of car accidents and the lack of using a seat belt.

I found it somewhat ironic, Mr. Speaker, that this Government can find \$272 million to buy potash mines, but when it's an expense that concerns those who are injured, then there is a concern.

After some very explicit statements, I stopped the Member and suggested that, I summarized what he was saying and I think probably in these discussions, that he felt it was our responsibility as elected Members to protect the public from themselves. I suggest to him and I suggest to this House that maybe a comparison is in order, in that it has been suggested by so-called medical experts in our society that one smoking in a confined area, such as a car, is causing as much harm to those around him as he is to himself. In other words he is a hazard. I went on to suggest, Mr. Speaker, that a man not wearing a seat belt was only a hazard to himself, where a man smoking in a car is a hazard to those around him. My concern, Mr. Speaker, is where does legislation like this stop and start. I asked this Member, what would he do in the circumstances of a man smoking, if a man is causing harm to his fellows, do you legislate 'no smoking' in society? What disturbed, Mr. Speaker, and what disturbs me in many instances of similar legislation, are the words that followed, "You do these things one step at a time." What's next and where do we stop?

I think it's in order, Mr. Speaker, at this time to read into the records an editorial from the Criminal Law Quarterly of March, 1976, to further my concerns.

It is, of course, easy to legislate and with the best will in the world our legislators do not always enact good legislation. One can take as an assumption that car fatalities and serious injuries are so common-place as to present some grave social economic problems and that the use of seat belts reduces considerably the fatal or serious nature of many automobile accidents. On those assumptions, one must conclude that only the foolish would not wear seat belts when driving. I'm not sure that this is all that can be said either for or against the fact of wearing seat belts, but I'm prepared to accept those assumptions.

Therefore, or so the argument runs, the Ontario Government has done the proper and sensible thing in making it an offense, subject to a few exceptions, not to wear seat belts when driving. Even though, so the Premier is reported to have said, the law would be difficult to enforce and is mainly there as an educative technique. It is a pity that some echo of the Hart Devlin debate does not seem to have penetrated Queen's Park. One

cannot legislate sense into being,, or stupidity out of existence. Even if one could, the criminal law is not the right technique. We have perhaps learned that one cannot legislate morality into being, or immorality out of existence. For the most part we accept that one s morality exists side by side, but independence of the law for morality, whether learned or innate is individual but not imposed.

A law that is ignored is bad, not for the law, but for the legal system. A law that cannot be enforced brings into disrepute not only the law, but the whole process of law. A law that achieves little or nothing but irritates and annoys the citizens, creates a further gap between him and all of those charged with the enforcement of all laws, not just that one.

The creation of most criminals cannot be the objective of the law. We must learn that the objective of the law is the ordered running of what most of us conceive of as society as freely, economically beneficially and if this is not too hackneyed, happily as possible.

However, the welfare state has another dimension. The argument is now advanced that the injured driver is a costly burden on the taxpayer as is the injured passenger. The death of a breadwinner may mean the burden of supporting his family shifts from him to us. We have a direct economic interest in seeing that he stays healthy and alive. Let us therefore impose a criminal sanction on anyone who increases the risk of that economic burden.

But to the Wolfenden philosophy one now adds as justification for criminal law the economic burden may result in being imposed on the rest of us from an act or omission. One can appreciate the superficial attractiveness of such justification but one must also recognize its dangers.

For the Member for Thunder Creek's information, I said earlier, this is from the Criminal Law Quarterly. I am just about finished.

What of an alcoholic - a costly member of society. What of a cigarette smoker whom we may have to keep, to say nothing of the marijuana smoker or the barbiturate addict. What of the neurotic psychotic. What indeed of the sick and the elderly. Do we suggest that prohibition of alcohol, the banning of tobacco, is ill health or sickness to be an offense?

Economic burden as a justification for criminal law must lead to determination of fault and responsibility, for it means distinguishing the stupid and selfish from the sensible but unfortunate. I am not sure that that is all that much different from trying to distinguish the moral from the immoral. To use these criteria as distinguishing factors in a sentencing process, as has been done for years, is one thing, but to use them as a basis for criminal law is frightening. It may be true that the welfare state will necessitate a re-thinking of nature and the purpose of criminal law. If it does, a minor amendment to the Highway Traffic Act does not seem to be the place to start.

Mr. Speaker, this presentation and the presentation of this legislation is no doubt contentious. I am sure we all realize the political ramifications, at least on a temporary basis. I am not concerned about the political ramifications. Philosophically I oppose and because of these feelings, strongly support placing this issue before the people of Saskatchewan in the form of a plebiscite. The wearing of seat belts should be an individual decision. We should not be forcing our citizens. It is unfortunate that other worthwhile proposals in this Bill cannot be separated or have to be considered as part of the total package. We agree with these other proposals.

Without a concerted campaign in Ontario by the Highway Traffic Council, 40 per cent of the citizens are breaking the law. The recent Safety '77 campaign instigated by the Government and the Saskatchewan Safety Council is commendable and should be continued. We need a concentrated effort for six months to allow all Saskatchewan citizens to analyse and understand the advantages of seat belts, followed by a provincial plebiscite.

No doubt all Members have had either letters or personal visits by opponents of this legislation. We have seen and continue to see mass letters to editors in local papers in opposition to these proposals of compulsion.

Mr. Speaker, I therefore move, seconded by the Member for Rosetown-Elrose (Mr. Bailey) that all words after the word 'that' be deleted and that the following be substituted therefor:

Bill No. 104 be not now read a second time, but that it be read six months hence.

**MR. SPEAKER:** — Order, order! I find the Motion in order and debate continues concurrently on the Motion and the amendment.

**MR. E. C. MALONE (Leader of the Opposition):** — Mr. Speaker, I should like to say a few words about this Bill before 5:00 o'clock.

It is very interesting to notice the positions of the Tories and I say positions advisedly, Mr. Speaker. Their leader rose in this House the other day and said that he was in favor of seat belts, but maybe he wasn't in favor of seat belts. He said that there should be a referendum called on the particular issue. Well, Mr. Speaker, I think that referendums are viewed by most politicians with suspicion. I think that they are really the politician's cop-out. Those who haven't got the guts to make up their own minds as to the goodness or badness of a particular law, always go out and take the easy way out and say, "Well, let's have a referendum about it."

I suggest, Mr. Speaker, that this is not a moral issue where we take referendums. It's not an issue that we can't deal with adequately in this House by making up our own minds and suffering the consequences if we should decide in a manner that the voters do not particularly approve of.

I don't think, Mr. Speaker, that we are elected to sit in this House to always run to the public for a referendum as soon as a politically contentious issue arises. The Government has decided in its wisdom that they are going to put in legislation



May 2, 1977

in favor of compulsory seat belts to be worn by operators of motor vehicles.

We in the Liberal caucus have decided to not be in favor of that legislation, to oppose it. We reached these decisions, I submit, Mr. Speaker, after some consideration, after some deliberation and really some hardship in our caucuses as to the position that we are going to take. But nevertheless, we've reached a position, we've made a decision. We in the Liberal caucus oppose such legislation and I'll be getting to the reason for that opposition in a moment or so.

But I think it ill behoves people to come to this Legislature and say, "Well, some parts we like; some parts we don't like; well it's really a tricky matter, I guess we'll have to go back to the people to decide what we should really do." The people elected the Members of this Legislature to make those decisions and not to continually run back with referendums or plebiscites or whatever. I suspect that the next Conservative speaker we are going to hear is going to jump up and say, "Well, I support seat belts." So that they can go around this province in the days ahead and in one area say, "Well we supported it," and in the other area say, "we're opposed to it," and in another area say, "we didn't make up our mind, we wanted a plebiscite or a referendum on it."

I think the people of Saskatchewan will realize pretty quickly, Mr. Speaker, that on this issue, like most issues that have come before this Legislature, the Tories really have no position at all.

Before getting into the seat belt aspect of the legislation, Mr. Speaker, I would like to talk about some of the other things that this particular Bill does by way of amendments. Most of the contents of the Bill, we agree with, the provisions from Section 4 on to the seat belt legislation. I don't think anybody on this particular side of the Legislature would disagree with and I say to the Government that we would support your endeavors in this regard.

However, there is one particular section that is causing me some concern and that is Section 71 (a) and it is something that should not be overlooked by the Members of the Legislature. This is a provision that enforces a law upon medical practitioners to report their patients to the Highway Traffic Board. It is not a permissive section, it is a mandatory section. The wording is 'shall'.

Now in the introductory notes that the Minister tabled with this particular Bill, he indicated that the College of Physicians and Surgeons had requested that doctors be allowed to make such reports when they felt it necessary.

I submit to the Minister that it's a difference between permissive, that is being allowed to make such reports, and laws saying that such reports must be made. Now I am not sure what further input the Minister has received from medical practitioners in the province, but I would think that if most medical practitioners realized that because of this particular section, they were required by law to report to the Highway Traffic Board people whom they found in their opinion, I believe the wording is "would make it dangerous for such person to operate a motor vehicle", that they may take a different position indeed. In fact, as I understand the position of most medical practitioners

is they are under some form of oath not to divulge information that comes to them as a result of their practice. I am fully aware that there are existing laws that say that people who seek treatment for venereal disease and in some cases measles, smallpox and so on have to have those conditions reported to the Department of Public Health and I believe those laws have been accepted by the profession and indeed by the patients as well. But this particular provision I think, goes much further than that and I believe puts a heavy onus on the medical practitioner, because as I read this particular provision, and perhaps incorrectly, but as I read it, that anybody who has a heart condition, anybody who has an epileptic condition, anybody who has any condition whatsoever that at a certain point of time would make it dangerous for that person to drive a motor vehicle, must be reported to the Highway Traffic Board.

Now, I'm not sure it is the Government's intention to go that far. But as I read the particular provision of this Act, that's the extent to which that provision directs and I think that our medical practitioners would probably be against such strong provisions and I ask the Government to look at this particular section again to see if this is what it really intended.

Mr. Speaker, before I get into my remarks on seat belts, they will not be long, but they will be more than two or three minutes, I wonder if I could call it 5:00 o'clock at this time.

The Assembly adjourned from 5:00 p.m. until 7:00 p.m.

**MR. MALONE:** — Mr. Speaker, before we adjourned at 5:00 o'clock, I was talking about the provisions of The Vehicles Act No. 2 so far as it relates to compulsory seat belt legislation and I believe at that time I indicated that the Liberal Party in caucus has decided that we would be against these particular provisions of the Bill.

Before going on to that, I want to go back a bit, Mr. Speaker, to my earlier comments about the section of the Bill dealing with the medical profession. I just want to make abundantly clear that the reason that I have some concern over this particular section is that I am afraid that what could conceivably happen on this is that if people requiring medical assistance, for example of heart disease or other health matters or such things even as alcoholism or other diseases they are under the misapprehension that if they go to a physician for such assistance as required and by so doing lose their driver's licence, they may well be restrained from seeking the assistance they very much need. And I think that we have to balance the public good of having people in automobiles with such a condition against the other side of encouraging those people to seek medical assistance where required and when necessary. And I think that, while I know what the Government is getting at with this particular provision, I am concerned that they have gone too far with the provision by making it mandatory and I invite them again to look at it to see if it could not be watered down to a certain extent to leave a discretion within the mind of the medical practitioner as to whether or not such a report will be necessary to serve the purposes of the Bill.

Getting back to the seat belt legislation itself, Mr. Speaker, we oppose this compulsory aspect of the legislation. But I want to make it very clear that we do not oppose the use of

seat belts. Indeed I think the arguments used by the proponents of seat belts are very compelling indeed and that statistics would indicate that where people use seat belts, the injuries that are incurred in automobile accidents are reduced substantially. There are some examples, Mr. Speaker, of course as to where the use of seat belts has actually occasioned injury or resulted in more serious injury. But I think on balance, the statistics would indicate that in the majority of cases that those who use seat belts are protected thereby and that injuries do not result therefrom.

But we oppose this legislation, Mr. Speaker, for basically three reasons. We acknowledge that those who are in favor of such legislation have very many compelling arguments, very many arguments that are persuasive indeed. But we believe that the three reasons I am about to give are more compelling than those arguments in favor of seat belts.

Firstly, Mr. Speaker, let me say this. We in the Liberal caucus, believe that by far the majority of the people of Saskatchewan are against the use of seat belts, particularly in rural areas. We the Liberal caucus, believe as well, that the wishes of the majority of voters, the majority of this province, should be respected and that no government should pass laws against the wishes of the majority unless there is a very compelling reason indeed.

Now the first question, of course, Members opposite will say is, "Why do you say the majority is opposed?" Well I suppose, Mr. Speaker, it's the way any politician reads the people that he represents, reads the feeling of the public. In my office I know that I have received many representations both pro and con compulsory seat belts. But let me say that the representations against compulsory seat belts far, far outweigh in number the representations for compulsory seat belts. Indeed if my mail and phone calls and other representations are any indication, I would think that the majority of the proportion of people against this type of legislation would be five or six to one. Recently I have had an opportunity of speaking in several rural areas in Saskatchewan and I have posed to the people at those meetings - outside of Pelly as well - indeed many meetings in Pelly and indeed a very successful meeting last Saturday night - well over 600 people ignored the threat of a bomb being planted in our hall either by the Tories or by the NDP and moved on to another hall where the ranks of the crowd swelled even more, Mr. Speaker, - I'm slipping from the point I am talking about, Mr. Speaker.

But indeed the people of Pelly and the people of several other constituencies that I have had the pleasure of going to in recent weeks have indicated to me that they are very much opposed to this compulsory legislation. All the people indicate that seat belts are good. All the people indicate that from time to time they use seat belts, but all the people as well believe that that's a personal choice for them and not for government to legislate.

As I indicated, Mr. Speaker, I believe that government, of whatever party, should respond to the wishes of the majority in the legislation that they represent.

Now, this moves me to the second reason, Mr. Speaker. Members opposite will say, "Well, from time to time government must pass legislation that will help people, legislation that people may not like but will be for their own good if it is

passed." They point to other legislation that we have on the books of the province and on the books of the Dominion. But to answer that argument, Mr. Speaker, let me say this. The Liberal Party believes that before you pass legislation that interferes with anybody's personal conduct, personal activities, indeed personal freedoms, there must be very, very clear proof indeed that such legislation is going to protect the overall public good, the overall public welfare. Many of the pieces of restrictive legislation that we have on the law books now, people acknowledge, is for the public welfare. Members opposite use the example of somebody driving an automobile at 100 miles an hour down a highway and they say nobody objects to that type of legislation. And indeed they don't, because if people drove an automobile at 100 miles an hour down a highway, they would be very much endangering the other users of that highway. And there are other examples that they give. But I point out, Mr. Speaker, that those who choose not to wear seat belts are endangering only themselves. They are not causing a hazard to anybody else in society as a result of their decision. And if they should be risky enough to make such a decision, they are not endangering me or my colleagues or my family or my constituents by making that decision in their own mind. The only person that they endanger is the person who makes that decision as I have indicated.

I suggest to you, Mr. Speaker, that governments should not be making that decision for those people. Those people have the right in their own mind if they feel that strongly about it, not to wear seat belts if they so choose. And I emphasize the only person they endanger because they decide that way is themselves.

Now the next argument advocated by the proponents of compulsory seat belt legislation is that what I say is wrong, that because I choose not to wear a seat belt and if I get into an accident and I get injured, I therefore cause a charge on the public purse, because indeed the public purse must pay for the medical care that I require to be repaired, the hospitalization that is necessary and indeed in some cases, the person's family becomes a charge on the social welfare system. And indeed that is an interesting and compelling argument as well. But once again, Mr. Speaker, we must ask ourselves how far the Government should go in legislating personal conduct, personal morality, personal behavior.

For those who advocate that proposal, that argument, let me put this to them as well. I believe that far more public funds are spent in the Province of Saskatchewan because of the misuse of alcohol, because of alcoholism, because of people becoming involved in automobile accidents while driving while impaired, because of the risk to your health by overuse of alcohol, and so on. I would suspect that the cost to the taxpayers of Saskatchewan is probably in the millions and millions of dollars because a very few of the people of Saskatchewan, a very small minority, abuse their right to indulge in alcoholic spirits if they so choose. I suspect the cost is astronomical when we consider it in human terms as well as in dollar terms. But nobody suggests that there should be legislation passed to prevent the use of alcohol, because indeed the experience we have had in this continent when such legislation was enforced, was to show that people simply ignored the law and they went on and they continued to drink and even greater difficulties arose because it was an illegal procedure.

But we've learned from that experience that government can't legislate that type of personal morality notwithstanding the

May 2, 1977

arguments that they use that it is for the overall good. Another argument that could be used is tobacco, the use of cigarettes, cigars, which I over-indulge in, pipe tobacco, and so on. Once again, people who choose to use tobacco in their own way are putting a charge on the public purse in many cases because their over-use causes such things as lung cancer, heart disease and related medical problems. And once again we don't have the Government opposite, or any government anywhere, using that particular excuse as a device to legislate against the use of tobacco. Once again it's a matter of governing personal conduct, personal behavior and no government in its right mind, of course, would pass laws that would govern peoples personal behavior in this way.

Indeed they pass laws to make the use of alcohol and perhaps the use of tobacco somewhat difficult because of the high taxes they put on those two products, but once again no laws to ban their use because people want to use those two particular things.

Taking it even a step further, as I suppose that if we followed the advice of the Minister of Health, which is good advice and exercised regularly and watched a proper diet, once again we would cut the cost to the public purse of moneys spent to pay for the medical costs of those who don't diet properly or don't exercise properly. But we haven't yet, I hope, reached the stage where we are going to legislate personal habits in this way.

We in the Liberal Party, Mr. Speaker, have decided that you have to draw the line somewhere as to where the Government must stop legislating personal behavior. We have chosen to draw the line on seat belts because we believe that the Government cannot legislate that type of law because people simply will not obey that law.

Which brings me to the third reason, Mr. Speaker, for our opposition to this provision of The Vehicles Act. We believe the law is simply unenforceable. It is unenforceable because people don't want the law. It is unenforceable because of the physical routines that law enforcement agencies would have to go through to make the law enforceable. They would have to stop every motor vehicle in every town, in every city and every country road to check to see if people were wearing their seat belts. Nobody of course envisages that happening. Nobody of course wants that to happen. But nevertheless it makes the law unenforceable. And there is an old rule, Mr. Speaker, that all legislatures and all lawyers are aware of, is that if you can't enforce a law, you don't pass that law, because if you do so, it puts that particular law into contempt, and if one law is held in contempt, it is a short period of time, Mr. Speaker, before other laws start being held in contempt. That in itself is reason enough, as far as I am concerned, to oppose this type of legislation.

So, Mr. Speaker, let me sum up by saying there are three reasons why we oppose the legislation. Number one, the people of Saskatchewan, the majority of the people of Saskatchewan, don't want the legislation. It may well be in months to come or years to come that an educational program would put the people of Saskatchewan in such a position where there was a demand for such legislation, but that's not the point at this point in time, Mr. Speaker.

Secondly, we feel that government cannot legislate personal conduct, personal habits and personal freedoms. That's what this

law is trying to do.

Thirdly, Mr. Speaker, the law is unenforceable and will be held in contempt by all people of this province if the law is passed.

We feel those three reasons are compelling reasons. They are reasons enough for this legislation not to be passed.

Now, Mr. Speaker, I have been asked by one of the other Members who cannot be here tonight to adjourn debate on his behalf as he wants to speak about the matter and accordingly, Mr. Speaker, at this time, I ask for leave to adjourn debate.

Debate adjourned.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Bowerman that Bill No. 84 - **An Act to amend The Northern Saskatchewan Economic Development Act, 1974** - be now read a second time.

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

#### YEAS – 24

Blakeney	Matsalla	Cowley
Bowerman	MacMurchy	Tchorzewski
Smishek	Mostoway	Shillington
Romanow	Banda	Vickar
Messer	Whelan	Allen
Snyder	Kaeding	Koskie
Byers	McNeill	Johnson
Lange	MacAuley	Thompson

#### NAYS – 17

Malone	Thatcher	Lane (Qu'Appelle)
Stodalka	Anderson	Birkbeck
Wiebe	McMillan	Ham
Merchant	Collver	Katzman
MacDonald	Larter	Wipf
Cameron	Bailey	

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Messer that Bill No. 72 - **An Act respecting The Natural Gas Development and Conservation Board** be now read a second time.

**MR. E.F.A. MERCHANT (Regina Wascana):** — Mr. Speaker, we support this Act; we support the concept. There are, however, a number of things that should be pointed out while the question of natural gas is before the House. Part of our difficulty flows from the fact that the Provincial Government in the past has not been prepared to listen to the industry. A public inquiry system such as the one that exists in Alberta which this legislation will enact will allow the industry to express its concerns to a public board and indicate to the board how we can get greater production of natural gas in Saskatchewan and in part for that reason we support this legislation.

The impetus of the Government in its natural gas development has been to develop jobs in seeking natural gas outside of this

May 2, 1977

province. The direction has been to invest the Saskatchewan taxpayers' money to seek natural gas in Alberta, British Columbia and the North West Territories and we think that's wrong.

Now that, Mr. Speaker, is understandable in relation to the price that is paid per MCF by the three western provinces. On new gas British Columbia pays 66 cents per MCF, Alberta pays 60 cents, and Saskatchewan now pays 28 cents after royalties and taxes. The result obviously has been that very little gas exploration has gone on in this province. The establishment of this board will allow the industry to express its concerns about the problem and bring an independence to bear on the question of pricing.

In part this board is the result of Alberta having indicated that they may not allow export licences unless Saskatchewan develops the gas available to us. The Minister in moving this Bill said and I quote:

In 1976, it was suspected with each delay in granting further export permits to the Saskatchewan Power Corporation by the Alberta Government that future requests for natural gas export to Saskatchewan from Alberta may be denied.

Unfortunately, I believe that the Minister's comments will be very prophetic. Those comments themselves demonstrate the error of the Government's direction to date.

Mere ownership of the natural gas isn't going to mean that we'll be able to get the gas back from the North West Territories, back from British Columbia, or back from Alberta. We may be spending Saskatchewan taxpayers' money to develop natural gas which ultimately heats people in other provinces and develops industry there. Admittedly there are problems in developing the Saskatchewan fields. We have little natural gas here and it tends to be in the Lloydminster area along the Alberta border. The geology for natural gas is not good in Saskatchewan. The fields tend to be shallow and of low pressure. Saskatchewan at best is likely to only be able to meet about 50 per cent of our domestic requirements and we've lost a great deal of time in developing those fields.

The Government without an independent board has faced the politically dicey question of whether to increase the price of gas through the Power Corporation, thereby incurring voter displeasure, or to do as they did, hold the price down to unnaturally low and unreasonable levels for political gain. The short term political gain is going to cause serious long range economic difficulties for this province. The major oil companies have been all but driven from Saskatchewan. We have been left only with the independents. Even they have tended to gravitate from the province and you don't turn exploration interests around with a snap of your fingers.

Nonetheless improvement appears on the horizon. The Premier has relinquished his direct control of the Energy Secretariat. It now reports directly to Messrs. Moncur and Messer and not to the Premier. This augurs well. The Premier clearly is placing confidence in the Department of Mineral Resources to handle the energy questions. The Natural Gas Development and Conservation Board is headed by Jack Wotherspoon. He is a fine, courageous petroleum engineer. He was the Deputy Minister of Mineral Resources. He was in no way politically aligned and he has the

ability and confidence to deal with and the confidence of the industry.

The public should bear in mind, however, that establishing this board flows from the Government attempting to find a way to avoid taking the hard and necessary decisions about price. The Government doesn't want to tell the Saskatchewan voter that price has to go up, yet the Government knows that without price increases we will become even more dependent on out of province natural gas and oil reserves. Establishing this board means price increases for the consumers of Saskatchewan and the Minister hopes to hide behind this board.

Serious errors have been made by this NDP Government in the past. The changes now underway including the almost abolition of Bill 42 are all good. But the principal error remains, that these changes come too late. We approve of the concept of the board we approve of the direction in which the board appears to be moving, and I approve of the decision to put a more business-like mind in charge of the Energy Secretariat than that of the Premier.

It is my intention, Mr. Speaker, to support this legislation.

Motion agreed to and Bill read a second time.

## **COMMITTEE OF FINANCE - DEPARTMENT OF MUNICIPAL AFFAIRS - VOTE 24**

**HON. G. MacMURCHY (Minister of Municipal Affairs):** — I have some of my staff here which I will introduce. To my right the Deputy Minister of Urban Affairs, Harold Dyck, to my left the Deputy Minister of Rural Affairs, Archie Clampett; behind me, Cliff Rankin and Alex MacIntyre of the administrative staff.

### **ITEM 1**

**MR. A. N. MacMILLAN (Kindersley):** — Mr. Chairman, my comments regarding the Estimates for Municipal Affairs will be rather brief. There have been some very disturbing trends in Saskatchewan over the past few years with regard to the Municipal Affairs branch of the Government and the kind of support that they provide for what I suggest is in many respects the backbone of Saskatchewan. Certainly rural municipal governments are the basis for all of the good government provided in Saskatchewan. The services that are provided at the local level are in many respects as important to people in Saskatchewan as those services provided by the Provincial Government at the provincial level.

People in rural Saskatchewan and people involved in local government I suspect aren't particularly happy with the way that this province is moving with respect to the Department of Municipal Affairs. I would like to give one specific example of what has happened in Saskatchewan over the past five years and the trend that severely upset local governments on the rural level. I think the example I give will in itself be an indication, I suspect, of some of the concerns that local government members raise about the future.

Very simply put, the problem is that increased grants from the Province of Saskatchewan to local governments have not matched the increased costs of operation to those local



governments to provide the kind of service and the type of service that they have been providing for years. For example, and I use statistics that our caucus has gathered on one constituency and that is the Assiniboia-Gravelbourg constituency which contains 11 rural municipalities or parts thereof. The best example to see what has happened, what position these people have been put in is to check the increase in their mill rate over the past ten years and to compare the kind of fiscal responsibility that has been transferred to local governments whether they wanted it or not.

Five years before this NDP Government came into power, from 1966 to 1971, these rural municipalities raised their mill rates an average of 1.62 mills or a total of 5.2 percentage points in five years. The services I suspect were provided at the same level they have been before. The level of financing that was provided to these municipalities was obviously adequate in that they weren't forced to increase their mill rates more than five per cent in five years or one per cent a year to continue to provide necessary services to the local communities. That was the five years prior to 1971. I think it says a mouthful about the kind of priorities that the previous government had, maintaining local financing so that basic services could be provided to rural Saskatchewan.

The sad part and certainly the disturbing thing for Members of this Legislature is what happened in the five years following 1971. These same 11 rural municipalities increased their mill rate by 28.52 mills or 91.8 per cent in the five years from 1971 on. Mr. Chairman, 5.2 per cent in the last years of Liberal administration, 91.8 per cent in the first five years of NDP administration. That says a mouthful about the problems that rural municipalities are faced with and the attitude of this Provincial Government. These people in no way are providing programs or services that aren't considered a necessity at the local level. They are local governments forced by their very nature to be far more responsive to local concerns than the Provincial Government is, in a position certainly to reject any programs that they found unnecessary or not mandatory, that they were taxed for immediately, in a position to keep their local governments honest and I think they have done a good job of it. They have had to swallow, in this particular instance over five years, almost a 100 per cent increase in their mill rates. If the figures for 1977 were included I suspect that the figure would be over 100 per cent since this Government took power. And that's a disturbing thing indeed, Mr. Chairman, because it indicates in one way or another this Provincial Government has abandoned the interests and the needs of rural Saskatchewan. Certainly that has been the case for five and six years now. It is certainly the case in this year's Budget. It is our hope that in the next few years when you have to sit down and try to do something to maintain the level of financing that is available to rural municipalities, that you will be able to work out some sort of revenue sharing program that will be acceptable to maintaining the local government services that are provided in Saskatchewan now.

To date your record has been shoddy, worse than shoddy; it has been a disgrace. It has shown a callous attitude by Your Government towards the basic foundations of Saskatchewan and that is rural Saskatchewan and the local government that maintained and developed rural Saskatchewan in the first instance. Those local governments in many respects provided services through the '30s that provincial governments were unable to do. I think

very specifically back to the early 1960s and '62 and when the hospitalization insurance program was introduced, I believe that the insurance premium that our family was forced to pay for medical care in Saskatchewan when it was taken over by the Provincial Government was increased substantially over what we had been paying through our municipal insurance program for the same services. That's the kind of involvement that rural governments and local governments have had in the development of this province over the years. They continue to play a vital role in propping up and maintaining the backbone of Saskatchewan - certainly our agricultural economy, and this Government has abandoned them. Your levels of financing and your grant structure to the local municipalities has in no way maintained a semblance of respectability as far as their increased cost goes. And I suggest again, that that figure of roughly 100 per cent in six years is testimony to that fact, indeed.

As I say, some changes are necessary, and I suspect are going to be brought about by this Provincial Government in the years to come. I hope that you don't enter negotiations with local governments, be they urban or rural, with the same attitude that your Government has had for the past six years. I might say I am not particularly optimistic that there has been any radical transformation in attitude by Members on your side of the House. I can only hope that members of local governments have found that their backs have been pressed to the wall to the limit, and that they will fight back to the extent that your Government will come to its senses and at least if it has no heart for their problems, be forced through political expediency to recognize financially and through moral support, the kind of valuable asset that strong local government provides in Saskatchewan.

Those are the few first remarks I should like to make, and I should like to ask the Minister if he would stand on his feet, and I suspect he is probably anxious to do so, and explain to this House how his Government could have allowed the revenue, indirect revenue sharing because you have provided funds to local governments through a grant system, how you could have let it slump to the point where local municipalities, like the 11 I have mentioned in the Assiniboia-Gravelbourg constituency, how you could have let the revenues slump to them to the extent that they have been forced to raise their mill rate by 100 per cent in the last six years.

**HON. G. MacMURCHY (Minister of Municipal Affairs):** — Mr. Chairman, I am pleased to comment on the remarks of the Hon. Member for Kindersley. I think four things have happened since this Government has taken office. One significant thing has been inflation, and the costs for municipal services have been caught in that inflation situation. The second thing that happened, is we have seen a significant amount of funding to local government through education grants. Grants to schools have gone up from about \$70 million to \$185 million. Obviously this has had an impact on mill rates. The third significant factor that has taken place since this Government has taken office, is the support for urban government. You cannot look at the Department of Municipal Affairs without looking at both the support for rural government, and the support for urban government. And in the area of our urban government, our grant increases have been to the level of 1,200 per cent since we took office. The fourth area of support, is support for rural government, the area in which the Hon. Member confined himself.

May 2, 1977

I might point out that support for rural government since we took office has gone from \$11 million to well over \$17 million, in fact, \$17.8 million. So, in the area of grants to rural governments for their various programs, we have seen a significant increase in the rural level.

Our emphasis, as I indicated, since we have taken office, has been in support for education. In fact, we have dealt with the 25 mill issue through Property Improvement Grants. It has been support for urban government, since that was found lacking upon taking office, and a continuingly strong support for our rural government. We have seen the completion of the grid road system. We have a target in sight for completion of the main farm access system. We have set that system at 18,000 miles. Since we are well over half done we see the completion of that system in an eight year period and we are providing funds to accommodate that completion within that time frame. In addition to that, we have seen the start of support for a new road system, an oil road system, which is really now just getting under way, and over the next 15 years we are looking forward to the completion of some 5,000 miles of oiled roads as part of the municipal system.

So, we have been acting and I think, acting extremely well in support of local government on a very broad area.

**MR. McMILLAN:** — Well, one final set of remarks to the Minister. I note, despite your attempts at defending your Government's approach, that your remarks have had a significantly hollow ring, indeed, when one takes into effect what actually has had to happen on the local level in the past six years, in order for that municipal government, be it urban or rural, to survive financially.

Certainly the picture in the urban municipal government, that local government has changed dramatically, because the level and type of service that has to be offered by urban governments is significantly different from that which is offered by rural governments. I confine my remarks, certainly, to rural Saskatchewan. I suggest that in my own heart, that's where the greatest problem lies, the most serious problem lies. I suggest to you, Mr. Minister, that were we to take your remarks as literally as you, perhaps you didn't mean them to come out, a Member for rural Saskatchewan could only suggest that your Government has changed in a significant manner its emphasis from support to rural Saskatchewan to urban Saskatchewan, and I suggest if that's the case, you are very badly mistaken, because even your Minister of Finance (Mr. Smishek) readily admits that the bulk of Saskatchewan's Gross Provincial Product, if you want to refer to that, is generated in rural Saskatchewan.

I have said that you are choking off local governments, or putting them in a position where they either choke or gouge their municipal taxpayers to a further extent. I think that that is a regrettable situation for local governments, be they urban or rural, to have to face. I think your Government should be condemned for having that lack of sympathy towards that basic government institution which has been as important to the development of this province as the Provincial Government has.

I say it is regrettable, and I hope you will change your attitude in the future.

**MR. MacMURCHY:** — Mr. Chairman, the very purpose of the Government appointing Dr. Archer and Dr. Harvey and Vic Hay to look at rural Saskatchewan, was to come up with a proposal that would focus local government, rural government, on itself and focus the attention of the province on this particular area. And, we see a discussion taking place and a commentary taking place, on that very report. And out of that discussion, and out of that report, the Government will focus its attention on the new programs in support of rural municipalities.

I suppose that the Hon. Member can argue with how we proceed. I have indicated we have proceeded along the lines of the education funding, the urban funding; we will now be turning our attention to the kind of support that we can provide to rural Saskatchewan.

With respect to funding support for both rural and urban government, you will know that we have announced our intent to bring forward a revenue sharing proposal in 1978. This will provide a new way of funding, both to urban government and to rural government, and we are looking forward to this development, as I know they are.

**MR. J. G. LANE (Qu'Appelle):** — Mr. Chairman, Mr. Minister, at the outset I should like to congratulate your new Deputy of the rural section, Mr. Clampett. I am sure that his many years of excellent service to the people will be put to good use in his new position. We wish him well.

One senses from your department and your yearly statements about how much you are spending and the fact that the local governments of Saskatchewan are still complaining that perhaps you have had a record of ineffective spending, as opposed to inadequate spending. I say that for several reasons.

The first reason being that, notwithstanding the great increases in government expenditures under the departmental Estimates, in fact, the local governments of Saskatchewan have fallen behind the rate of inflation, and have been unable to keep up with the service demand upon them by their taxpayers.

Now, if that is the case, obviously the present approach is inadequate - perhaps not effective. There is another argument that is accepted by most people in local government, and that is that the Provincial Government, by its manner of spending, has, in fact, created demands on local governments, demands which in inflationary times are unable to satisfy, and that is done through the cost-shared programs.

Local governments are being encouraged to participate in programs to get 50 cent dollars or 25 cent dollars, or whatever the position may be, and, in fact, many of these programs that local governments and local politicians want to take advantage of are now starting to cost money. The service of these programs and the maintenance of these programs is becoming an increasingly onerous burden on local governments of Saskatchewan.

I will give you an example of a program which, in my opinion, has I think, frankly, been a waste of the taxpayers' money, and that is the Saskatchewan Housing Corporation. The Saskatchewan Housing Corporation is a government competitor for the cost of land used for development. Now, whether it is a

major competitor is another matter. One must think that it is. The massive purchases in the surrounding areas of Regina, in particular, by the Saskatchewan Housing Corporation, a land banking program for some 15 years down the road when we don't even have the statistics as to projected growth or how it is going to grow, when we haven't even made decisions in the Regina region, for example, as to whether we are going to satellite communities, the type of growth the city will have, the direction of city growth, decisions which I submit, are best made, not by the Housing Corporation, but by the officials of the city of Regina and the surrounding local governments. I think that Saskatchewan Housing Corporation has pushed up and, perhaps, pushed up dramatically, the cost of home land, land for housing, land for housing developments, in the city of Regina.

I will be asking, and I would ask that the Minister have his officials prepare for a list of the purchases made, those listed in the annual report of the Housing Corporation, the cost per acre and any incidental costs that were added to the particular purchases, and any made in the last year. If we take a look at the annual report of the Housing Corporation, and I stand to be corrected, the report indicates that there were 13,143 dwelling units started in the year 1976, the year under review. And the provincial assistance was for some 2,683 units, and again, I am quoting from the annual report. I hope I am quoting correctly.

Now, 12 per cent of that was for building co-ops. I will have some comments on building co-ops and some criticisms of the particular branch - 310 units - in other words, out of the 13,000 - 310 units were for building co-ops. One hundred and fifteen units were subsidy in self-help, and 202 units in rural. Now, if we take the non-profit rental out of that particular area and public housing, which I submit could have been done without the addition of an added bureaucracy, and within the existing administrative framework of the department, I would suggest that we are really going to be asking for an operating budget for the Saskatchewan Housing Corporation of \$2,253,000 in the Estimates, and we may be looking at approximately 600 housing units. Now that is absolutely ridiculous. That situation exists.

I submit that the Saskatchewan Housing Corporation has added to the cost of housing in Saskatoon and Regina, if not elsewhere. I submit that the Saskatchewan Housing Corporation has added to the cost of land for development purposes. I mentioned my concerns about the co-op housing and I have indicated to the Minister my concerns in the past, not with the concept of co-op housing, but co-op housing has only been proven effective over the long term in those areas wherein the co-operative units are made up of people with trade skills that can be utilized to build homes. Very, very few people can be trained to become a competent electrician in order to build a home, or any of the other trade skills.

Where there are sufficient people in the co-op unit that have skills, house building skills, then the co-op unit, of course, can be 1) a success and 2) a very wise move on the part of the individual co-operative members. Where we have people who are not skilled, then it has also (been proven in other jurisdictions that five to ten years down the road, the actual constructed unit is inadequate, repair costs are dramatically higher than one constructed by people with trade skills.

I know, from statements in the past; that the Minister has given the assurance that there would be training. I find it

somewhat hard to accept that it takes several years, and the Minister of Labour can perhaps back me up on that to become a skilled plumber, a skilled electrician and to train laymen within a period of a couple of months or whatever to be able to be skilled enough to build a home and do the wiring and I think it's just not fair to even put them in a position of that existing.

The Housing Corporation generally as I've said, has done nothing in my opinion except add to the cost of housing. We could have done the public housing (and I commend the Government for the increase in spending in public housing) through the existing framework without an added bureaucracy. There are other problems that the Government has failed to come to grips with as long as the Government is taking rather the myopic view that the mere spending is going to solve problems.

I raised in the Assembly last year for the Government's consideration or urged the Government to take some action on the matter of mobile home parks. There has to be a completely new approach to dealing with mobile homes in the matter of standards and I've urged uniform standards of construction for mobile homes in the province. I also have urged the Government in the past to assist directly those municipalities that are required to establish mobile home parks so that mobile home parks will be substantially improved and that the Government will finally recognize that mobile homes are becoming an acceptable life style and a desirable life style for thousands of people. I have asked the Government in the past, when it talked about the matter of foreign ownership of farm lands that perhaps it was time to look at the matter of foreign ownership of city lands, because I would strongly suppose that foreign ownership of city lands in Saskatchewan is a major factor in the high cost of business lands or lands used for commercial purposes. I can't see why it's desirable on the one hand to prohibit foreign ownership of farm land, but not to do the same thing of our vital urban land and city land. We will be interested to hear the Minister's comments about the stand the Government is taking on the proposed annexation of farm lands around the city of Regina and I will expect and hope that the Minister will comment on that particular matter.

There's another area that I have raised I think, for approximately the last three years which I will be interested in the study of the land surrounding Saskatchewan and that is a matter that I believe is becoming more and more urgent yearly, and that is the position of satellite communities and I've expressed my concerns to the Minister. Those people in satellite communities are moving out to the surrounding areas of the major centres. They're doing it for any one of a number of reasons, from cheaper taxes to a less hectic type of living. When they arrive in these satellite communities there are very few support services, there are very few social facilities or recreational facilities, and they expect the existing residents to supply them with these facilities and if they're not there they maintain their social contacts with the nearest major urban centre. The result is that they do not contribute their social energies to their new community and everyone suffers as a result. All that the local community can hope to do is supply some basic utilities. I've urged in the past that we must recognize that we cannot expect the local communities, the surrounding communities to even cope with the problem financially, and that we are going to simply have to recognize that the satellite communities have special needs, special needs that are going to require some

assistance from the Government, direct assistance, assistance that perhaps to people further away may seem unfair, but I think an explanation to those further away of the desirability of establishing sound communities where people can be encouraged to participate and encouraged to direct their social energies to that community is of advantage to all the people in Saskatchewan.

Mr. Minister, I would appreciate your comments.

**MR. MacMURCHY:** — Mr. Chairman, there are a number of things that the Hon. Member covered. He talked initially about the funding of urban municipalities relating to the cost-share items and I point out to the Hon. Member that all of those are capital programs. The Community Capital Fund, the Recreational Capital Fund, are cost-share programs. So far as the rural municipalities are concerned they have capital programs of main farm access roads, super grid roads, both of which are cost-shared. I think on the capital side it's important to continue those kinds of programs. On the operational side we see a gradual move toward the unconditional approach and I support that approach, and that will be the very basis of a revenue sharing proposal.

With respect to the Housing Corporation, I simply can't agree with the Hon. Member that the Housing Corporation is not providing a sound function for Saskatchewan. Its program areas are significant, the public housing area, the acquisition of housing for low income people, the non-profit housing program for senior citizens, the residential rehabilitation program, the senior citizens' home repair program, and the land assembly program. With respect to the land assembly program, Mr. Chairman, well, that program has been around for some time, around before the Housing Corporation provided a \$35 million program for the people of Saskatchewan, for the urban communities of Saskatchewan. The Hon. Member will recall when CMHC along with the Housing Corporation and the city of Regina were involved in a land assembly program, it was thought that this was a good way to go. It was acknowledged that CMHC funding for Saskatchewan was not significant enough to meet the needs and the demands of land assembly; we've seen a significant growth in the housing area, not just in the large cities, but in many of our small towns and villages and there was pressure coming for some kind of a program to assist in providing service lots. This land assembly program has provided the assistance for service lots. All of the land assembly that has taken place has started at the level of the municipal council and they make requests for participation and I think that the municipal governments in Saskatchewan strongly support the land assembly program that we have as the people of Saskatchewan support the many other programs including the co-operative housing program, the sweat equity co-op program; I don't agree with the Hon. Member with respect to sweat equity co-op. I can recall in previous debates on the Housing Corporation that the Hon. Member raised this as an issue. I don't agree. I think that this is an excellent route to be followed. I think that these people build fine homes and they take a great deal of pride in building those homes. I visited some; I have driven by some and I am pretty proud of that particular program and the people that are involved are very proud of what they have been able to accomplish.

With respect, Mr. Chairman, to the annexation issue. Our department has not received anything from the city of Regina, as yet, with respect to the annexation. Therefore, we just haven't anything to look at until that happens, until the

department and the community planning branch has an opportunity to look at it, has an opportunity to make recommendations to the Government, we just simply can't respond.

With respect to mobile home subdivisions, I think the Hon. Member is aware that there is a mobile home subdivision in Argyle Park; there is one being proposed in Walsh Acres here in the city of Regina. There is an excellent one at Yorkton, which has been there for some time. I understand there is one down at Estevan. That concept is growing. The mobile home subdivision is the approach we support.

With respect to the issue of the satellite cities, we are now in a position as a department to develop a regional planning program. We now have the machinery available to us to conduct a regional planning study in three centres, Regina, Saskatoon and Prince Albert where the problems are extreme. We want that study to not just give us a position, but to deal with mapping, land analysis, economic base analysis and agriculture and tourism in all of the areas of financial consideration of the services, the energy services, the water and sewer services, the policing services and the housing and so on. We are just now in a position to take a good look at and give consideration to the satellite community issue.

**MR. W. C. THATCHER (Thunder Creek):** — Mr. Chairman, while we are on the subject of the Saskatchewan Housing Corporation, I would like to ask the Minister what the policy is of his department in regard to the building of houses under Saskatchewan Housing Corporation? First off tell me his Government's philosophy in the selection of contractors. Do you necessarily take the lowest tender, and if you do not, assuming that all qualifications are equal, of course, and if you do not, would the Minister tell us how, in fact, he does make his choices?

**MR. MacMURCHY:** — Mr. Chairman, in response to the Hon. Member, as it relates to the public housing, that is the large one, I will comment on it and I will comment also on the rural program.

Under the public housing two approaches are taken, one is tender and the other is proposal call. With respect to the selection of either the tender or the proposal call, this is done by the participating bodies, in this case it would be the Housing Corporation, CMHC, a representative of the housing authority if there is one already in operation and the representative of the municipality. So there are either three looking at the tenders and the proposal calls or in some cases four. They really make the recommendation and basically make the decision with respect to who is accepted.

With respect to the rural and native program, along with CMHC and the Federal Government there has been an attempt to use native people in the construction of these homes, using, of course, the non-profit approach. That has been used very extensively, and I think while there have been problems, things are going reasonably successfully. We had an excellent discussion in the Crown Corporations Committee on this particular subject. The Hon. Member for Kindersley participated at some length in discussion of this particular program in Crown Corporations. Additionally to that we are looking at the tender approach and I think we are seeing in some communities that approach being taken.



**MR. THATCHER:** — Mr. Minister, if I may follow up in this line of questioning. I am interested in your proposal call or project management, whatever you may care to term it. I am interested in a situation where Saskatchewan Housing Corporation has a public housing project which they wish to put in location A. You put out a basic set of projections, for instance the number of levels may be a maximum of six, a minimum of two. You put out what specifications you may - a maximum and a minimum. Then the various companies submit their project or their proposal. Could the Minister specifically then tell me how he and his department arrive at the decision as to what contractor or what builder will ultimately build that project?

**MR. MacMURCHY:** — I think I indicated on the proposal call situation, the parties that participate in the decision, say in the city of Regina there were four participants in the decision on the proposal call. That would be the case in Saskatoon and that would be the case in Swift Current and in Moose Jaw.

**MR. THATCHER:** — Mr. Minister could you give me the four participants again?

**MR. MacMURCHY:** — The Saskatchewan Housing Corporation, the representatives of CMHC, a representative of the Housing Authority, a representative of the city, in those cases. They make the recommendation, both to Ottawa and to myself, as the Chairman of the Board of the Housing Corporation.

**MR. THATCHER:** — Mr. Minister, I would like to refer specifically to an instance in Regina some months ago, when Saskatchewan Housing Corporation put out the maximum and minimum limits, and I believe you received some three or four proposals. Two of them were very close. If I am not mistaken, there was a difference in construction design of one storey, but both these limits were within the specifications as put out by the Saskatchewan Housing Corporation. I believe in your specifications you specified a maximum of six storeys. Ultimately, you chose a successful bidder, a company by the name of, I believe, MBS from Winnipeg, Manitoba.

The interesting part was, the company that you ignored, and this is all public knowledge now, the company that you ignored, was from Moose Jaw, a company that has done a large volume of business with the Provincial Government for a great many years, and a company that has an excellent track record in both the Government and the private sector, a company that had been used by the former CCF administration, the former Liberal administration and the present NDP administration. It seemed to be able to operate quite freely with all three of them, and built up a track record over some 25 or 30 years. And, this company was low, low by quite a considerable figure. Their project was a good one. It differed slightly from MBS's. It had an extra storey on it, if memory serves me correctly, but it was considerably lower in cost, and yet, somehow MBS ended up with that contract. Could the Minister explain that instance to me?

**MR. MacMURCHY:** — Mr. Chairman, with respect to the specific circumstances, it is true that the contract was awarded on the basis put forward by the Hon. Member. The committee made up of the representatives

that I indicated to you, felt very, very strongly about the design that was put forward by MBS, no question about it. Upon receiving their recommendation, which I did, I asked that committee to review its decision, which it did, and in reviewing its decision, it maintained its original position. In fact, I received from the chairman of the Regina Housing Authority, a letter, strongly expressing his feelings and the feelings of his Authority with respect to the decision that they had made. A letter was also received from CMHC, to the same effect as the letter that was forthcoming from the chairman of the Regina Housing Authority.

It was on that basis, then, that approval was given to MBS to proceed on what is called the Broadway project.

**MR. THATCHER:** — Mr. Minister, I should like to ask you, first off, who were the individuals that represented the various groups, and this is who represented SHC, CMHC, the Regina Housing Authority and the city of Regina? I should like to know who those individuals were. I should like the Minister to tell us when they met, and furthermore, Mr. Minister, in view of your answer and your reference to the correspondence involved from the CMHC and from the Regina Housing Authority, I should like to ask the Minister if he will table that correspondence in the Legislature? Furthermore, I should like to ask the Minister if he will table the minutes of these meetings that he describes in this Legislature?

**MR. MacMURCHY:** — Mr. Chairman, we don't have the dates of the meetings with us this evening. We can get them and provide them to the Assembly. The people representing the various constituents were from the city of Regina - Bruce Smith; from the Regina Authority - Hewitt Helmsing; from CMHC - their Branch Manager, Mr. McAllister; and from SHC - Mr. Kroiter. I don't have the letters with me, but I will bring them and provide them to the Assembly and to the Hon. Member.

**MR. THATCHER:** — Would the Minister agree to table the minutes of the meetings between these individuals, as well as tabling the letters which the Minister has just agreed to do so?

**MR. MacMURCHY:** — We are not sure that the Corporation has the actual minutes, but we do have a report of the meeting and we can table that for the Hon. Member.

**MR. THATCHER:** — Mr. Minister, was there not a recorder present? I find it difficult to believe that a group like this could meet and that someone didn't take a set of minutes down in order to forward to you. Could I respectfully submit to the Minister that the representative of Saskatchewan Housing Corporation probably took minutes.

**MR. MacMURCHY:** — There is an execution process that takes place and there's a signing of forms at the meeting, and that's the information that we will be able to make available to the Hon. Member. What took place there we will provide to him.

May 2, 1977

**MR. THATCHER:** — Mr. Minister, in order to expedite proceedings this evening, could I ask the Minister if it is possible to obtain these documents this evening? We can flag the item and then we can move on to something else.

**MR. MacMURCHY:** — We will send someone back to the office; it's downtown, and if we can bring it back before the House adjourns, we will be able to table it. It is no issue; it is just a matter of finding it and bringing it down.

**MR. THATCHER:** — Thank you, Mr. Minister.

**MR. CHAIRMAN:** — Order. Could I just ask the Members if they are going to flag this, maybe we could flag that for subvotes on housing so that you don't flag Item 1. Would that be agreed?

**MR. THATCHER:** — Very good idea. If I could just ask one more question.

**MR. CHAIRMAN:** — I just want to ask the Members to remember that we will permit you to ask general questions on Item 1, but I want to remind you that on specific questions to relate them to Items in question.

**MR. THATCHER:** — Mr. Minister, the committees or the groups that were involved in this decision, are they making the decisions solely on the basis of design, or do they make their recommendations on the basis of who the contractor is, what the cost factor is, and the overall picture, or are they looking at nothing more than design?

**MR. MacMURCHY:** — Both design and cost – and design relates to the suitability of the project to the needs of the senior citizens in terms of their actual accommodation and the social aspect related to it. The two factors are taken into consideration. The design in the broadest sense and the costs are taken into consideration by the committee.

**MR. R. H. BAILEY (Rosetown-Elrose):** — Mr. Chairman, I'm sure that the Minister would be very disappointed if some questions were not raised this evening on a topic which I wish to get to in a moment. I'm not too sure whether . . . the Member for Wascana (Mr. Merchant) wants a couple of questions . . . that's fine.

**MR. E. F. A. MERCHANT (Regina Wascana):** — I wonder, Mr. Minister, as I understand it, the reason that you approved MBS at \$1,500 a suite more is because it was a three storey building, even though the requirement of the bid was different. Why, if the Government had changed its desire and wanted that different height of building, didn't you do as the laborers' union thought you should have done and retendered for the building? Would it have been improper in any way to retender? When you look at the figures and you find that Graham Construction was \$2,100 per suite cheaper than a six storey building, it would appear to me at least, that the three storey building is cheaper to construct than a six storey building, because Graham's bid was substantially cheaper for a three storey building than a six. And you took the three from MBS. I wonder why you wouldn't have retendered?

**MR. MacMURCHY:** — One of the key reasons for not retendering was the feelings of CMHC. In their review, all of the options were considered and one of them would be the option to retender. CMHC did not agree and I think they indicated that in the letter that they forwarded to me, and which we will be providing for the Hon. Members. In addition to that, it was just more than the three storey idea; it was just a better design within the three storeys.

**MR. BAILEY:** — Yes, Mr. Chairman, I want to get back to the Minister. I was about to say that I am sure he would be somewhat disappointed if some Member from this side didn't bring up a particular topic which I want to get back to in just a moment.

I don't know whether the Minister is the proper recipient or not. I'm sure that he had something to do with it and I was going to offer congratulations to the Minister in charge of Municipal Affairs simply because the organizations of SUMA, SARM and SSTA have gotten together to mold themselves into what one might say is a strong government group for the first time. I believe that over the history of this province there have been attempts to do that very thing and it has never really come to reality until the past few months. I don't know, as the Minister of Municipal Affairs, whether he would rather deal with them individually or not, but at least I'm pleased to see that they have gotten together because I think they have many things in common.

Well, Mr. Minister, I am sure that you would be very is appointed as Minister of Municipal Affairs if the topic of eight restrictions wasn't mentioned at this particular time. While this may well be, Mr. Chairman, dealt with under another estimate, I believe that because of the association that we have had with this topic, with this particular branch of the Government, I think it is quite in order that a few questions should be asked at this time.

Mr. Minister, last year, two years ago now, when you introduced the legislation on what was commonly known as the Snow- mobile legislation, that legislation was subsequently withdrawn and I think for a very good reason. I think the reason was very clear to everyone, certainly to Members on that side of the House and this side of the House and people in general within the province, that it was a very difficult piece of legislation. So, in your wisdom, the legislation was withdrawn and re-presented in a more acceptable way. Certainly nobody should think that any government, of any political stripe, should be cowardly in doing just that.

However, Mr. Minister, the question of weights for the trucking industry has been a topic which is now running second, I suppose, maybe third; the most common topics in Saskatchewan today would be the potential drought conditions; I suspect that number two which would follow the coffee row discussions would be seat belts, but number three would still be the proposal which you made as Minister on the weight restrictions on the trucking industry in Saskatchewan.

We have waited some time, Mr. Minister, and I am not criticizing you as such, nor your department, nor your relationship with other boards that belong to the Government, in delaying the announcement of such. I want to, however, mention that one

May 2, 1977

of the things which is disturbing, not so much disturbing to this House, but is disturbing to the people who are directly and indirectly involved miles and miles away from this particular Assembly this evening, was the whole question of discrimination. This question kept looming up from time to time in the minds of those who were involved in the trucking industry, the minds of those people who are out there, hundreds of boards involved in local municipal government.

The proposal which you made, and which you led us to believe, was the proposal from the SARM convention, which we later found out was not their proposal, many people viewed that as not being a proposal at all. I think the Minister would agree to that. I think that the Minister would agree that most people heard the announcement, considered it to be legislation, just as most people today read the news accounts of seat belts and they actually believe that it is legislation. While that may be a few days from legislation, I think we have to say that it hasn't had its full discussion in this House, and certainly hasn't received at this point in time the approval of this Assembly.

Now when we talk about the weight restrictions I want to, refer the Minister to a couple of items which bothered the people in Saskatchewan. First of all, I would not be the one, Mr. Minister, who would accuse you, and I don't want you to understand me as saying that this evening, to accuse you of using your position as Minister of Municipal Affairs to use, if I can use that term, to use your department in order to exercise your own political philosophy, your own biases or prejudices. I want to suggest to you, Mr. Minister, that that is exactly how the people in rural Saskatchewan read your announcement. I think it was a very dangerous thing, and that's why from time to time you have been questioned in this House on that proposal of some six weeks ago.

This is of a discriminatory nature, Mr. Minister, and I think you can see it. Here we have an individual who is sitting out and is say, farming, he's eight miles from the highway, he's fortunate enough to live on a grid road, and if those proposals that you mentioned are brought in, he would be able to see a number of discriminatory practices before his very eyes.

He would be able to see machinery coming in on that road which he supported, which I suppose everybody indirectly supported. He would be able to see machinery coming in on that road in excess of say 54,000 pounds and yet he himself couldn't use his own road with the same weight as he saw the machinery coming in. The next morning he may wake up and see a load of fertilizer coming in, going right by his door, and yet he himself could not load his truck with the same amount of weight to deliver the produce which he grew and deliver it to his elevator. The whole thing then as far as rural Saskatchewan is concerned is discrimination. I think the Minister would agree to that particular point.

Now one thing we are going to have to agree with despite whether the report on railway line abandonment and so on, whether that is made known within the current calendar year or not. We all will agree to one basic thing, and that is that the farmers are going to have to haul their grain longer distances. Even if every railway line in Saskatchewan stays as it is, without any rail abandonment, we know that the farmers each year are being asked to haul their grain longer distances, simply because the

elevator points are becoming fewer and farther. Elevator points are now becoming at least 12 miles apart on some lines, where they were formerly six miles apart. So when we look at the proposal, Mr. Minister, and I appreciate your concern about the use of roads and so on, but the fact remains that we are going to be involved in trucking the produce in rural Saskatchewan longer distances, no question about it.

Your proposal, Mr. Minister, would have prevented the farmer at Craik from loading a three axle truck or four axle truck, whatever it may be, on a contract to his own flour mill in Saskatoon, that proposal would have prevented him from say, taking his grain under contract to Saskatoon Milling. I think that at this particular time we have to realize that an error was made which would have produced discrimination in the trucking industry. I strongly urge the Minister not to interfere with the industry as such and if you do, make it straight across the board so there is no discrimination as to what is being hauled.

I read an interesting editorial, two interesting editorial in two different weeklies in Saskatchewan, and they were quite some distance apart, but the one weekly editorial started out by saying, "Is a pound of feathers heavier than a pound of rocks," the old guessing game which we used to play.

I would like the Minister to illustrate and to demonstrate with this particular event which caused a great deal of discussion in Saskatchewan, in rural Saskatchewan, to listen to the Saskatchewan trucking industry, to listen to the people who are involved and if weight restrictions must come in, and if it's in the wisdom after research, and we were never provided with research, after research about the different damages, the damages caused by the different vehicles, then let's not have legislation which is discriminatory legislation, because if we do, the public at large is then quite right in saying you are using your position to support or deny some particular ideology or philosophy, and I would like the Minister's comment on this.

**MR. MacMURCHY:** — Mr. Chairman, I think the Hon. Members are aware what we have here is a proposal. It is a proposal as it was a proposal to the SARM convention a year ago, and it was a proposal in terms of putting it forward to the SARM convention just this recent March. We are going through the discussion process, as we did with the snowmobile legislation. I think it took about a year before that legislation was eventually passed, even though the consultation was completed in a shorter period of time.

Now this is a much bigger issue in many, many respects than the snowmobile legislation. The fact that it is taking some time to arrive at where we want to be, while it has some problems, I think it will have some real benefits.

SARM's position is that there should be uniform load limits. That was their position two or three years ago; it still is their position, I don't think there is any question about that. The question arises as to what those limits should be. Their request made to the Provincial Government was to provide a vehicle for uniform load limits and that's what we are in the process of attempting to do.

In reply to the Hon. Member, Mr. Chairman, who raised the issue just a minute ago, we had to seek then a set of limits which could be supported by the broad sector. There are some

May 2, 1977

municipalities at the present time that have load limits, municipalities with a gross vehicle weight of 28,000 pounds applying on their roads. They have difficulty policing their limits. We put forth a proposal a year ago which set about a discussion and we met with all the various people involved.

Following that proposal we looked internally, our engineers looked at our roads with respect to what they could carry. If you think you are going to have a sensible load limit policy it must be geared to the roads.

For instance, the highway system has two load limits now; 110,000 pounds in the primary system and 74,000 pounds in the secondary system and we had to look at what the municipal system could carry and how that municipal system might relate to portions of the highway system.

One of the major issues which this government is concerned about is any major shift from rail to road. Our position is, and you can agree with it or not agree with it, but our position is that bulk commodities should move by rail. Our potash and grain are bulk commodities and timber would be another one. These are the major bulk commodities.

We had to look at policies as they apply to other provinces and we looked at Alberta, for instance, for road limit policies that apply in the Province of Alberta. As a result of a discussion, as a result of an examination, I went before the SARM convention and put forward the following proposal:

That a two axle truck would remain the same as it is in the highway system at 28,000 pounds, a three axle truck would remain the same as the highways system of gross vehicle weight of 42,000 pounds, but that the five axle truck, based on its weight and based on possible volume movement applying would be reduced to 58,000 pounds.

In the proposal put forward there would be no significant change in movement under this weight limit, for we would provide a permit system to allow what is presently moving to continue to move if the movement was within reason. That permit system applies to the five axle truck, so that your argument that the machinery could go by the farmer, your argument that the road equipment could go by, the argument that the fertilizer could go by, does not apply, no difference with respect to that movement than the farmer loading a semi-trailer truck and moving it from Craik to Saskatoon. In each case there would be a permit system to provide for that.

The issuance of permits so far as the proposal is concerned has yet to be worked through with SARM. The policing aspect while we are initially looking at the Highway Traffic Board, the future could hold some involvement of the municipality. That was the proposal.

I think we agree on the need for uniform load limits for municipal roads. I think we can agree on the limits as they relate to the two axle truck, the three axle truck, but the five axle truck obviously there is some disagreement. I think we can also agree that we don't want to see in this province, any shift of bulk commodity movement from rail to road.

**MR. BAILEY:** — Mr. Minister, I agree with you that this is a much bigger issue than the snowmobile legislation, no question about that. I think the Minister really skirted the issue somewhat, because what we have, and I think you will admit sir, that there is going to be, and there's going to continue to be, at least a shift of getting the commodities to the rail. There's no question about it that the average hauling distance for the farmer increases each year, even though the rail line is still there. I don't know about your part of the province, but I know the part that I live in, there are many, many elevators along the rail line that are closing each year and I think you'll agree that the agricultural people are now being forced to bring their produce to the rail line a longer distance.

Now what we are doing here is saying that we will have permits. If you have a permit to haul 78,000 pounds of machinery, would the same farmer have the right to obtain a permit to haul 78,000 pounds of grain, and this is what's worrying the people. This is what's worrying those who want to make use of the larger truck, particularly on some of the specialized crops.

Many farmers in my area, many of them, and we have some, specialty crops, bird seed, I don't know the correct name for it, everybody just calls it bird seed. No elevator purchases that. It is trucked right straight through to Saskatoon, lentils and so on, and so what they are worried about is that some people would be able to get a permit, but when it comes time for them, when it comes time for them to move their produce, that they well could be denied that permit.

I want to suggest to you, Mr. Minister, that this is a big issue, that the control of the weights and the weight limits on the highway system would be very much out of the hands of the individual who is operating as an industry and placed before somebody who is issuing a permit and they are very much afraid of that happening.

Now uniformity, uniformity I agree with, Mr. Minister. I agree with the aspects of uniformity, and I agree too that as long as they can use the rail line to haul the bulk of goods out, that's fine, but let's not exercise discriminatory measures in the control of how these goods get to the elevators.

**MR. MacMURCHY:** — Mr. Chairman, I think that I indicated just a moment ago, I have indicated a number of times publicly, that a permit system that we would be able to provide for the movement of fertilizer at 74,000 pounds, we would equally permit the farmer to move rapeseed or canary seed or wheat at 74,000 pounds. What I said in Saskatoon was that what is moving now will be able to continue to move if it's within reason. If it's not within reason, I think the municipalities and the Provincial Government want to be able to slow it down, but if it's within reason it will continue to move. If there's a major shift and perhaps we will soon know whether there is going to be a change for the Hall Commission is reporting on the 16th of May, I think we have to be prepared with a limit system which will protect our roads.

**MR. BAILEY:** — Just one more question. Mr. Minister, do you have within your department a study giving the weights you have given tonight on the two axle, three axle and four axle? Do you have a study which would indicate the amount of damage



done to a road bed according to the weights and the axles? Now a number of states in the United States have made these studies, and they are available. I am wondering if your department has a study available and if they have I think we should all like to see what that study is.

**MR. MacMURCHY:** — No, there's been information provided from the various components into the proposal, but a study as such which I could provide for the Hon. Member on the aspect he raised is not available.

**MR. BAILEY:** — In other words, Mr. Minister, you can't tell us then whether a two axle truck, say a three axle truck or a four axle truck at 58,000 pounds does more damage to the road than the two axle truck. You can't verify that by any research, scientific or otherwise?

**MR. MacMURCHY:** — The information that Mr. Clampitt provides for me is that it is really being done now by the Department of Highways. What has been done by the Transportation Agency is analysis of cost saving from reduced weights on grid roads, and on a portion of the secondary highway system. That is available; I have it here. I can table it for the Hon. Members. This report is in the printing process and will be made public as soon as the printing is complete.

**MR. THATCHER:** — Mr. Chairman, I hadn't really planned to enter this debate, but since the entrance of the Attorney General into the House, I feel obligated to respond to his nit-picking across the floor.

Mr. Chairman, I'm all in favor of proceeding with the Estimates and the business of the House as rapidly as possible. However, Mr. Chairman, I am sure you are all aware that one of the great issues before rural Saskatchewan today is this issue of load limits. It is an issue that has been brought forward by this Provincial Government. It is not an issue that arose in the normal course of events coming from the SARM or any responsible agricultural group; it is an issue that came solely because this Government chose to raise it. They raised it a year ago, and they backed off of it because there was such an outcry in the country. Then at the SARM convention the Minister strode onto that podium to announce the long awaited government policy. He announced it. There was an uprising at that SARM convention; there was an uprising in rural Saskatchewan; there was an uprising in the trucking industry. Maybe it was when the truckers threatened to get a convoy and roll right down Albert Street and block this insane asylum off, maybe that's when the Government decided to back off. The very next day what was suddenly announced as government policy became a proposal. I might add that that announcement was by the Premier, not by the Minister. The next day when questioned in the House the proposal was merely a proposal to Cabinet and with each succeeding day it was downgraded. To this point in time it now sits there as a club hanging over the Weyburn Inland Terminal and rural Saskatchewan.

Mr. Chairman, exactly who is the Government after in this legislation? The Minister has admitted that they have no factual information to bear out their contentions about the terrible damage that is being done to our roads, none whatsoever. I suggest to this House today that these proposals as such,

completely defy the limits of common sense. Mr. Chairman, I suggest to you today that there is only one purpose behind this, and that is to make life as miserable as possible for 1,100 farmers in the Weyburn community who put up \$1,000 out of their own pockets and put their money where their mouth is. They didn't come walking into here to say can we have some money. They didn't come here with their hands out; they dug into their own pockets and they put forward a proposal and they came up with a project, a project which may or may not prove to be successful, a project which may or may not prove to be revolutionary. I can't pass judgment on that terminal any more than you can but that terminal has every right to proceed and to let us have a look to see what it can do for the grain-handling industry.

The ironic part of those 1,100 farmers is that many of them have grandfathers who founded the Saskatchewan Wheat Pool. One of them has a grandfather who has a number three in the Saskatchewan Wheat Pool, one of the original founding fathers. Mr. Chairman, this province had faith in that gentleman's grandfather when he founded Saskatchewan Wheat Pool. Why can this Government not have a little bit of faith in the grandson?

Mr. Chairman, I mentioned earlier that these load limits defy common sense. The Minister has indicated that the load limit for a single axle vehicle presumably a three ton truck will be left at 27,000 pounds. Mr. Minister, I submit to you that there aren't very many three tons that use tires that are different from 900 x 20. Now you have six tires there. Now it really doesn't take very definitive mathematics to know that the tire width of a tire this size is nine inches, so therefore you are talking about a total tire width of 54 inches. If you want to pro-rate that through the weight per tire, and the weight per inch of tire and boil it down to the pounds per square inch, which is exactly what we are concerned about, the 27,000 pounds, you have a unit stress or pounds per square inch of 72 pounds per square inch. That is basic Grade Three mathematics. I am sure even the Minister of Labour if he had a calculator could figure that one out.

On a tandem axle, at 42,000 pounds, when we are dealing with a different size of tire, 1,000 x 20, they are ten inches wide, you have got ten of them, even the Member for Kindersley is ahead of me on that, that is 100 inches of total tire width. Follow that through at weight per tire of ten tires, and get down to the pounds per square inch of 42,000 pounds, and you come up with a Grade Three elementary figure of 57 pounds per square inch. Contrast that to 72.

Now let's get on to our semi-trailer, our tractor and semi-trailer. Again you are dealing with 1,000 x 20 tires. You have got your departmental people here; check the tire size with them, if the Minister is unfamiliar with it. I am sure they will verify it. Taking your gross vehicle weight at 74,000 pounds, you have got 18 tires now, at ten inches in width, giving you 180 inches in total width. Follow that through with weight per tire, it's simple mathematics, your weight per square inch of tire width; again that's pretty basic, and get that down to pounds per square inch, which is the crux, what we are concerned with and you are down to the figure of 56 pounds per square inch. Now at 74,000 pounds you are hauling roughly 850 bushels.

Mr. Minister, I suggest to you that all logic, all common sense says that you have to look at this in terms of pounds per

square inch. The mathematics is basic. Mr. Minister, I think when you take your pencil out, I'll even loan you my calculator, and it's obvious that your problems on the roads are not coming from hopper bottom grain trailers properly loaded. Certainly you have administrative people in place to be sure that any vehicle is not overloaded.

Mr. Minister, I submit to you that this is the crux of the matter. Now you say you have some data which isn't yet available. If you have it, then refute my figures. There's really nothing magic about these figures; they are simply common horse sense. If you can refute them, by all means, I would love to hear it. By reducing these hopper bottom trailers down to 58,000 you are completely destroying the economics of their use. Let me tell you, Mr. Minister, I don't know whether you do much fanning or not, but there is no way that you can haul grain, even if you own the truck, there is no way you can haul your own grain, even allowing nothing for your labor, there is no way that you can haul grain at the same rate that a hopper bottom grain trailer can do it for you. When it comes to hauling to the elevator I leave my truck in the quonset because I can't turn on the ignition for what I can get a commercial trucker to come up and take that grain into Moose Jaw. I don't go to the Weyburn Inland Terminal, I go to Moose Jaw for a variety of reasons, because I get a higher grade, because I get lower dockage and because I get almost one cent a bushel by going there.

My other alternative, instead of going 24 miles, I could go two miles, and I could go into a cracker box of an elevator that was built in about 1928 that was designed for the old grain box, hauled in by horses. That isn't big enough to even weigh a decent size three ton. They can't weigh anything over 27,000 pounds. In order to weigh a truck like that they have to put on a dead weight, which is highly, highly illegal.

Mr. Minister, I defy you, if I have calculated something wrong, show me where it is. If you have some data, which proves that we are wrong, present it, and if you have not, then in all common decency and fairness, take this club off the head of rural Saskatchewan and pull back from this.

**MR. MacMURCHY:** — Mr. Chairman, the load limit proposal, or the load limit idea is not a new one. When we came into office in 1971, the then President of SARM, Everett Murphy, met with the Government asking for a uniform load limit policy on all municipal roads.

If the Hon. Member doesn't believe me when I say that in Saskatoon in March that I made a proposal, that's fine. The Hon. Member, Mr. Chairman, can check the record, can check my speech, of which Mr. Wilkinson of SARM has a copy and it was carefully worded with respect to the proposal, and I very carefully used the wording in the speech to make sure that it was a proposal.

I said, Mr. Chairman, that I had an analysis which I'll table for Members of the Assembly. He can make his arguments, Mr. Chairman, with respect to the axle weights, but the gross vehicle weight doesn't disappear, and that's been the problem. Continuous movement of high volume weight on a narrow base road just breaks it down. It hasn't the base to carry continuous movement of high volume weight. That's the experience. As the Hon. Member for Turtleford (Mr. Johnson) suggested, it just pushes the road into the ditch, and that's his practical

experience in his own constituency. You can argue about weight per tire, but there is experience which proves to the contrary, particularly if you have circumstances as I suggest.

I want to add one more thing. In my circumstances as a farmer, and I admittedly don't do very much farming, because I have my son farming, I am pretty pleased with that, and I think the Hon. Member is pretty pleased with that and he has a three mile haul. It doesn't pay him to get a commercial trucker with a big hopper to move his grain into the elevator in Semans. He hauls it himself to a modern new elevator built by Pool, a high through-put elevator with a total capacity of 240,000 bushels. I think if you look at what is taking place with our grain companies, that's what's happening, not just with the Pool company, but with other companies as well. It may be in his circumstance, as the Hon. Member for Thunder Creek sees fit to haul to Moose Jaw, I can't argue those figures, but I know the figures under my circumstances which you have raised. It does not pay to use the commercial trucker under our circumstances. We'll continue to haul with the old two ton farm truck.

**MR. THATCHER:** — Mr. Minister, I think you are very fortunate to only have to go three miles to a modern high through-put elevator. You are very fortunate, because my elevator that is two miles away is going to be closed in about a year. I may or may not go to the high through-put elevator that's being built in Moose Jaw by Saskatchewan Wheat Pool. I don't know. It depends on their dockage and what their grades are and their agent. But nonetheless, I am forced to go 24 miles and I am going to be forced ultimately.

Mr. Minister, something like this as important as this, should unquestionably be backed up by some sort of study, not some fuzzy hair-brained practical experience which is open, and I emphasize that the word "open" is subject to considerable question. I find it inconceivable that this Government can embark on something as discriminatory as this, something as far reaching as this, something as divisive without some sort of a concrete study to proceed upon.

I would like to know who the Government is in consultation with? What farm groups are asking you for this? SARM has not asked you for this specific load limit. Certainly they asked you for a uniform weight limit, but they did not ask you for this specific proposal. The Minister knows full well that this is true. The Minister knows full well the turmoil that his proposal threw SARM into. It was a strong contributing factor in the defeat of the former president of SARM in a subsequent election. The Minister knows full well the vote on this proposal that took place in SARM and resounding denunciation that his Government received. The Minister expects us to passively accept the concept that we are going to something on the basis of no study, on the basis of everything that defies common sense, and on a basis that is aimed solely at one group of farmers in Weyburn who have put their money where their mouth is, that haven't come to you with their hats in their hands and said give us a handout or you control us, but have said we have a job to do; now let's get at it.

You know, Mr. Chairman, 30 years ago, if there were 1,100 people at the Weyburn Inland Terminal, they would have been referred to as true cooperators or showing the true spirit of the co-op movement. Maybe that is what has happened to the co-op

movement, that now the people that are doing the same thing that their grandfathers did 30 or 40 years ago are now being accused of attempting to destroy a grain system. I suppose that when one looks at that situation one looks at what this Government proposes to do to them or would do to them if they had their way. It is almost enough to make one move to Alberta.

**MR. MacMURCHY:** — I, Just a few minutes ago tabled the analysis, and it will be available to all the Members. I don't think there is any more that I can add to the statements that I have already made with respect to this proposal of load limits.

**MR. C. P. MacDONALD (Indian Head-Wolseley):** — Mr. Chairman, I have listened with a great deal of interest to the discussion. I have only a few comments to make and I think they are rather pertinent to the issue. What bothers me most, I think, is that I think it is time that the Minister and the Government took their heads out of the sand. They are like an ostrich; all of a sudden we find a community or a province that is changing in rural Saskatchewan and changing very rapidly.

Number one, the grain-handling system recognized it is far ahead of the Government including the Saskatchewan Wheat Pool. They themselves have designed a system for the future, a system of high through-put elevators. They themselves have presented to their own membership a proposal which indicates that they will reduce their elevators from something in the neighborhood of 1,400 or 1,500 to 400 in years to come. They have also recognized, we also have the Hall Commission, which is also projecting that the requirements to, for a good grain-handling system in Saskatchewan and western Canada may not of necessity require every line of railroad that is now presently in operation. We listen then to a Minister who stands on his feet and makes two observations, observations that to me are disturbing.

Number one, we must ensure that all bulk commodity is moved by railway if possible and not by truck, and I would suggest that that is a fact. If we talk about a long haul, if we talk about moving grain from Kindersley to Vancouver, or from Gray, Saskatchewan to the Hudson Bay terminal at the Hudson Bay Port then, of course, that is a fact, but to suggest that a 25 mile haul from Caron to Moose Jaw must be made by rail is nothing but burying yourself or your head in the sand, and I think it is deliberately designed to promote a political proposal that the NDP have sought and stood on their feet and cried, "We are going to fight for rural Saskatchewan even though it is to the detriment of the farmers and the grain-handling system for western Canada and for Canada as a whole."

The second thing that bothers me more than anything is the Minister's avowed intention and purpose of doing, as my colleague the Member for Thunder Creek has indicated, deliberately designed a policy to discriminate against a small select group of farmers in the Weyburn area and those perhaps, who my colleague from Elrose mentioned in his area, even though it may be a company or a corporation that is not necessarily native to Saskatchewan. There is no question the Minister has stood on his feet publicly on more than one occasion and avowed that his specific intention was to prevent the expansion or prevent farmers from hauling any distance to the Inland Terminal. I suggest to you that any Minister who becomes an avid adversary of the people of Saskatchewan, who have a right and who are thought illegal because of a

political purpose, is making a very sad mistake. That is what bothers me about the weight limits. My friend, the Minister in charge of Environment (Mr. Byers) says that SARM asked for this policy; they did not ask for this. They asked for uniform load limits, of course they did, and nobody on this side of the House or nobody in Saskatchewan denies that there should be uniform weight limits on the highways or on our grid roads, but they don't say that load limits should be such as to discriminate against farmers who wish any particular grain-handling system and that is the distinction and the Minister knows it and so does the Minister of Municipal Affairs.

Mr. Speaker, I want to ask the Minister a couple of questions, just so he clarifies what the Minister of Environment said. Would the Minister please tell me, and tell the Members of the House exactly what did the Saskatchewan Association of Rural Municipalities ask for; specifically, what was their request? They have told me what they requested of you. I want you to tell us.

Number two, when you say that this was a proposal, please explain to me what you did for the past year, because you made the same proposal a year ago to the SARM. You announced it publicly in this House, and you got a reaction from each and everyone of us here on the Opposition and a reaction from the farmers of Saskatchewan and you withdrew that proposal and then you said you were going to discuss it with the SARM and discuss it with the farmers and one year later you go back to the SARM convention and once again you announce a policy and you say it is only a proposal again, when there is a hue and cry reaction from that association. So all I want to say, Mr. Minister, could you please tell the Members of the House exactly what did SARM ask for and what were the results? Or did you have any discussions over the past year with the Saskatchewan Association of Rural Municipalities and did you come to any conclusion or are these discussions still continuing?

**MR. MacMURCHY:** — Mr. Chairman, with respect to the general comments by the Hon. Member, I think that we will all be interested in what the Hall Commission says with respect to the future of Saskatchewan and the grain-handling movement and the grain-handling of the province. I think it was a long awaited report and I think a very, very important report. We had an opportunity as a Government to put our case forward. We are hopeful that it has had an influence on the recommendation that he might make. With respect to the question on what did SARM request, they requested uniform load limits.

During our last year's discussion, and we had broad discussions with more groups and organizations than SARM, they proposed a weight limit similar to the secondary highway system. And you will note that the proposal is the same as the secondary highway system except as it relates to the five axle truck. We talked earlier about some of the reasons for this, some of the reasons being what can our municipal road system carry in terms of weight and in terms of volume. I might just for the information of the Hon. Members, because I mentioned earlier that we took a look at what was happening in some of the counties in Alberta as we developed the proposal we put forward, I will report on some information that I have here. The Taber County has a maximum gross vehicle weight of 56,000 on gravel and 72,000 on oil base. The Beaver County has a maximum gross vehicle weight of 45,000 pounds on oil base and 56,000 on gravel. The Lamont County has

a gross vehicle weight of 48,000 pounds on all roads. Vermilion County oil base 72,000 pounds, gravel 45,000 pounds. So that examination had input into the proposal as well as the other issues that I raised earlier during earlier debate.

**MR. MacDONALD:** — Fine, one more question to the Minister. I noticed a year ago you put forward what you considered to be a proposal and then withdrew it. You also put forward a proposal at this time or during this SARM convention and subsequently withdrew it and announced it as a proposal and not a policy. Could the Minister tell what is the intention of the Department of Municipal Affairs as far as a weight limit policy is concerned? In other words, is it your intention when this Legislature prorogues to then announce a weight limit policy when there is no longer the opportunity for concentrated opposition by Members of the Opposition? Is it your intention to only announce a policy that meets the approval of the SARM convention or the SARM itself? Can the Minister give the assurance to this House and to me that before any weight limit or any uniform load limit is announced for rural Saskatchewan that he will have the approval and the consent or at least the acceptance of the Saskatchewan Association of Rural Municipalities? I think that is the important thing, that this is local government. Local governments maintain, they built those roads and I think it is important that any new policy on load limits should receive their approval. Can the Minister give me this assurance?

**MR. MacMURCHY:** — Mr. Chairman, I think that I can assure the Hon. Member that we will be meeting with SARM. As a matter of fact, I met with Mr. Wilkinson this morning. Their executive is meeting this Thursday and Friday coming, the first time they have had an opportunity to meet since the convention. They want to discuss a number of items at that meeting which will be followed by a meeting with me. One of the items to be discussed, of course, will be the load limit policy. In addition to that I have had a request from SUMA to meet with me to talk about load limits because they are obviously involved in whatever limit policy comes forward out of this discussion. There is a request also from the Trucking Association and we have had some discussion with Saskatchewan Federation of Agriculture. So there is a broader area than just SARM to meet with, to talk with, over the load limit policy.

**MR. MacDONALD:** — One final question, Mr. Chairman. I certainly agree that there are a large number of associations and interested people in the Province of Saskatchewan on any proposal that the Minister might make in load limit restrictions. Can the Minister give me one other thing? I am glad to see that he has indicated that he will have discussions with the Saskatchewan Association of Rural Municipalities, the Trucking Association, SUMA and so forth. You still didn't give me any assurance that you would not initiate a policy without the approval of SARM.

I should like to ask him a second thing. Can he give the Members of the Assembly the assurance that before any policy, if initiated on load limits in rural Saskatchewan, that it will be done by legislation within the confines of this Assembly, so that then there will be an opportunity for open discussion and that the Government will have to have then the responsibility of defending his position and assuring that it does meet public support? Can the Minister give me that assurance?

**MR. MacMURCHY:** — Mr. Chairman, I am not sure whether legislation is required or not. There is some opinion that legislation may be required relating to The Highways Act, because the permit system is established in the Department of Highways, but it may not be necessary if there is a permit structure set up involving the municipalities. That is one of the key areas that we need to go through with SARM because even if the secondary system and the municipal system had the same load limits, there has to be a permit system because you will have the occasional load which would go over the limit, which is the case now. There needs to be some kind of a permit system to accommodate that situation. I can't respond positively although it is felt that by some legal opinions that an amendment to The Highways Act might be required.

**MR. S. J. CAMERON (Regina South):** — Mr. Chairman, on that same topic, on the same subject.

**MR. R. KATZMAN (Rosthern):** — I have been waiting since 8:00 o'clock. The Minister earlier said something about satellite cities around both Saskatoon and Regina. Could you inform me what your stand on them and your involvement in them is to this point?

**MR. MacMURCHY:** — I think I informed the Hon. Member for Qu'Appelle earlier, that they just now geared up in the Department of Municipal Affairs to look at this from a planning sense and a very, very broad planning sense, and until that sort of process is complete we haven't any specific kind of policy to announce.

**MR. KATZMAN:** — Have you been involved in all the meetings around Saskatoon re the satellite city concept? There have been meetings going for about a year and a half with all of the small towns.

**MR. MacMURCHY:** — The department has. I have not been involved with the planning meetings although I have met with a variety of the municipalities at their request, Warman, on specific issues.

**MR. KATZMAN:** — Most of the communities that have been contacted have all said that they are not interested at all. Will this maybe prevent the department from getting involved further and just leave it alone?

**MR. MacMURCHY:** — The Hon. Member has a different interpretation than the Deputy Minister because his interpretation, and he is involved in many of the meetings, is that there is an interest in this kind of planning concept.

**MR. KATZMAN:** — Using the town of Langham for example, there was a meeting held there last year, I believe, and they said, no, they wanted no part of the satellite city concept being tied to the city of Saskatoon with services provided by the city.

**MR. MacMURCHY:** — What the Hon. Member is referring to is a proposal that has come forward from the city of Saskatoon to have five satellite cities and that's different than a look at an area in



May 2, 1977

terms of a planning area which would look at the sort of dormitory communities that are being built up and their future with the possible consideration of the proposal from Saskatoon.

**MR. KATZMAN:** — Then your satellite city concept is not the same as Saskatoon with the appointees on the city council representing each of these small towns and the services being provided by the city of Saskatoon.

**MR. MacMURCHY:** — No.

**MR. CAMERON:** — Mr. Chairman, I want to take Minister back to the uniform weight limit question. To put this question to him, as I understand it, in each proposal and in every request that the Saskatchewan Association of Rural Municipalities made to you, they have requested consistently, that they continue to have the right as they now do to issue overload permits in their own discretion. I wonder if the Minister would first confirm that that is, in fact, the case and then secondly indicate whether the Government in whatever policy it brings forward will assure the municipalities that they will continue to have the right to issue permits for overweight loads?

**MR. MacMURCHY:** — We want them to continue to issue overweight permits, at the discretion of councillors and reeves. However there has been a concern about the movement through municipalities. Should a trucker who is going to move through five municipalities, for instance, have to go to each municipality to get a permit? That's an issue. The trucker will want to know if he can get a Permit that allows him to go right through or if there may be some permit system involving a seasonal kind of movement. Maybe there is going to be a movement for a period of a week or maybe longer than that. What kind of mechanism should there be for a permit in that kind of situation? For instance, in northern Saskatchewan the Department of Highways provides seasonal Permits for movement of timber. I think there is a permit system for the movement of milk. Those are the kinds of things which we need to discuss with SARM.

**MR. CAMERON:** — All right, what I want to know is this. I'll put the question as simply as I can. Whatever policy is adopted will carry with it a right in the municipalities to issue permits for loads in excess of the uniform limits.

**MR. MacMURCHY:** — Yes.

**MR. CAMERON:** — Then let me draw from you if I may, one other guarantee and that is when a policy of uniform weight limits is brought into effect by you, that policy, you guarantee, will rest in the municipality and each one of them will have a right to issue a permit to carry a load heavier than that in their discretion.

**MR. MacMURCHY:** — Yes.

**MR. CAMERON:** — And that in all events the issue of permits will be a matter for the municipality and not a function of your department or any other department of government.

**MR. MacMURCHY:** — Well, I tried to indicate that there might well be certain movements which dictate a broader kind of permit which could involve a permit from the Department of Highways which is a body that now issues permits. That's an area that we need to work through, that's an area that, as I indicated in Saskatoon, we needed discussion with SARM.

**MR. CAMERON:** — Well, may I ask you, I detect as a matter of fact, in your response some change in your position than that adopted by you earlier. You will recall that we had asked a number of questions when you first brought forward the proposal a year ago about the right of municipalities to have this discretion to issue permits for loads in excess of the uniform weight limits and my recollection of your response, at that time, was that you weren't prepared to do that and I detect some change in your position. May I ask you, first, if that is the case and that, secondly, when you did, in fact, decide to change your earlier position?

**MR. MacMURCHY:** — Yes, there has been a change. There has been a change with respect to the various limits from a year ago. I can't say when the change took place, but it came as a result of the discussions that went on both with the organizations and with the municipalities themselves. I attended a number of regional meetings last spring and there was discussion on this proposal, on a load limit proposal at those meetings. Out of that whole area we have come to the position that we are in now.

**MR. CAMERON:** — I was asking you whether there had been a change in respect of the narrow question, the narrow question being whether municipalities would continue to have the right to issue permits in excess of the uniform limits and when I say a discretion I mean an unfettered discretion to issue permits for loads in excess of the limits? My understanding earlier was you were not, when you first addressed yourself to this question, prepared to do that, prepared to give the municipalities that discretion, but you are now prepared to give it to them. I detect some change there and I am interested to know whether or not I am right about the change in your view in that respect and if so when was that change of heart made?

**MR. MacMURCHY:** — I indicated that there was a change. I can't remember specifically when that change took place. I suspect as we developed the proposal I put forward, it would have come following the meetings that we held. That would have taken place prior to the proposal being given in March to SARM.

**MR. CAMERON:** — Well, if you and I are talking about the same thing, and it is always difficult to know whether one isn't talking cheese and the other chalk, then I think we've come a fair distance in this policy in satisfying some of the concerns of the Saskatchewan Association of Rural Municipalities. Now I want to be quite certain about what I am talking about and quite certain, indeed, about what you are talking about. So what I intend to do is put a resolution before us as follows, seconded by my colleague, Mr. Thatcher:

That no uniform load limits respecting municipal roads be adopted unless the RMs are given the right to issue

permits for weights in excess of the uniform limits as requested by the SARM.

**MR. MacMURCHY:** — I am not sure what the Hon. Member means, Mr. Chairman. There is no question that there has to be a permit system at the level of the RMs and we agree with that. There is a question of a system providing permits which permit movement through a number of RMs and I think that there needs to be a two-kind of level approach, a system at the provincial level to accommodate the situation I raised, because it would be chaos for a trucker. If that is the system that is contained in the resolution then I can support it, but if the Hon. Member does not see the other level, at the provincial level, then I don't know where that leaves us.

**MR. CAMERON:** — I can tell you what I see. I see in the first place the right that municipalities currently have to issue permits to persons hauling loads in excess of the weight limits that are then imposed within that municipality. The rural municipality has a perfect right to issue to someone who requests it, a permit to carry a load in excess of the limit that then applies to that road I want to be sure that municipalities will continue to have that right in respect of any policy that you may adopt. That is level number one.

The second level is that insofar as there ought to be some mechanism to co-ordinate the issuing of permits to persons going from one RM to another, I quite agree with you that common sense and logic tells you that there must be some mechanism to co-ordinate that too or otherwise you would get some problems. What kind of mechanism, is the question that arises out of that second question, a mechanism that imposes a maximum weight by the Provincial Government or a mechanism which permits the two municipalities in one way or another to get together and move something jointly. In other words where is the power, the ultimate power in respect to the co-ordination of that effort to be with those two municipalities, where I think it ought to be, or with your department or the Department of Highways, where I think it ought not to be? That's the second question.

Then the reason generally why I had some skepticism about this is I want to read to you a question I asked one day of the Premier because I thought this was important. In the House I asked him the following question on March 17, 1976; whether in adopting the uniform weight limit policy that any policy you may adopt whether, in fact, the Premier would give the House the assurance that there would continue to be the right vested in municipalities to issue permits in excess? Let me read the question I asked and the response I got. I said:

I would like to direct a question to the Premier. Would the Premier be prepared to give the House the assurance that any policy of uniform weight restrictions applying to municipal roads in the province would carry with it the discretion in the municipalities to have weight limits above the uniform weight limits provided for?

Mr. Blakeney: I think the answer to that is, No. I think it is not possible, in fact, to have a uniform weight limit which I think all of us agree has been requested by SARM and at the same time provide discretion for individual municipalities to vary them up or down.

That's a very clear question. Would you give the House the assurance that municipalities will continue to have the right to issue permits for weights in excess of limits and the Premier saying, No, no I won't give you that assurance, because how can you have a uniform weight limit policy and still leave the municipalities with the discretion to increase it. Then I asked him on March 25, 1976, in a similar way:

A supplementary, Mr. Speaker. May I then ask the Premier in view of the brief which the Minister of Municipal Affairs tabled from the SARM requesting explicitly that discretion in the municipalities to set rates above the limits indicated, would the Premier then square his earlier answer with the request from SARM?

Mr. Blakeney: Mr. Speaker, I don't think that any squaring is called for. You are not asking me whether I square things or round them, but presumably what the Government position is, and the Government position is that in our judgment it would be unwise to provide a total discretion, an unlimited discretion to set any weight limit they wanted in an individual municipality. This produces the very situation which people have sought to avoid, that is, to have a different weight limit within every municipal boundary and since we have 460, or whatever the figure is, it seems inappropriate to have 460 load limits.

As I say given those two answers by the Premier which was then government position a year ago not to give this discretion, you are now indicating to me that you have been persuaded to the view, at least you have personally been persuaded to the view that there ought to remain in the municipalities a discretion. That's why I said to you earlier I thought there was some significant change in your position and I am pleased that there is. Now I simply want to be certain that you and I are talking about exactly the same thing, so I go back to my earlier comments as I understand it in the resolution if carried would then ask you in determining the policy to be certain that the municipalities continue to have the discretion within their municipal boundaries to establish weight limits in excess of whatever uniform weight limit may be applied.

**MR. MacMURCHY:** — We are talking the same language and we can support this amendment. I think the issue as I listen to you, the issue of two or three or ten municipalities is not clear yet and that is one of the issues to be resolved. So far as this resolution is concerned we are prepared to support it.

**MR. BAILEY:** — Mr. Chairman, I want to ask a question about this Motion. This Motion, of course, is something which we have been discussing about an hour in this Assembly right now. There is something else that goes along with this, Mr. Minister, before the Motion is put to a vote. I would like to direct a question to you and that question is this, Mr. Minister. As a Minister of the Crown you will agree first of all that your position carries a great deal of influence. You have also publicly stated that you were very much in opposition to the Inland Terminal concept at Weyburn. Would the Minister use his position to exercise his influence so that it would make it very awkward indeed for 100 farmers to support their own elevators?

May 2, 1977

**MR. MacMURCHY:** — Mr. Chairman, I don't seem to get the impact of the Hon. Member's question. We deal in trying to develop policies. It may well be true that I have an influence in the development of policy, but once we affirm the policy and we're involved in that policy development now, I adhere to the policy.

Motion agreed to.

**MR. MacDONALD:** — Mr. Chairman, it's getting very close to 10:00 o'clock. However, I would like to propose another resolution so that we could clarify this subject, perhaps once and for all. The Minister indicated a few moments ago that there was a strong possibility that any introduction of load limits respecting municipal roads would have to perhaps come through The Highway Act and be brought into the Legislature. However, there is also a strong possibility that this is not necessarily so, that it could be done through Order in Council or by regulation and there are a variety of powers and there are always powers in each Act that give a wide range of discretion to the Minister and to the Cabinet. In order to ensure the farmers of Saskatchewan, and particularly the Saskatchewan Association of Rural Municipalities, the truckers in Saskatchewan and all interested parties, that there will be a full public debate so that both sides of the issue will be very, very well known and accepted by all those involved and also the fact that the Minister would then be forced to demonstrate the evidence that he has obtained and gathered to support any policy or proposal that he might make, I would like to urge all Members to support this Resolution. It's moved by myself and seconded by my colleague the Member for Regina South (Mr. Cameron):

That any uniform load limit policy respecting municipal roads only be introduced by statute in order to permit and encourage full public debate.

**MR. MacMURCHY:** — Mr. Chairman, I'm going to ask the Members not to support the Resolution. I think I indicated earlier that there may not be a reason for statute. It's possible that the changes can be made by regulation. It would seem to me that to go the statute route when it's not required would not be appropriate. I indicated to all Members of the House, including the Member for Indian Head-Wolseley, that we would be discussing this with all the parties involved. I indicated earlier that there will be public discussion. If the Hon. Member wants to join in the public discussion, then we welcome his participation and the participation of other Members. I get upset with Hon. Members opposite who consider the very narrowest of points of view. They seem to have no consideration of the road system. They always talk about the trucks and not about the roads. I think that we have to concern ourselves, as a Department of Municipal Affairs, with roads, with the cost of roads and with the upkeep and the maintenance of roads. This we have attempted to do in developing this proposal. It's true that has been asked for by SARM and no one denies that. It's true that we are in agreement in a significant way with this proposal. It's true that there are some outstanding issues. The outstanding issue relates to the five axle truck and to the issuance of permits.

Now, I think the fact that we've come as far as we have indicates that there has been a great deal of work done and I think if we can resolve those two issues, through discussion,

if we can arrive at some kind of a consensus, to deal with them, then I think we should proceed. We should not hold up any policy development in order to have a debate in this Assembly unless it's required by legislation. I think that would be foolish. There was an argument earlier, that we've taken a long time. I admit we've taken a long time, but I think it's important that we take some time in developing this policy. But having reached the point where it can be introduced and then delayed in order to have unnecessary debate in this House, seems to me would be foolish.

There is no question, Mr. Chairman, that if legislation is required, then it will come before this Assembly and it will be debated in this Assembly, but it seems to me if legislation is not required and we can implement the policy, then we should proceed as a government to implement that policy.

The Committee reported progress.

The Assembly adjourned at 10:00 o'clock p.m.