

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Third Session — Eighteenth Legislature
51st Day

Tuesday, May 3, 1977

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

On the Orders of the Day.

WELCOME TO STUDENTS

MR. P. P. MOSTOWAY (Saskatoon Centre): — Mr. Speaker, I should like to introduce to this Assembly 30 Grade Eight students from Caswell School. The school is located in Saskatoon Centre constituency. They are accompanied by their teacher, Mrs. Korpan and also a student teacher, Mr. Warick. I understand they visited the RCMP Depot this morning and the Museum of Natural History. I'm sure they enjoyed themselves, and I hope they find proceedings in the House this afternoon, for their brief visit here, very interesting. I will be meeting with them a little later on. May you have a good day and a safe journey home.

HON. MEMBERS: — Hear, hear!

MR. J. G. LANE (Qu'Appelle): — Mr. Speaker, it gives me pleasure to introduce through you to the Assembly, approximately 40 Grade Twelve students from the Lumsden High School. They are accompanied by Mr. Ken Langford and Mr. Gordon Bonokoskie. Lumsden, of course, is the home of probably the most famous flood fighters in Saskatchewan and also some very famous volleyball teams, under the direction of Mr. Leroy Starkes. I would like to welcome them here this afternoon. I hope they have a very interesting and informative afternoon. I'll be meeting with them later for pictures and drinks and we wish them a safe journey home.

HON. MEMBERS: — Hear, hear!

QUESTIONS

SEDCO — PROPERTY TAXES

MR. G. H. PENNER (Saskatoon Eastview): — Mr. Speaker, a question to the Minister in charge of SEDCO (Mr. Vickar). Is it correct that SEDCO has taken a position of not paying taxes for certain property owned by SEDCO to the city of Saskatoon?

HON. N. VICKAR (Minister in charge of SEDCO): — Mr. Speaker, I'll take notice of that question. I'm not aware at this time. I will get you the answer.

MR. PENNER: — Mr. Speaker, in taking notice to the question, I wonder if I may put two supplementaries; (a) why SEDCO has taken that position with the city of Saskatoon; (b) is that the general position of the Government with regard to properties

owned in municipalities in Saskatchewan, that is that they do not intend to pay taxes to the municipalities where those properties are located?

FOREIGN STUDENTS ON UNIVERSITY CAMPUS

MR. E. F. A. MERCHANT (Regina Wascana): — I wonder if you might permit me a question, Mr. Speaker, a question to the Premier, in the absence of the Minister in charge of Continuing Education. The Minister, Mr. Premier, as you will be aware from certain press reports, not in this province, but in Ontario, has apparently indicated to Dr. Begg who is in charge at the university of Saskatchewan, that he either wants or that he would like to see no more foreign students on the campus than last year and he apparently (and I ask the Premier whether this is Government policy), has suggested that there might be higher fees for foreign students, or that they might impose provincial quotas. I wonder if the Premier would comment on the fact that Dr. Begg has indicated that they would oppose higher fees and whether the Government has any program which would ensure that foreign students, who legitimately are taken into this country, returned to their country, where they are needed so that there is not a brain drain on the developing countries, and secondly, that the jobs in difficult times for college graduates, I suppose, are saved for the home grown Canadian students.

HON. A. E. BLAKENEY (Premier): — Mr. Speaker, to reply to that parcel of questions by the Member for Wascana, may I offer two or three answers. I will avoid dealing with the other six or seven questions. Firstly, there is no change in policy with respect to foreign students. The Government has made no policy decisions which would affect foreign students and has, so far as I'm aware, requested neither the universities nor commission, nor the boards of governors of the universities to make any changes.

With respect to the last question or two dealing with whether or not we would direct students attending our university who are not citizens of Canada to return to their respective homelands and undertake any tasks in those homelands, the answer is, No. We do not feel it is within our power to direct, for example, a Korean student to return to Korea and undertake any particular work in Korea.

MR. MERCHANT: — Supplementary, Mr. Speaker. I wonder if in answering this question, the Premier would direct his mind to the question of the fee, an increased fee, which is the program that has been brought in, in Alberta and which you appear to have neglected. Secondly, are you saying that when the Saskatchewan Universities Commission suggested to Dr. Begg that there should be no more foreign students on campus next year than this, that they were acting outside of their authority, that that is not government policy and are you secondly, saying that when Dr. Begg was told by your Minister privately that there should be provincially-imposed quotas, that again the Minister was acting, not on behalf of the Government and that that was not the policy?

MR. BLAKENEY: — First, I tried to make it clear that there was no change in policy; accordingly, there is no change in fee policy. Secondly, with respect to the Saskatchewan Universities

Commission; (a) it is not government policy to advise the Universities Commission, that there should be a separate or different fee for foreign students; (b) I have no knowledge that the Universities Commission has conveyed anything to the University Boards of Governors on this point.

With respect to alleged private conversations between the Minister and anyone else regarding fees; firstly, there is no government policy requiring the charging of higher fees to foreign students. Secondly, so far as I am aware, I am aware of no conversations between the Minister and the Universities Commission or Dr. Begg, or others, indicating that the Government would require either (a) quotas or (b) higher fees for foreign students.

MR. MERCHANT: — Final supplementary. Would the Premier not agree that with all other provinces starting to move in this direction and Alberta and Manitoba having moved in the direction of limiting the number of foreign students, either directly or indirectly, that our universities will now become overfilled, if I can use that word, with foreign students because it will be difficult for them to get into other universities, and that this is an area where the Government has to take a look and make sure that the university spaces are saved for Saskatchewan people who will then go on to work in Saskatchewan and contribute in Saskatchewan.

MR. BLAKENEY: — Mr. Speaker, the Government has not been advised of any significant shortage of space in Saskatchewan universities for Saskatchewan students. We are not aware, except in a limited number of faculties where there is always a shortage of space, that any properly qualified Saskatchewan students are finding difficulty gaining admittance to Saskatchewan universities. Accordingly, we do not regard the problem of foreign students as acute. I have seen press reports with respect to activities in Alberta, I am not aware that the Government of Manitoba has taken measures to restrict the number of foreign students at Manitoba universities, nor do I think that the situation in Saskatchewan requires any immediate action by the Government of Saskatchewan.

SASKATCHEWAN RESEARCH COUNCIL – RESIGNATION

MR. LANE (Qu'Appelle): — Mr. Speaker, I should like to direct a question to the Minister of Commerce (Mr. Vickar). I have a copy of a letter of resignation from the Saskatchewan Research Council by a W. A. Menally, professional engineer, principal research scientist. If I may, Mr. Speaker, I will state succinctly the basic broad reason he gives for his resignation and it is the new role imposed upon the Research Council by the Executive Council as a government controlled consulting agency. He advises that this would place the Saskatchewan Research Council in an untenable conflict of interest position with the interests of the people of Saskatchewan. Can the Minister advise me when the policy decision was made to change the Saskatchewan Research Council from an independent body to a government controlled consulting agency?

MR. VICKAR: — Mr. Speaker, the Research Council as such has not changed its policy. Within the Research Council structure,

however, they have formed a company which can do this outside research, and it is true that three gentlemen from the board, who were mentioned the other day - one of whom you are referring to at this time, did resign from the Research Council Board, and, from my information it is only to go into private business, because that is what he is doing at this time.

MR. LANE: — A supplementary question. Mr. Menally seems to indicate that the de-emphasis of long-term research influenced by the Government of Saskatchewan policy decision in favor of short-term piecemeal studies destroys the unique position of the Council. Can you advise me why this general policy decision was made to influence the direction of the Saskatchewan Research Council, a previously independent body?

MR. VICKAR: — Mr. Speaker, the Research Council found at certain times that they, along with their studies, had to get involved with the private sector and the only way they could do that was to form a company and this is one of the reasons why they went in that direction.

MR. LANE: — Final supplementary. Has Mr. Menally brought to your attention the concerns of hydrologists, formerly with the Saskatchewan Research Council, of what they believe to be poor interference by the Government bureaucracies in the matter of water drilling and in particular DREE and the Department of Northern Saskatchewan; and has he brought to your attention their concerns that the Government has set observed specifications and conditions which cannot be met by the private sector to discourage the private sector from water drilling, a matter of deep concern at this time of a possibly severe drought in the Province of Saskatchewan, and if so what action have you taken now that you have admitted that you are interfering in the Research Council?

MR. VICKAR: — If Mr. Menally has those concerns and he has conveyed them to anybody, I do not have them. If he has conveyed any concerns it could have been to the Research Council and I am not aware of them.

MAGNETIC SEED TREATERS

MR. L. W. BIRKBECK (Moosomin): — Mr. Speaker, a question for the Minister of Agriculture. Mr. Minister, I have before me the Urban Pittman Report which is a report or a summary, if you like, of Mr. Pittman's work done at the research station in Alberta and it has been accepted for publication in the Canadian Journal of Planned Science. It indicates clearly that there are very substantial benefits to be derived from the magnetic treatment of seeds. I would ask the Minister if he would not agree that the PAMI (Prairie Agriculture Machinery Testing Institute) made a rather hasty condemnation of magnetic seed treaters in light of the fact that the Urban Pittman Report has been published in the Canadian Journal of Planned Science?

HON. E. KAEDING (Minister of Agriculture): — Mr. Speaker, all I know is that the PAMI engineers did a thorough study of the value or the lack of value of the

magnetic seed treaters. They spent a fair bit of time going through a lot of assessment material and at the end of that study and those tests, they determined that there was little value in magnetic seed treatment. Because they felt there was little value to it they felt it was important that that information get out to the farmers and they then made an announcement.

MR. BIRKBECK: — Mr. Speaker, you say you have done years of studies, surely you can't have done too many because PAMI has only been in operation I believe this is the third year and this research has been going on for 20 years. How you can condemn it in that short a period I don't know, and I am asking the Minister would you not reconsider and have the Prairie Agriculture Machinery Testing Institute carry on further studies and allow these farm people, if you like, to carry on these studies themselves?

MR. KAEDING: — Well Mr. Speaker, there is nothing to prevent farmers from carrying on the study for themselves, the machines are still available and they are there for sale. If they want to experiment on their own I think that's up to them. But we simply wanted to warn them that they should not expect major benefits.

TRUE COST OF GOVERNMENT PROGRAMS ACT

MR. S. J. CAMERON (Regina South): — Mr. Speaker, I have a question of the Government House Leader. In view of the rather impressive expressions of support for The True Cost of Government Programs Act I am wondering whether the Government House Leader can indicate to us whether he proposes to allow this Bill to come before the House today and for debate and decision, or whether in an effort to avoid it, it is his intention to stand it off the Order Paper or talk it out?

SOME HON. MEMBERS: — Hear, hear!

HON. R. ROMANOW (Attorney General): — Mr. Speaker, this is Private Members' Day and of course this Bill will come up in the normal course like any other matter on Private Members' Day and presumably will be debated as fully as any other Bill warrants debate if this Bill warrants debate.

SOME BUSINESSES MOVING OUT OF QUEBEC

MR. R. H. BAILEY (Rosetown-Elrose): — Mr. Speaker, I should like to direct a question to the Minister of Industry and Commerce. It is reported that there are some businesses moving their head offices out of the Province of Quebec. Have you or members of your department made any proposals to persuade or to encourage any of these businesses to locate in Saskatchewan?

MR. VICKAR: — Mr. Speaker, to this point we haven't taken any initiative to go to Quebec to look for any business. However, we will welcome anyone to the province.

MR. BAILEY: — A supplementary question, Mr. Speaker. It is my understanding that a few of the individual Chambers of Commerce in this province have considered, and some have actually made some steps in that way. Would the Minister not consider with officials of his department that proposals should be presented to attract some of these head offices to locate in Saskatchewan and would he also not consider that it is advantageous to this province to have more head offices of companies located within Saskatchewan?

MR. VICKAR: — Mr. Speaker, I think the question that the Member raises is a little premature. Quebec is still in Confederation and I don't see any purpose for us to go in there to bring these people from that province to Saskatchewan. When the opportunity arrives I am sure that we will be inviting these people to our province.

OCCUPATIONAL HEALTH ACT

MR. E. F. A. MERCHANT (Regina Wascana): — Mr. Speaker, a question to the Minister of Health regarding The Occupational Health Act which, Mr. Speaker, you may find curious that it is not directed to the Minister of Labour, but the question deals with people within the ambit of the Ministry of Health. I ask the Minister if he is aware that the Saskatchewan Medical Association has passed a resolution of its assembly not long ago asking that the Act not be brought in without a review of the present program, that is the same program and I ask the Minister if he is aware that the Canadian Public Health Association, by way of a letter to him by Dr. John Markham, have made the same request. I wonder lastly, if the Minister is aware that when the legislation was introduced by Mr. Smishek two years ago, he indicated that there would be a review and it would appear that that review has never taken place. I wonder if the Minister would consult with his colleague and see to it that such a review does take place before we proceed further with that legislation.

BILL C - 33 - TRANSPORTATION POLICY

MR. S. J. CAMERON (Regina South): — Mr. Speaker, a question of the Premier. I asked the Premier yesterday about transportation at the forthcoming western Premiers' conference. In view of the Premier's response yesterday that his Government has no objection to the Federal Government being in power directly to set minimum and maximum freight rates and to attack the short-haul, long-haul anomaly situation, may I ask the Premier in what particulars with some particularity does his Government oppose Bill C-33 that is now before Parliament?

MR. BLAKENEY: — Mr. Speaker, I hardly think that the Question Period is an appropriate period for discussion of Federal legislation with particularity, but may I say the following.

My comments yesterday were directed to say that we supported those parts of the Bill which dealt with long-haul, short-haul and the like as indicated by the Hon. Member. Our objections stem from those aspects of the Bill which can be

interpreted as supporting the user-pay principle, a principle we do not agree with. I take it the Hon. Member does not agree with that since a few days ago he was asking me whether or not we would not support the principle that railways in western Canada should be used as a vehicle for regional development. I think that is a principle which in most instances is inconsistent with a user-pay principle.

MR. CAMERON: — May I ask the Premier, the Maritime Premiers a short while ago, meeting in the counterpart really of your meeting coming up later this week, unanimously requested of the Federal Government an amendment to Bill C-33 to make regional development an explicit objective of transportation policy. May I ask the Premier if he will be raising the same issue with the western Premiers in an effort to have the western Premiers make the same sort of request that the Maritime Premiers made?

MR. BLAKENEY: — Mr. Speaker, I can almost repeat my answer of yesterday. That proposal was the banner proposal of the four western Premiers with respect to transportation at the Western Economic Opportunities Conference at Calgary a few years ago, it was put with all the force we could mount by four Premiers on national television. We have put it many times since. If the opportunity arises I will certainly raise it at Brandon, two days from now. We can convey it once again, for the umpteenth time to the Federal Government. But I do not expect that this further assertion of the principle, that rail transport in western Canada should be used as a vehicle for regional development will necessarily have any more impact on the Federal Government than the earlier assertions. Certainly there is no lack of appreciation in the minds of the Government of Canada regarding the view of the four western Premiers. We can assert it once again. It is not a lack of knowledge, but a lack of will which prevents action on this matter by the Government of Canada.

IS GOVERNMENT READY FOR POSSIBLE WATER SHORTAGE

MR. R. A. LARTER (Estevan): — Mr. Speaker, a question to the Premier. Mr. Premier, in light of the resignation of the three hydrologists at a very important time, in light of a TV announcement last night that inside of a week Regina and Moose Jaw would be critical on water and there would be water rationing, is the Government really 'psyched' up about tank cars, drilling rigs, pumps and everything, are you really ready for what could be a major water shortage across the whole of southern Saskatchewan this year? I think it is a major thing that could happen.

MR. BLAKENEY: — Clearly, there are possibilities of very serious problems with respect to water in southern Saskatchewan. No one can deny that. The Government of Saskatchewan has formed a 'small group in the public service consisting of officials from the Department of the Environment, the Department of Agriculture, and the Department of Municipal Affairs to indicate what should be done under these circumstances. Whether or not we are totally prepared I suppose, only events will tell. But we believe that we are making preparations which will deal with the situation such as might reasonably be anticipated to arise at this time.

MR. LARTER: — Supplementary, Mr. Speaker. Would the Premier co-ordinate and direct a task force of all these groups and bring them together? I think that it is that important; I think that it is something that does need to be brought together immediately and a task force headed by the Premier.

MR. BLAKENEY: — Mr. Speaker, I think it is easy to overestimate what a Premier as a person can do under these circumstances. I think it is rather better to assign the task to someone who is undoubtedly going to be able to give more time to it and perhaps has a great deal more knowledge than the current Premier has on water matters and, accordingly, I have asked the Minister of Agriculture to assume the responsibility for this. I have every confidence that he will discharge that responsibility with his usual ability.

MR. R. L. COLLVER (Leader of the Progressive Conservatives): — A question to the Premier. Do you not think this potential emergency situation is serious enough that sufficient numbers of people have to be brought in from the private sector and from the government sector to co-ordinate the efforts of the Province of Saskatchewan in advance of a serious disaster? Would you not think that under those circumstances, at this particular time, that the Premier himself, with the influence of the Premier's office, should head up a special emergency task force to look into the problem, be ready for it in the light of all of the reports and the resignations that have been going of recent date.

MR. BLAKENEY: — Mr. Speaker, I am not aware that the resignations really have anything to do with the problem. I would underline that since there seems to be confusion in the minds of some that some resignations from the staff of the Research Council have anything to do with the current water shortage in southern Saskatchewan.

May I also say that up to this time we have encountered no reluctance whatever on the part of the private sector to co-operate with the Government, the private sector, using the term the non-provincial government sector. There is every indication of co-operation from SARM and its members, every indication of co-operation from SUMA and its members, every indication of co-operation from the private sector. There is accordingly no need to mount any particular pressures emanating from the Premier's office, or otherwise.

What is needed is the usual workmanlike job done by a number of Ministers of the Crown and if they encounter any problem in which they believe that the Premier or any other Minister can assist them with, I know they will quickly get in touch. We will, I think, be able to bring to bear all of the resources which the situation appears to demand at this time. I am not for one moment suggesting that I do not regard this as important. But I regard the way to get a job done is to find a, good man, give him the job and let him get on with it. This is what I think we have done.

MOTIONS FOR RETURN**RETURN NO. 73**

MR. S. J. CAMERON (Regina South) moved that an Order of the Assembly do issue for Return No. 73 showing:

The full detail of the study conducted by Mr. Huggett, the Director of Court Services, Attorney General's Department, concerning support services available to the Courts of Appeal in the four (4) western provinces and other aspects of the functioning of such courts including the tabling of such study or studies.

MR. C. P. MacDONALD (Indian Head-Wolseley): — I should like to urge the Minister and the Government not to adjourn these debates, and to get on with the job and pass these Resolutions in order that the information can be provided. We are now rapidly drawing toward the conclusion of the Assembly, or this Session, and if perchance by next Monday night the Session is wound up, these will die on the Order Paper. This particular one about SEDCO is a very important one, and I would hope that the Government is also — there are a great number of Orders for Return that the information has not been provided — so I would urge the Government not to adjourn these debates, get on with the job of the Assembly, pass them and provide the information for us before the Session ends.

SOME HON. MEMBERS: — Hear, hear;

HON. R. ROMANOW (Attorney General): — Mr. Speaker, I will note with interest how the official Opposition acts when we come to Government business later on Update, and ask for adjourned debates and second readings come forward, that they too will follow their admonition, that the Member for Indian Head-Wolseley just gave us and that they will not stand, and they will not adjourn, and that they will proceed with their bills. Unlike the record of yesterday, and unlike the record of last debates, and I'm not being critical of the Hon. Member, you people can stand your bills, you can adjourn them as you see fit. Please allow us the same privilege and the same right with respect to matters which relate to us.

Now, Mr. Speaker, the big ones, the so-called big ones, the Member for Regina South (Mr. Cameron) put this on about four days ago and this is the first date that these have been up and the Member has drafted them. The very first date. But, Mr. Speaker, this is day 51 in the Legislative Assembly. Now we are being criticized for adjourning them on the first day that they come up, and I am saying, Mr. Speaker, that that is grossly unfair. In any event, I'll be very frank, I don't care whether they criticize us or not. We are not going to allow these to go through until we are ready, to understand what the essence of the Motion asks for, whether we can answer it, whether it is properly worded or not. Now, Mr. Speaker I want to speak particularly with respect to Return No. 73, and I am going to urge the Members of the Assembly to defeat Order for Return No. 73.

I have indicated in the past, in past debates on this

matter, and I repeat again, that I do not believe that it is a desirable policy for governments to be tabling all kinds of reports which are advising Ministers with respect to policy or other matters.

I will tell you, the Huggett Report is the sum total of this one page, Mr. Speaker, which I ask routinely - I'm telling you, that's how you know that - I am telling you it is one page, that's how you know it. I ask, as a matter of routine, my officials, from time to time whenever there is a request, be it from the Court of Appeal or the Queen's Bench, or the Land Titles, to give me a report with respect to the matter. This is the report, a one-page summary of the operation. I tell you if I were to table it, it would be very favorable for us. I'm not going to table it because there is a principle involved here, and the principle is, and the Opposition has to accept this, that every kind of a report that Ministers seek for advice is not subject to be tabled. If you did that you wouldn't have the advisors giving you the true advice, which is the job of government. And I am saying that if the Liberals are so sanctimonious about this business of disclosure of information they had better start showing the way by their Federal counterparts in Ottawa tabling all kinds of internal reports and documents. And they don't do it. I understand why they don't do it. There are very good reasons why these reports can't be tabled.

I say that this kind of a Motion by the Member for Regina South (Mr. Cameron) is downright mischievous. He knows better than to ask for this kind of information, but he is on some kind of a freedom of information kick and he is going to try and make this a bit of an issue on freedom of information.

Mr. Speaker, don't let Members of this House be fooled by that kind of a disclosure operation, because that's all it is. It's a sham, it's a political ploy to try to get some operations for the Liberal Party, and my goodness, they need all kinds of political brownie points, if anybody needs political brownie points, Mr. Speaker, at this time.

So I say, Mr. Speaker, with respect to the Huggett Report, while I have no hesitation in tabling it for what it may or may not show, some parts of it are good, some parts of it aren't as good as I would like to see it, it is a report which I, as Minister in charge will continually take the position, and I urge my colleagues on this side of the House, to take the position to reject, because it is simply not the proper way to conduct business, and all Members opposite know it. And I ask the Members to reject this Motion for an Order for Return.

MR. E. F. A. MERCHANT (Regina Wascana): — Well, Mr. Speaker, that's a little bit of rat manure mixed with hogwash.

The reason that the Member rises really is to respond to the comments made by the Hon. Member for Indian Head-Wolseley (Mr. MacDonald), and in part what he was saying was it is obvious to us that those kinds of questions are going to be stood off the Order Paper.

MR. ROMANOW: — No, they are not.

MR. MERCHANT: — You are giving us that guarantee?

MR. ROMANOW: — We have answered every question in the two years you have been here. You show me an Order Paper where such reports have died.

MR. MERCHANT: — Well, Mr. Speaker, I note that when that specific question . . . fine . . . if the Minister is saying from his place that that answer and the answers that I later in the day will be requesting in further Motions will be forthcoming at some time, then I take my place.

MR. S. J. CAMERON: — Mr. Speaker, you can see the technique that the Attorney General uses. Now it is so obvious what he does. You wonder about why he bothers to make some of the remarks he does, because he gets himself all tied up in webs which are less than candid. I will tell you why. He is opposing our suggestion that he ought not to adjourn this and what does he say? He says it is the first day it is on the Order Paper. Technically that's true. But I raised the question of this report the first time the last day of the last session. That's when it was first raised. I raised it again in Oral Question Period some weeks ago in the House. I asked the Attorney General for the report. He said he would have to have a look at it. Then I asked a third time about it and he said again he hadn't had a look at it. I asked a fourth time and what did he say? He said, put the question on the Order Paper. Then I put the question on the Order Paper, then he stands up and says, "Well it is the first day it is on the Order Paper, that's why we are adjourning it." The reason he is adjourning it is very obvious, because we are now coming to the closing moments of another Session. I want the report, and I am not going to get it. That's what is happening.

You talk and talk and talk the things off. You see, I want to say something to the Attorney General in seriousness. Look, you asked Huggett for a report. "Take a look at the Courts of Appeal in the four western provinces", is what you said to him^ "Come back to me with some indication of the support services. One wonders, as a matter of fact, whether the Attorney General ever listens. You make a big point about the value of secrecy to documents of this nature. Let me tell you how foolish that point is in the first place, in terms of fundamentals.

The obligation that we have is to see to it that government is in fact doing the job which government is there to do. We can only do that job effectively, or ineffectively, depending upon the information we have. We can't make any assessment of your performance unless we have the information with which to do it. That's a fundamental of democracy. Without information to make the assessment, you can't make the assessment. Now we have ourselves all out of whack in some of these respects. Your position always seems to be - the onus is upon the individual to show that there is somehow a right to know in respect to these documents before you will release them. In other words, you don't begin with the general premise that Members and the general public have a right to information. You begin with the premise that the information is yours and you have a right to disclose or not disclose it as you will, in effect telling Members, "You go hang."

Now look, this particular Huggett report, you have had it

now for some months. If it indicates to you that there is a problem with respect to the administration of the Court of Appeal, you don't have to be embarrassed with that. There are lots of problems in respect to the administration of lots of areas. Your concern is this, and that's our concern, whether or not you have done something about the problem.

SOME HON. MEMBERS: — Hear, hear!

MR. CAMERON: — The existence of the problem is not your fault. Whether or not you have done something in the intervening months with the problem, that could be your fault that you have done nothing. Where does that lead to? It leads to this, a problem was disclosed to you some months ago. The question now is, what have you done about the problem? If in fact you have cured it, you ought to be happy to table the document, and say to Members, "Here is the problem, here is the action I have taken in respect of it " But you see, the attitude you take, you are privy to the information, we aren't, we are expected to criticize in some responsible way, you don't give us the information. I say to you that if it merely disclosed a problem, I wouldn't criticize you in that respect, because I would give you a reasonable period of time to solve it. But if after several months you haven't solved it, then, of course, you would be open to some justified criticism. But that is the sort of sensitivity that you have to the least little embarrassment about a problem. One can only come to the conclusion that in fact the report is embarrassing to you or otherwise, despite the fact that it is only one page, you would put it on the table. I say again to you that that attitude of yours will one day embarrass you very substantially.

SOME HON. MEMBERS: — Hear, hear!

Motion negatived.

RETURN NO. 75

MR. CAMERON (Regina South) moved that an Order of the Assembly do issue for Return No. 75 showing:

Whether an equity position was acquired by SEDCO in a company locating a briquette manufacturing plant in Moose Jaw and, if so, the extent and nature thereof.

MR. MacDONALD (Indian Head-Wolseley): — Mr. Speaker, first of all I want to read, before the Minister of Industry and Commerce (Mr. Vickar) adjourns the debate, I want to read it to him.

Whether an equity position was acquired by SEDCO in a company locating a briquette manufacturing plant in Moose Jaw and, if so, the extent and nature thereof.

Absolutely no reason to adjourn this debate.

I also wish to respond to the Attorney General. I suggested it yesterday . . .

MR. SPEAKER: — Order, order; The Attorney General hasn't spoken.

MR. MacDONALD: — Please, I did not talk about the Attorney General. Yesterday was a very productive day. Private Members is entirely different than Government business. Government business will always be a turn because the Government will not adjourn the House until such time as it is completed. But Private Members, if the business is not completed on Private Member[^] Day, that is washed off the Order Paper. Once again, I urge the Government to respond and let this particular one go through. There is absolutely no reason for the Minister of Industry and Commerce to adjourn this debate.

Motion agreed to.

RETURN NO. 71

MR. E. F. A. MERCHANT (Regina Wascana) moved that an Order of the Assembly do issue for Return No. 71 showing:

The gross exports for potash for each of the months from January of 1971 to December of 1977 inclusive.

He said: Well this is a great disappointment, Mr. Speaker, because I had a prepared speech ready. But I move Return No. 71.

HON. J. R. MESSER (Minister of Mineral Resources): — Mr. Speaker, I should like to make a plea to the Member for Wascana to withdraw this particular Order, and I would be more than happy to undertake to assist him . . .

MR. CAMERON: — . . .

MR. MESSER: — If the Member for Regina South would just be quiet for a moment perhaps the Member for Wascana would be able to hear my remarks and the legitimate request which I am making.

I would ask him, anyway, to withdraw and perhaps consult with me a rewording of the Order. Two problems that I think are obvious in this particular Order, the first being, that he asks that we provide information up to December of 1977, and that means we are not going to be able to answer the question until sometime in 1978, and I am sure the Member would like to have the information in a more current order, in light of the remarks that the Member for Regina South has just made to this Legislature. So I would ask that perhaps he reconsider and ask for information up to perhaps April of 1977. The second problem is that there was a period of time when some of the potash companies were not providing information to the Government in regard to exports of potash from the province. The Government did undertake, in those instances, to estimate the amount of potash that was exported, but it may not be accurate. Most of the companies, in fact all of the companies with the exception of one, have now provided us with the export figures, and I would be more than happy to make them available on a monthly basis, but I would not want to mislead the Member for Wascana in undertaking to convey to him figures for that one particular company which has not provided us with that information.

So, Mr. Speaker, in closing, I do not want to leave the

impression that the Government does not want to fully and adequately answer and provide information to the Member for Wascana, but I believe it could be done in a much more credible way if the Member were to withdraw and perhaps take into consideration my remarks, or undertake to discuss with me a reworded Order which the Government will undertake to answer as promptly as possible.

MR. MERCHANT: — Mr. Speaker, I don't think that that should be the procedure that one would expect to follow. I don't know what pattern of question fits the Minister, and all Members of the House have seen Members rise, rise perhaps to adjourn a matter, rise the next day and say we can't answer the question in the way the question is posed, we can't answer the question if it's amended to read in such and such a way. At that time when they rise to indicate that they can answer the question in this different way, that they deal with it, then give the answer. I don't anticipate that the Government will very quickly give the answer and all that I want to know is that I have the answer up to the last time that their information is available. I expect the House to be back in October or November, I expect certainly by that time I would have a reply.

I have no objection to the Minister indicating what kind of an answer they could give, then indicating what share of the market they estimate Kalium Chemicals has, I think I can do my own guessing from there on what the total gross exports might be.

I wonder, in fact, Mr. Speaker, whether the fact that the Minister has done something quite different from any other reply on a motion, gets up and says, well I ask you to withdraw that and come back with it in a different way, isn't because the Minister suspects that if the Government now defeats this Motion, that the matter can't get back before the House in time for the question to be raised.

MR. MESSER: — Amend it now.

MR. MERCHANT: — How can I amend it when I don't know how you can answer the question?

MR. MESSER: — Up to April of 1977.

MR. SPEAKER: — The Member can't amend it.

Motion agreed to.

POINT OF ORDER

RESOLUTION NO. 33

MR. E. F. A. MERCHANT (Regina Wascana): — On a Point of Order, Mr. Speaker, what possibly has happened that the Hon. Attorney General can drop my Motion?

MR. SPEAKER: — Let me take a moment to answer the Member's Point of Order.

If the Member wishes to refer to Rule 9(1):

Questions put by Members and motions not taken up when called may (upon the request of a Member) be allowed to stand and retain their precedence; otherwise they will disappear from the Order Paper. They may, however, be renewed.

ADJOURNED DEBATES

RESOLUTIONS

RESOLUTION NO. 25 - SUITABLE MARKERS FOR HISTORIC SITES

The Assembly resumed the adjourned debate on the proposed Resolution by Mr. R. H. Bailey (Rosetown-Elrose):

That this Assembly urge the Government of Saskatchewan to provide at cost suitable markers for cairns to community groups wishing to preserve our heritage and history by marking the original site of schools, churches, or similar historic sites.

HON. E. L. TCHORZEWSKI (Minister of Culture and Youth): — Mr. Speaker, I should like to say a few words on this motion, which I don't disagree with to any large extent, then move an amendment which I think would be appropriate.

The Member for Rosetown-Elrose introduced this motion respecting the recognition of the original sites of schools, churches and other historic buildings in order to preserve our heritage. I can foresee, having considered it, a number of serious problems if we were to pursue such a suggested course of action. At a conservative (if I may use the term guardedly) estimate there are something like 7,000 or 8,000 rural school sites in Saskatchewan, and the agricultural base in the settlement pattern of this province's early years, meant the construction of a large number of small schools, some of which even I attended, as have many of the Members of this House.

In terms of churches, my department knows of over 224 churches that were built prior to 1914, in fact, 14,000 to 15,000 buildings erected prior to 1914 survive in this province. I believe we should be able to see the magnitude of the task if we were to assist in the marking of each individual historic building or site. The amount of money required would be very large, and unfortunately may not have been taken into consideration in the context of the present resolution.

The Hon. Member has suggested that we supply such markers at cost to interested groups. The markers we presently employ for our programs are cast aluminum. The province purchases these from a foundry and does not have the capability to produce such plaques here ourselves. Stamp markers as used by the Department of Highways would not prove permanent enough for such a program. As well, we would require significant staff and funding increases for research, for administration, erection and maintenance. The fact that many of the sites are presently on private land and public access creates therefore an additional problem.

Most seriously of all, Mr. Speaker, I would question the worth of such a program as it is presently proposed. Our

mandate is to assist in telling the story of the Province of Saskatchewan to visitor and native alike. There are better ways of telling this story than identifying every individual site, I think. The importance of these sites lies not in where they were located, but in telling how the school, the churches and other institutions shaped and molded our present way of life.

The province is now doing a great deal I might add, in this field, with the development of larger school units, many excellent schools have been constructed. The Department of Education encourages the teachers and students not to forget their local heritage, but to honor the rural school and its teachers by naming classrooms, and auditoriums and gymnasiums after these developers of our heritage so that those names can be perpetuated in our school system. As well, our school curriculum encourages an appreciation of Saskatchewan's rich heritage.

The Department of Culture and Youth is responsible for erecting markers at sites of provincial significance, three or four are erected each year and the total exceeds 170. In addition to this, we are developing a system of larger interpretative shelters telling of specific natural and human history resources. Twelve of these alone are located in the Qu'Appelle Valley. In addition, the province has for many years provided an attractive plaque to local organizations desirous of recognizing historic sites, individuals or events. Fifteen to twenty such plaques are granted each year based on the merit or the proposal from the local group or organization. I might add that over 150 of these are now in existence in the province.

As well as markers, Mr. Speaker, the province operates 10 historic parks and is providing assistance for local museums, the collecting of oral histories - and I know we have some problems with that program, but we are going to look after it and improve it - the encouragement of local history writing.

Finally, through our Heritage Site Assistance Program the province has committed close to \$500,000 for the preservation of heritage structures.

In preparation, Mr. Speaker, for the 75th Anniversary of the founding of our province, we are establishing a small core staff to develop a 1980 celebration program, involving all residents in all communities of Saskatchewan. I will be making further reference to this event at some time in the not too distant future.

With these few comments, Mr. Speaker, clarifying what presently exists and pointing out what I think quite sincerely might be some of the problems if we were to adopt the Resolution as it is, I need to say that I cannot support it in its present form. Therefore, I should like to move, seconded by the Member for Melfort (Mr. Vickar):

That all the words after the word "Assembly" be deleted and the following be substituted therefor:

Commends the Government of Saskatchewan for the initiative that it has taken in developing programs to preserve our heritage and that these programs be considered for

expansion in keeping with the proposed 1980 celebration marking the 75th Anniversary of the founding of our province.

MR. R. H. BAILEY: — Mr. Speaker, I find it very difficult to believe that a resolution such as this would have to undergo the amendment which the Hon. Minister has put upon it. He mentions the fact that there are some 7,000 or 8,000 one-room rural schools in this province. He knows very well that by the time we come to celebrate the 75th birthday of this province that in a few isolated cases some local communities would like to have some kind of plaque so they can place it in a cairn to honor their own independent little school district.

I don't think he believes, nor any Member of this Assembly believes that every single rural school district is going to have the interest in proceeding in this fashion to mark the 75th birthday of Saskatchewan. If you will note, Mr. Speaker, I am not condemning the Government. As a matter of fact, in my original presentation on this particular resolution, you want to check the records, I commended the Government for the activities they have taken.

All I am suggesting in this resolution is to prepare the groundwork for the 75th birthday in three years by making available at cost. You already mentioned that you don't make these plaques here, that's fine, but make them available at cost, it's not going to cost the Government anything. I don't know how many of the 8,000 school districts want to have some kind of a marker on the original school site, but let's say 1,000 of them do. I think, therefore, you should have available to those 1,000 communities who want to mark the original site of the one-room school that it should be there. It is not a question of asking the Government to expend money.

Mr. Speaker, I am a little bit surprised that the amendment had to come in this way, "commends the Government of Saskatchewan for the initiative that it has taken in developing programs," not condemning it. I have offered a suggestion as to how they may facilitate further, without a cost to the department. Then I find a resolution coming in to destroy the motion.

Mr. Speaker, I believe that this Government should not have to amend every motion that comes on the Order Paper, as you have done today. I think we should support the original motion which I have presented. I don't think it was condemning the Government in any way, it wasn't meant to. It was meant to facilitate a need to certain people in Saskatchewan. I find that I cannot support the resolution, I would ask this Assembly to support the original motion.

Amendment agreed to.

Motion as amended agreed to.

RESOLUTION NO. 27— NO FAULT REPARATIONS PROPOSALS

The Assembly resumed the adjourned debate on the proposed resolution by Mr. Cameron (Regina South):

That this Assembly urges the Government of Saskatchewan and the Minister responsible for SGIO to delay implementation of the "No Fault Reparations Proposals" being advanced in respect of automobile accident insurance to at least December 31, 1979, so as to give the people of the province more opportunity to consider the fundamental issues raised thereby.

HON. E. C. WHELAN (Minister in charge of SGIO): — Mr. Speaker, the resolution introduced by the Member for Regina South, who is a member of the Law Society and supported by the Member for Saskatoon-Sutherland (Mr. Lane), also a member of the Law Society, would deny the people of Saskatchewan who are injured in automobile accidents a quick settlement of their insurance claims, a procedure that would in turn guarantee the injured, security and rehabilitation.

Mr. Speaker, as a matter of fact the 31 years experience of the Saskatchewan Government Insurance Office clearly demonstrates the system of settlement through liability frequently involving court procedure puts an unreasonable financial levy on every contributor to the automobile accident insurance fund, and does not guarantee equity and fairness to the automobile accident victim. The proposed increase in the liability limits and the suggested increase to patch up the present system, would I think in the long-run be uneconomical, costly and in many instances would further accentuate injustices that exist.

With all the evidence around us, with the Reparations Committee Report as a background, it is my contention, which I shall attempt to prove conclusively to the Legislature, that we should proceed with all possible haste to implement no-fault insurance for the following reasons.

1. The present method of settlement takes too long.
2. The fault system costs too much, and in many instances has no association with the welfare of the individual who has suffered injury.
3. There is often no established connection between fault and the rehabilitation necessary for the injured citizen.
4. The present system frequently results in an unfair and inaccurate allocation of money from the Automobile Accident Insurance Fund.
5. Insuring against liability places at the disposal of the courts and jurors money that can be and sometimes is allocated to alleviate a situation with little basis in justifiable evidence. Compensation for economic loss is only a small portion of settlements awarded by the courts at present.
6. The reparations proposals would insure the victim rather than insure against liability, and lump sum settlements would not be the objective but rather security and rehabilitation in order to care for the mental and physical health of the

victim.

7. Under the reparations proposal, most of the money in the Automobile Accident Insurance Fund would go to compensate the victims for rehabilitation and economic need, rather than a large portion going for court costs, legal fees, witness fees, salaries to negotiators and so forth.

8. Recognized legal authorities say that the present system is not judicious, that it is unfair and unreasonable, and that the fault basis should not be considered but rather the injury and economic need of the victim.

9. The public is aware of the inadequacy, tediousness and inequity resulting from lengthy court cases and decisions. While they approve of the court system (and I am sure all of us do) they recognize it as an ineffective way of looking after injuries to automobile accident victims.

I would like to elaborate on these points.

1. Awaiting a decision of the courts and often a decision that has to be negotiated, involving legal counsel – in many cases takes long, long periods of time. Meanwhile, the victim of the automobile accident who, after all, is the main consideration, he owns SGIO, he has put his money in the fund, the victim may be seriously injured and without any income.

There are cases on file where pending settlement, because he was unable to work, an accident victim has lost his home. The procedure may honor the right to sue, but SGIO's 31 years of experience demonstrates that the victim will and has on other occasions given up the right to sue for a settlement on a monthly basis, that will guarantee him an immediate income, as well as rehabilitation and retraining. The length of time settlements take is a serious consideration. The record shows that claims settled by SGIO average nine months from the time of the accident; claims resolved by the courts take two years, or more.

2. The present system, where fault is the criterion, costs too much. Let's look at the present system, the procedure and the way it is handled. There's the amount of money we pay out that can add up; in addition, there's a figure we can't estimate, the cost to the injured person because of delays, and delays are commonplace. Let's look at a negotiated settlement, with court settlements as a background and a basis for negotiations. The lawyer (and certainly I have nothing against lawyers) can and does claim as much as one-third of the lump sum settlement. Many cases are settled on the basis of the maximum settlement handed out by the courts. Jurors and judges are inclined to be favorable to the injured person.

Let me give the House an example of a court settlement for \$90,000; let's say \$30,000 went to the victim's lawyer. In a case such as this, witnesses' fees, other fees and court costs could amount to \$10,000. In other words, the settlement through the courts would give the victim payment for 60 months, or five years, at \$1,000 a month. I think I must have hit a nerve, I hear some screaming over there. In a case such as this the witnesses have to be paid as well, the negotiators have to be paid as well, and the courts have to be paid as well. In other words, the settlement through the courts would give the victim payment for 60 months or five years, at \$1,000 a month. The estimated \$40,000 in court costs and other costs, I'm going to

quote some eminent legal authorities in just a moment if you will just wait a moment, the estimated \$40,000 and other court costs equals payments for another 40 months at \$1,000 a month, or an additional three years and four months. Surely this illustrates the economic inequity of the present system as far as the victim is concerned. And there is another point, if the person is permanently injured, what does he do after five years, after he has blown, after he has used up the \$60,000 or the \$1,000 a month? Does he go on welfare? That's what he is doing at the present time.

3. There is no connection between fault and the help needed by the individual. An individual may need rehabilitation because of an injury; an individual may need a particular type of therapy treatment. The fact that he was, or was not at fault, has nothing to do with the type of treatment he needs, or the economic need of the automobile accident victim.

4. The present system makes unfair and inaccurate allocations of money, and this can be borne out by the records in a number of areas. Probably the most dramatic and easily available are the records of the whiplash accidents. Settlements may vary from \$750 to \$20,000 for a whiplash injury, with exactly the same description, by exactly the same doctor. There may be a variation in the salary of the victims, with the \$750 recipient earning about one-third of the salary of the \$20,000 recipient; one settlement is approximately 30 times the other, yet the medical description of the injury is precisely the same. To argue that we should increase the liability insurance would probably increase whiplash settlements and settlements for other injuries, but what good would that do to the person who is completely incapacitated from an injury and has no money for rehabilitation, and is about to lose his home while he waits for a settlement in the courts.

5. Insuring against liability gives the courts and jurors money to allocate, money that may be allocated without justification. For 31 years the adjusters, assessors and negotiators at SGIO have seen every kind of injury and every kind of accident, and are acquainted with the rehabilitative and economic needs of injury victims.

Mr. Speaker, in a court case 12 jurors who have never seen an accident are asked to make a decision regarding money to be allocated through the courts. Judges who have sat on the Bench for 25 years or more indicate that often evidence is exaggerated and inaccurate. The jurors are sympathetic, the money appears to be available from the general public; the measure is 'fault'. Judges with many years experience in these cases state that in most instances they could not be sure after hearing the evidence that money had been allocated properly. This has been summed up by Thomas W. Wakeling, Assistant Professor of Law, University of Saskatchewan, in the winter 1977 issue of Business Review, page 7. He says:

The tort system often has to prostitute itself to compensate accident victims. Observers have noted that jurors will side with the injured person when, if it were not for the liability insurance money, their decision most probably would have gone the other way.

6. Compensation for economic loss is a small portion of the settlement by the courts. At the present time, pain and

suffering, legal fees and court costs, and salaries of negotiators, make up far the greater portion of the settlement. The reparations argument is that the settlement should be made on the basis of economic need, and proposed \$250 a week taxable, or \$1,000 a month taxable, or \$750 a month tax-free.

7. Lump sum settlement should not be the only consideration. As it is set out in the Reparations Proposal, economic loss and rehabilitation should be the main ingredients. These are essential for automobile accident victims, if we are to safeguard their mental and physical health. It is no secret that people who wait endlessly for a settlement, without money, watching the depletion of their assets, suffer nervous breakdowns .

8. The Reparations Proposal, through the Government Insurance office, would allocate most of the money from the Automobile Accident Insurance Fund to compensate the victim for injury and for economic loss and for rehabilitation. At present, a large amount goes into endless negotiations, many times with lengthy processes in the courts, fees for assessors, witnesses and court staff.

9. Recognized legal authorities, and there are many who have carefully examined all the evidence in this field, agree with the 31 years of experience of SGIO. May I quote two or three of these authorities:

Dean William Prosser, Hastings College of Law, University of California:

The process by which the question of legal fault and hence of liability (in automobile accident cases) as determined in our courts is cumbersome, time-consuming, expensive and almost ridiculously inaccurate.

The evidence given in personal injury cases usually consists of highly contradictory statements from the two sides, estimating such factors as time, speed, distance and visibility, offered months after the event, by witnesses who were never very sure just what happened when they saw it, and whose faulty memories are undermined by lapses of time, by bias, by conversations with others, and by the subtle influence of counsel.

Upon such evidence, a jury of 12 inexperienced citizens called away from their other business, if they have any, are invited to retire and make the best guess they can as to whether the defendant, the plaintiff, or both, were negligent, which is a wobbly and uncertain standard based upon the supposed mental process of a hypothetical and non-existent reasonable man.

The former Chief Justice of Ontario, J. C. McRuer says, as reported in the Regina Leader-Post of September 4, 1976:

He is alleged to have said that when he was on the bench trying automobile negligence cases, "I never felt any degree of assurance that I was administering justice." Assessing damages, he said, was pretty much guesswork. There is a fanciful idea that negligence can be apportioned.

And again, Thomas W. Wakeling, Assistant Professor of the

University of Saskatchewan:

What logic is there in a system which classifies accident victims according to the blameworthiness of their conduct when the trait of paramount importance is obviously their injured condition? The former can only be meaningful if some value attaches to the determination of fault.

Then he asks the question:

Can one, with a straight face, claim tort liability acts as a deterrent? If the threat of criminal sanctions and the fear of personal injury do not promote safe driving habits, will prospective and uncertain tort liability make a significant difference?

In effect, what these people are saying is that we put public money into a system that does not fairly compensate our accident victims, and that is, in short, a waste of public money.

Authorities who teach law, practise law and who have spent years in a judicial capacity, such as those I have just quoted, in Canada, the United States and Great Britain, fully agree (and I could quote them at great length, I just quoted two or three) fully agree with the reparations proposal. They fully agree with the 31 years experience of SGIO.

Finally, there is no better legal mind, I think, than John Green, General Manager, the Saskatchewan Government Insurance Office, who wrote the original Automobile Accident Insurance Act, and who has contributed his knowledge and his experience to the original reparations proposal.

10. The public have experienced the tort system (and the right to sue) but do not appreciate the tediousness of the court system.

The argument is put that the public do not understand the new reparations proposal. I am willing to bet that they do not understand The Automobile Accident Insurance Act, but they trust the people who run it. They trust the people who run the courts. This point is enlarged on in the Carter Committee Report. I quote:

In the course of its hearings, the Committee found on many occasions, a general lack of knowledge about the present provisions of The Automobile Accident Insurance Act - notwithstanding the fact it has been on the statute books of the province since 1946.

I am willing to bet the Hon. Member who sits for Regina South (Mr. Cameron), and the Hon. Member who sits for Saskatoon-Sutherland (Mr. Lane), and the Hon. Member who sits for Regina Wascana (Mr. Merchant), there won't be one citizen in 100 who understands the intricacies and the legal entanglements and the make-up of the courts of this country. When you stop to think about it, Mr. Speaker, in this country we have - Small Claims Court, Magistrates' Court, District Court, Queen's Bench Court, Appeal Court, Exchequer Court, and the Supreme Court at Ottawa. I want to ask the Hon. Member for Regina South and the Hon. Member for Saskatoon-Sutherland, I want to ask the Hon. Members who talk about the system, and who understand it, just how many people in this country do they think understand the court system? Just how many people of this country do they think understand the

court procedures? I want them to think about that. because we trust it, but the people generally speaking do not understand it. It is so involved and so intricate.

Mr. Speaker, with all respect, I submit that it is not necessary to understand it because people have faith in the court system and have faith in The Automobile Accident Insurance Act, they support it because they trust it.

While I contend the average person does not understand the court system and probably does not understand The Automobile Accident Insurance Act, they have faith in the people who operate them.

Hon. Members poke fun at the Workers' Compensation Board. Actually the reparations proposal as recommended by the Carter Committee suggests an appeal procedure that is not found in The Workers' Compensation Act.

With its shortcomings, with its omission of the tort system, with the denial of the right to sue, I say without hesitation, and I say to the Hon. Members opposite that the workers of this country - and I venture to guess the employers as well - will not go back to the tort system to settle injuries to the working men and women in this province.

The record of settlements many years ago, through the courts, for injuries to working men is embarrassing. The thought of going through that kind of procedure in order to get compensation, the thought of waiting for those kinds of decisions, would give a working man nightmares.

Well, the Hon. Members urge a lengthy delay. I wish to list the organizations which understand the need for endorsing the concept of no-fault insurance. The Saskatchewan Wheat Pool; Saskatchewan Association of Insurance Adjusters; Saskatchewan Federation of Labour; The Consumers' Association of Canada (Saskatchewan Section); The Co-operative Fire and Casualty Company; the Church in Society Committee of the Saskatchewan Conference of the United Church of Canada; the Saskatchewan Voice of the Handicapped; Saskatchewan Federation of Agriculture.

Hon. Members may have seen the Saskatoon Star-Phoenix editorial of last February 17. The editorial comments on the Reparations Committee Report with, "Its Close Attention to the Human Element". The third paragraph of the editorial reads as follows:

We approve the no-fault automobile insurance plan with qualifications. The insurance plan with changes holds out the promise of being much superior to the present system, and appears to be in the best interests of the people of Saskatchewan.

And in the final paragraph of that very enlightened editorial:

Presumably, the no-fault plan will be adopted, likely much as proposed by the Committee. Since it will break new ground, it will probably have significant shortcomings. It will be possible to determine these only with the plan in operation; after giving the plan best consideration, the Government should proceed with some confidence, recognizing that changes can be made later as they appear desirable.

Mr. Speaker, this editorial emphasizes the important points. The Reparations Committee Report should be implemented, after careful consideration. Only when it is in operation can it be judged and further changes can be made if desirable.

The proposal in the Reparations Committee Report, which I have argued for, and which I urge every Member of the Legislature to read, if he has not done so, suggests variations in the original SGIO proposal. These variations have to be priced out, have to be evaluated, have to be considered in conjunction with other programs. But they are necessary. To go on pouring money into a system that does not, in the end, answer the need, I suggest is bad judgment. Cliché's like "the right to sue" are clichés like the medicare dispute had, such as "Doctor-patient relationship," and are no answer.

They do not solve the problem, the problem needs attention. The proposal for change has been considered by our committee. We are still receiving representations. The Committee's Report is in the hands of the Government. In the interest of accident victims, it is necessary that we act at the earliest possible date. Therefore, I move the following amendment, seconded by the Hon. Member for Quill Lakes (Mr. Koskie):

Delete all the words after the word "Assembly" and substitute with:

Commends the Government of Saskatchewan and the Minister responsible for the Saskatchewan Government Insurance Office for establishing the Advisory Committee on Reparations on motor vehicle accidents as a means of informing the public and soliciting public response to the Saskatchewan Government Insurance Office Reparations proposals, and, further that this Assembly urges the Government of Saskatchewan and the Minister responsible for the Government Insurance Office to consider the recommendations of the Carter Committee and further representations from the public before a decision is made.

MR. M. J. KOSKIE (Quill Lakes): — Mr. Speaker, it gives me a great deal of pleasure to stand and have the opportunity to second the amendment of Resolution No. 27, as proposed by the Minister in charge of SGIO.

Mr. Speaker, last year I recall entering a debate in the defense of SGIO. At that time I outlined the history of SGIO, its growth and I compared its performance with the insurance schemes in other provinces. The record of SGIO was impressive. Its service to the people of Saskatchewan was clearly apparent, but if SGIO, Mr. Speaker, is to continue to serve the public and serve the public well, it seems to me that we must be prepared to examine its basic principles of coverage and to make the necessary changes, which allow the SGIO to better serve the public.

Now the idea of reparations or no-fault insurance is not new, because I recall being in the College of Law, the former Dean of the College of Law, and it was this Dean who put the idea into my head first, but he couldn't convince his brother-in-law, the Member for Regina Wascana (Mr. Merchant). I know that he feels disappointed.

What I want to say, Mr. Speaker, that this is our intention when discussing the no-fault reparations proposals, is to examine the basic principles of coverage. It seems to me that if this proposal is introduced that it will make SGIO the most advanced insurance company in North America. The beneficiaries of that will be the people of Saskatchewan.

I want to discuss it in much detail, Mr. Speaker, and to explain to the Opposition as I know the brother-in-law of the Member for Regina Wascana attempted on many occasions. I doubt if I will have much success, but I do want to spend some time trying to convince them of the worthiness of this program as it affects the people of Saskatchewan. So at this time I would beg leave to adjourn the debate.

Debate adjourned.

RESOLUTION NO. 32 - EQUAL PAY FOR WORK OF EQUAL VALUE

The Assembly resumed the adjourned debate on the proposed Resolution by Mr. Merchant (Regina Wascana):

That this Assembly urges the Government to enact legislation giving teeth to the principle of equal pay for work of equal value and urges the Government to establish with the Women's Bureau a task force working specifically to bring this concept to fruition in Saskatchewan.

MR. J. L. SKOBERG (Moose Jaw North): — Mr. Speaker, I think it is only proper that I take part in this debate on this Resolution.

In a speech before this Assembly on April 26 my colleague the Hon. Gordon Snyder, the Minister of Labour, announced a detailed project to study the concept of equal pay for work of equal value. To ensure that all Members are fully aware of this most recent undertaking and to encourage equal opportunity for women in employment, I think it is only proper that we review the project as outlined by the Minister.

During the summer months of 1977 the staff of the Women's Division will prepare educational materials to provide information to the public on equal pay for work of equal value. In September 1977, the Minister of Labour will announce membership of a committee on equal pay for work of equal value, which will consist of representatives of business, labor and women. This committee will be chaired by the executive director of the Women's Division. The Committee will identify areas to be studied, develop a process of public information and consultation; examine the results of studies of public input; make recommendations to the Minister of Labour regarding whether or not a legislative change is required and what those changes should be.

Consultation with the people of Saskatchewan will include public meetings in the spring and fall of 1978 and a request for briefs will be made. The committee will make its report in 1979 and if legislative change is appropriate it will be introduced in the fall of 1979 at that time.

My colleague is to be congratulated for his foresight in implementing a serious study, the concept of equal pay for work of equal value and for providing the people of Saskatchewan the

opportunity to make their views known on the subject, which, of course, this Government is well known for and that is to make the people aware of the legislative changes and make them aware of the fact that they can improve their input into this type of study.

The Government of Saskatchewan has shown its commitment to equality for women once again; certainly the Members of the Assembly must commend another positive step towards elimination of discrimination which women in the labor force face. I believe that the Hon. Member who introduced this Resolution, the Hon. Member for Regina Wascana will appreciate the fact of that which the Minister has done.

In view of that, Mr. Speaker, I would move, seconded by my Hon. colleague, Mr. Vickar (Melfort):

That all the words after the word "Assembly" be deleted and the following substituted therefor:

Commends the Government of Saskatchewan for undertaking a serious study of the equal pay for work of equal value concept and for its plan to establish a study committee, composed of representatives from labour, business and women, which will hold public hearings, receive briefs and make its report and recommendations to the Minister of Labour in 1979.

The debate concurrently continues on the motion and the amendment.

MR. J. G. LANE (Qu'Appelle): — Mr. Speaker, I have a few words to make on the amendment and the resolution, and what seemingly is an abuse of the parliamentary process by an amendment that seems to take away the tenor of the remarks the motion made. I beg leave to adjourn debate.

Debate adjourned.

RESOLUTION NO. 7 - CROW'S NEST PASS RATES

The Assembly resumed the adjourned debate on the proposed Resolution by Mr. Banda (Redberry):

That this Assembly expresses its support for the retention of Crow's Nest Pass Rates for domestic and export movement of grain and grain products.

MR. S. J. CAMERON (Regina South): — This is a resolution which we have no difficulty supporting. I want to address some comments to it nonetheless because it is an area to which all of us really ought to give a little more thought than what is customarily the case. There is a subject that is attended with more myth and misinformation and exaggeration and mischief (political mischief) than is this whole area of Crow's Nest rates.

I still hear, for example as I heard last day in respect of this debate, Members standing and rising and fighting for the Crow's Nest Pass Agreement. You know there isn't a single farmer in Saskatchewan, who, given the choice today, would vote in favour of retaining the Crow's Nest Pass Agreement. That's a

fact of life. Yet I hear people all the time in the confusion that attends this subject indicating that somehow they are fighting to retain the Crow's Nest Pass Agreement. The reason I say there isn't a single farmer in the province who, given the choice today, would support that agreement, is for a whole variety of reasons.

In the first place the agreement expired in 1925. In the second place it applied to only 3,000 miles of line in western Canada, whereas in fact we have over 20,000 miles of branch lines alone. The Crow's Nest Pass Agreement of 1897 applied only to grain moving east, from the prairies to Thunder Bay, it didn't apply to grain movement to Vancouver, nor did it apply to grain movement to Churchill. You can see if we brought back the Crow's Nest Pass Agreement what we would have is a Crow's Nest rate only on CPR lines, not on CN lines, because it never did apply to CN lines. We would have the Crow's Nest rates only on 3,000 miles of line, whereas we have in excess of 20,000. We would have the Crow's Nest rate only on grain moving to Thunder Bay; it wouldn't apply to grain moving to Vancouver or Churchill. You can imagine the mess that we would be in if that was the situation.

That's why I say it is so foolish for people to say, and you still hear them saying, we are fighting to retain the Crow's Nest Pass Agreement. As I say, there isn't any one of us, or indeed any farmer in the province who would, given the choice, vote to retain it.

There is another great enduring myth about the Crow's Nest Pass Agreement and Crow's Nest rates, and that is, that somehow in those arrangements that were then made with the CPR in 1897, that the CPR got huge land grants in consequence. Anyone who has ever taken the time to look at the agreement knows that to be a myth. The CPR did not get huge land grants under the Crow's Nest Pass Agreement. It got, as one Member over there pointed out, rightly, a per mile subsidy to build a railway line through a mountain pass. As a matter of fact, the reverse of the myth is actually true. The CPR didn't get valuable land grants but the people of Canada received some valuable land grants under the Crow's Nest Pass Agreement. Members who are familiar with the agreement will know that the Canadian Pacific Railway transferred to the Government of Canada some valuable coal lands which are known as the Dominion Coal Blocks, which we as Canadians still have, as a result of that agreement.

There are very real problems arising in respect of some of these rates, problems that it profits no one here, and indeed no prairie producer to ignore; The difficulty with some of the debate we have about this subject is that, in my view, it tends to thwart understanding and a better appreciation for some of the problems that are arising.

Now let's look, if I may ask you just briefly, at some of the very real problems. I'll then come back to what I think are some of the directions we ought to be having a look at in this respect. What the Crow's Nest rate really 'is, is a legislated rail rate first legislated in 1925 and expanded thereafter. It permits grain producers, as Members know, to ship their grain from the prairies to Vancouver, Churchill and Thunder Bay at a rate legislated in 1925 but first struck in 1897. What that in essence is, is a financial benefit conferred upon prairie producers. That is, it is dollars and cents in their pockets. Whether you confer that benefit by way of a legislated rail rate

or whether you confer that benefit in other ways, is pretty immaterial to a producer, as long as he continues to receive the same dollars and cents. That's the point.

MR. MacMURCHY: — Oh no.

MR. CAMERON: — Well, I hear some skepticism from the other side.

Let me be not misunderstood. What the Crow's Nest rates is to a prairie producer is this: it is a financial advantage that accrues to him. Instead of paying what would be a compensatory rate or a real cost rate, or any other rate, whatever you call it, which would be higher, the producer pays the Crow's Nest rate which is legislated. He is saving about 50 or 100 per cent, some say even higher, on his rail rates. In other words, instead of paying 36 cents a bushel he is paying 12.5 cents a bushel. Therefore, he is saving about 300 per cent of what the rate would otherwise be. As I say, 300 per cent of what the rate would otherwise be. What does that mean? It means to say that he has a certain amount of money in his pocket, which he would otherwise pay out in higher rates. That's what it means.

Now, I say, you can put the money in his pocket in the same way either through a reduced rate or by some other means. In other words, if we said to the producer, "You will pay the regular rate, but we are going to reimburse you for the difference between Crow's Nest and the regular rate," it makes no difference. He still has the same amount of money in his pocket, if you could find an effective way to do that. That is why I said to you that what the Crow's Nest rate really amounts to in the end is a financial benefit to producers. That's what it is; it's dollars and cents in their pockets. You can confer the dollars and cents by way of a rate or you can confer the dollars and cents by way of a grant, or you can do it in a whole variety of ways. What we come down to is dollars and cents.

Now then, let us look at some of the problems. And I say to Members seriously, that there are, in fact, problems which attend the preservation of this particular rate. Let me tell you what those problems are. Members will know, if they didn't know previously, as a result of some of the work that you did, that the railways cannot currently haul grain at profitable rates. The railways are losing money annually on the hauling of grain. Your own Government appeared before the Snavely Commission inquiring into the cost of moving grain, and said in 1974 the railways' loss was \$75 million. For the one year, \$75 million was what they lost. The railways, of course, claimed a whole lot more in the way of losses. I think they said they were losing some \$260 million per year, or something in that order, based on 1974 figures. Carl Snavely said in 1974 the railways actually lost in moving grain about \$140 million in that year. And, of course, that's an annual loss. There is no longer any question, but what the railways do lose money on moving grain. Your own Government's submission said to Snavely, "We concede that there's a loss of \$75 million, annually". And, I thought that was a pretty responsible submission. The question now is, "What happens when you have the railways losing money on moving prairie grain in that way?"

The Member for Moose Jaw North will know that these are the consequences. In the first place, the railways cease to sink money into the system. That is what they have been doing.

We are, today, using locomotives, the Member for Moose Jaw North will know, that are 1952 vintage. They are no longer good for anything else, so they are passed down to grain movement. In other words, we are using equipment which is no longer considered of value for anything else. So it is shoved off into the grain movement.

MR. SKOBERG: — That's not true.

MR. CAMERON: — It is very largely true. The second thing is this - well I don't want to get into all the refinements - the second thing is, and you will know this too, we used to have some 80 000 all purpose boxcars and they used to be available to the prairies to move grain around. These 80,000 all purpose cars — well listen to the fact - if you are not concerned with fact then for God's sake don't make speeches on the other side of the House.

SOME HON. MEMBERS: — Hear, hear!

MR. CAMERON: — The fact is, and I tell you it is the fact - we have taken a very good look over a long course of time at these things - we used to have, listen, the railways used to have 80,000 all purpose boxcars available to move prairie grain. We are now down to 40,000 and they are fast disappearing. I say, the railways ought to be keeping them up. As a matter of fact they haven't been. The fact of the matter is they are disappearing. They are disappearing. Another fact is, and you won't, I am sure, take any issue with me on this, that if you look at some of the prairie branch lines in Saskatchewan, you know they are looking more like a roller coaster these days than a railway line. They can no longer take trains at five to ten miles per hour, yet they used to take them at 40 and 50 miles per hour. That is what is happening. The system is slowly eroding and collapsing.

Why? Principally because the railways are not putting money back into the system. What now is required is a massive infusion of money to upgrade the system, buy new equipment, build new lines, and get on with the business of building a first-class transportation system. Instead, all the while some stand back and cry and watch the system deteriorate. And it is deteriorating very badly.

Now, that is one problem. There is a second area of difficulty, as well, and that is this: when the railways are losing money in moving grain, they make it up in other areas where they have no competition. In central Canada, they have to compete with trucks and barges, water movement and other kinds of movement and in consequence it is difficult for them to charge rates, except competitive rates. In western Canada, where real competition doesn't operate, where we see people with no choice but to ship by railway and often only by one railway, the railways are able to charge whatever the traffic will bear. The traffic bears, as the Minister will know, in many instances, freight rates of 200 per cent above cost or 250 per cent above cost. We have to bear those rates because we have no choice; we have no other mode available to us in a competitive way. So the railways are able, in fact, to gouge us and I believe they do that on a regular basis. Why are they doing it? In part because they are losing money on moving grain, and trying to extract the loss from us on the movement of other products. That's another problem. There is no question that that problem

exists.

There is a third area of difficulty. And again, I am sure that the Minister knows that this is a very serious problem. You have a rate on grain which is at one level, fixed since 1897, and you have another rate on grain products which is the regular higher rate, and I refer here to rates on feed grain, rapeseed oil, rapeseed meal, livestock - cattle, hogs, grain and grain-related products which move out of Saskatchewan at the higher, regular rate, than when you have grain moving out at the lower rate, fixed since 1897. What is the result of that? The result of that is that economically, it is cheaper to take the raw product from the prairies - the rapeseed, and crush it elsewhere to make your oil elsewhere because it is so much more expensive to move the oil from western Canada, than the raw product from which it is produced.

The same situation basically exists in respect of livestock. It is less expensive to move the barley from Saskatchewan to Trois Rivières, Quebec, than it is to grow the animals in Saskatchewan and move the animals, because the animals move out at the regular high rate and the grain at the lower fixed rate. That is what is happening in many, many respects. Rapeseed meal is probably another example. Hogs are most certainly an example. It is cheaper to move the barley out of the prairies and feed it to the hogs elsewhere than it is to feed the hogs here and move the hogs, because the barley rate is down here and the hog rate is up here. No one can argue with that, and I think the Minister, in fact, does not argue with it.

The question, or the problem, therefore, is that these rates as they now exist, are thwarting development which ought to take place in western Canada. We have all the advantages. We have the space, we have the climate, we have the ability to raise the raw product, yet we are allowing our raw product to be drawn from this area of the country and finished elsewhere. That is thwarting western development which we should have.

I know what the Minister will say. "You can solve that problem, maybe, in one of three ways - you can take the Crow's Nest rate on grain and let it rise to the same rate as applies to grain products or you can take the grain product rate and move it down to the Crow's Nest rate on grain and subsidize, or you can sort of adjust the two somewhere in the middle." But, however you might do it, you can't deny that there is a problem. So, I say to you that there are today, real problems staring us in the face. One is the deterioration of the system; another is the exorbitant rates we pay on other products in respect of which we have no choice, because the railways are trying to make up the losses; and thirdly is this discrepancy between the rate on grain which is frozen and has been frozen there since 1897, and the higher rate on grain products which is the regular constantly rising rate.

Those are the areas of difficulty. The question now is, how do we solve them? I don't know the answer to that any better than Members opposite do. There are various kinds of solutions being proposed. Some people say, "Well, the farmers will recognize that inflation has set in and you can't expect to move a product at the same rate in 1977 as in 1897, and, therefore, there should be some adjustment for inflation, perhaps a 10 cent adjustment to the rate." The difficulty, of course, with that is that you don't solve the discrepancy between the low Crow's Nest rate on grain and the higher regular rates on

grain products, because raising it 10 cents doesn't cover the full cost.

Secondly, for every 10 cents you raise the Crow's Nest rate, it costs grain producers another \$73 million, directly. So if you simply said, "Take the Crow's Nest rate and let it rise by 10 cents," farmers are going to have to pay another \$73 million and you don't solve the problem. All you have done is you have taken \$73 million and given it to the railways to cover part of their shortfall, and that wouldn't even meet the Minister's shortfall of \$75 million.

Other people say, "Well, let's take the grain product rate and move it down to the Crow's Nest rate and subsidize the difference. There is an area there which one might be able to work in." Others say, "Since it is only a financial benefit that is accruing to farmers here, let the rate on grain rise to its normal level. Take the difference each year between the Crow's Nest rate and the new higher regular rate and pay that difference back to producers. They say in that way you would give the railways the amount of money that would be required to upgrade the system. Secondly, you would solve the discrepancy and the growing gap between grain and grain products." Again, this is an area that we should be prepared to look at, because it profits none of us and it certainly doesn't profit Saskatchewan producers not to recognize that we have serious problems in this area.

Now, Mr. Speaker, can someone, somewhere come forward with a solution which is going to protect the traditional advantage that prairie producers have had, a benefit which we have as a right, in my submission, because we pay tariffs and it is a trade-off for a tariff? Until somebody can come along with a solution which not only solves the problems in full, but preserves for us in perpetuity, the benefit that the lower Crow's Nest rate has given us all these years, then it is our position we have to continue to have the Crow's Nest rate as it now exists. Therefore, as I said in beginning these few remarks, we will be supporting this resolution. We don't want to see anything happen to the Crow's Nest rate, unless and until two things happen. One is that whatever is done will solve the real problems. Secondly, is that the benefit which prairie producers have always enjoyed will be secured for them into the future and in perpetuity. And thirdly, until producers themselves want some change in the respects that is being suggested.

Until those conditions are met, we have no difficulty at all in wanting to see, and we are pressing where we can in wanting to see that the Crow's Nest rate is retained. So, for those reasons, Mr. Speaker, we will support the Resolution. I ask Members opposite to make a greater effort - not to cease playing politics totally with the issue - realistically no one is going to do that - but I ask you to attempt to bring a little higher level of understanding to the problem. It hasn't been very high. The level of understanding elsewhere is not very high, in part because some of us who ought to be taking some more interest in the substantive side instead of the apparent side of this question haven't been fostering it. Nobody is going to put forward a solution to this dilemma unless it is satisfactory to prairie producers, and certainly we wouldn't support any solution that wouldn't be satisfactory to them, and that wouldn't make a real effort to solve the problems. I say, in conclusion, it doesn't benefit us and it doesn't benefit the prairie producer to continue to spread mischief and misunderstanding about this issue. It is that simple.

Now, I say, Mr. Speaker, for those reasons and with that plea to Members, we will support the Resolution.

SOME HON. MEMBERS: — Hear, hear!

Motion agreed to.

**RESOLUTION NO. 12 - BRING FEED GRAINS MARKETING UNDER CONTROL OF
CANADIAN WHEAT BOARD**

The Assembly resumed the adjourned debate on the proposed Resolution by Mr. Johnson (Turtleford):

That this Assembly urges that the Minister-in-Charge of the Canadian Wheat Board move immediately to bring the marketing of feed grains entirely under the control of the Canadian Wheat Board.

and the proposed amendment thereto moved by Mr. Birkbeck (Moosomin):

That the following words be added after the word "immediately" in the second line:

upon completion of a plebiscite of the producers of feed grains similar to the rapeseed plebiscite and if it is the wish of the majority of producers.

MR. A. N. McMILLAN (Kindersley): — Mr. Speaker, a few brief comments about the Resolution and the amendment thereto. We spoke in this House last year about the same question - feed grains and their relationship to the Canadian Wheat Board. We pointed out at that time that we were pleased to see that producers in Canada were given a choice about the marketing methods for their grain. We expressed as well, at that time, our confidence that the Federal Government had every interest in seeing that producers' views were known with regard to how they wanted their grain marketed, and that their promise of a producer plebiscite upon completion of the implementation of the feed grains program was to come.

The Federal Government in the interim has approached the Canadian Federation of Agriculture, I suspect in some respects one of the most legitimate associations of agricultural organizations in Canada, and put to them the question about how the plebiscite should take place, who should be allowed to vote on it, and when, in fact, the vote should take place. And they have certainly gone to every length to honor their commitment to producers that they would be given a choice or a chance to let their views be known when they had had a chance to assess the workings of the feed grain policy in Canada.

The Federal Government did that, and the Canadian Federation of Agriculture has stated that they felt that at this time it was not in the best interests of either the present program, or the producers in Canada, for the Government to go ahead with the plebiscite on the question. The Canadian Federation of Agriculture felt that the issue was one that was fairly complex in nature and that hadn't had enough time to settle in the minds of producers so that they might be able to make a rational judgment on that issue. The Federal Government has then taken the suggestion of the Canadian Federation of Agriculture that this plebiscite not be gone ahead with at this time, in order that producers may be given more time to adequately assess the

success of the program. It's a move, I suspect, which few Members of this House could object to, a move, which if this Resolution were accepted in unamended form, would be a slap in the face to the Canadian Federation of Agriculture and certainly would not go unnoticed in Saskatchewan by the Saskatchewan Federation of Agriculture and I am sure a move which producers in Saskatchewan would have to raise their eyebrows at.

I have stated earlier that the Federal Government has honoured its commitment to go ahead with the producer plebiscite when the program is in place and producers have had a chance to see it working. They went ahead and tried to implement a producer plebiscite at an early time, earlier perhaps than they needed to. And they were told by that organization which probably most adequately represents farmers throughout western Canada, certainly, and I suggest all of Canada, they were told that now was not the opportune time to go ahead with the plebiscite and the Federal Government has, therefore, decided to hold that plebiscite in abeyance until such time as they receive assurances from farmers that they are prepared to receive the plebiscite.

In the view of that, I think that for Members to accept the Resolution as it reads would be a mistake. I should like to say at this time, that certainly, our caucus has no objection to the amendment that has been introduced. It is merely, I suspect in a way, a supportive amendment to that position that has already been taken by the Canadian Federation of Agriculture and the Federal Government and certainly by Members of our caucus. And that's that this Assembly will urge the Federal Government to hold that plebiscite and if in fact that happens, that they accept the recommendations of that plebiscite.

Certainly our caucus will be accepting this Resolution in the affirmative if the amendment is accepted and will be opposing it if the amendment is not accepted and to do anything else certainly is not to be reasonable.

HON. G. MacMURCHY: — I believe that the Minister of Agriculture would like to make some comments on the amendment, and I therefore beg leave to adjourn the debate.

Debate adjourned.

RESOLUTION NO. 15 - CONDEMNATION OF OTTAWA'S CENTRALIST POLICIES

The Assembly resumed the adjourned debate on the proposed Resolution by Mr. Collver (Leader of the Progressive conservative Party):

That this Assembly condemns the Liberal Government in Ottawa for its centralist policies which are encroaching on provincial jurisdictions, against the spirit of Confederation; which fail to recognize, in a meaningful way, the regional, cultural and economic differences in Canada and which have now placed the very essence of Canada in uncertainty.

MR. R. H. BAILEY (Rosetown-Elrose): — Mr. Speaker, the last day on which we were dealing with this particular Resolution, the Member for Regina-Wascana (Mr. Merchant) was attempting to give the House a bit of a history lesson and I would like to take a few moments to clarify

a few points that the Member was raising and in effect place before him and his caucus at this time a very deep concern which if they don't have it, they should have.

The Resolution, Mr. Speaker, condemns the present Government at Ottawa, the Liberal Government, for its centralist policies. Now in dealing with the historical concept of the development of Canada, the Member for Regina Wascana was attempting to point out that certain things that have been accomplished by this centralist policy. I am certainly, in no way, going to contradict some of the statements he made because his preamble to the whole thing was quite correct.

I would like to mention one or two things, however, which this House should be aware of and certainly I know that the Liberal caucus in this House is aware of. It is true that the existence of Canada, as one statesman has put it, was a "sin against nature." And I want to inform the Member for Regina Wascana that it was the vision of a Conservative, of course, who saw the solution.

I want to draw to the attention of this Assembly something which is very basic and should be very basic to certainly the Liberal caucus in the Government of Saskatchewan. It is true that Canada is made up of five very distinct geographical regions. It is true that our cultural backgrounds, our aspirations, are somewhat different across Canada. But at least in his condemnation of the moving of this Motion, at least the Member for Regina Wascana has to admit that it has been the pattern of the Federal Liberal Government to remain very centralistic in its policies. Not only in its policies, Mr. Speaker, but rather in the whole control. The whole political control of Canada, really since Confederation, has been founded on the centralist policies of the Liberal Government.

And I am not going to condemn the Liberal Government because of their successes, because they have had a success. They have been successful in having more years of control of the federal government than any other party. But let's just for a moment take a look at some of the ways in which the Federal Liberals have achieved this purpose.

They have refused, since the days of their first prime minister, Alexander Mackenzie, they have refused to allow a leader to emerge and lead that party from any province with the exception of Quebec and Ontario. Now I know some will say "Well what about Mackenzie King, what about Mackenzie King who came from Prince Albert?" Now, Mr. Speaker, I remind my friends to my right that he chose Prince Albert after he lost a seat in Ontario.

After Alexander Mackenzie, the Liberals then decided that they would go to the Province of Quebec and there they chose a great Canadian, and I have a great deal of respect for this man, Sir Wilfrid Laurier. Following that, and the emergence of the West, they then dared not leave the central provinces of Ontario and Quebec again, but they then selected Mackenzie King.

After Mackenzie King, the Liberals met again and decided that the next leader must in fact again come from Quebec and so they chose Uncle Louis, Louis St. Laurent, who was also a very honourable man.

And I am not disputing the fact that these are great

Canadians, but that isn't the point of the argument. The point of the argument is that the Liberal Party, and I am going to get to the present day in just a moment, that the Liberal Party absolutely refuses to recognize even in the leadership way, even in the leadership way, the existence of western Canada and the Maritimes.

And so after Louis St. Laurent, when their fortunes were down they then went to Ontario and we had Mike Pearson, another great leader. And, of course, after Mike Pearson, the turn again was up, and so you: have to move out of English speaking Ontario and back to the Province of Quebec where we have the present leader, Mr. Trudeau.

Now, you see, Mr. Speaker, the Liberals, even in this Assembly recognize today, they recognize even today, and they know it, that there isn't an effective Liberal Government or even an effective opposition this side of Nova Scotia. They have lost out in Quebec, they are now the third party in Ontario, they are non-existent in Manitoba, they are the official Opposition here, but only until the Federal Liberals quit pulling the rug out from under their existence right here in the province. And they know that, they know that very well.

So, Mr. Speaker, I think that even the Liberals, even the Liberals, and I am not criticizing, they're effective as Opposition, but even the Liberal Party here and its representation in Saskatchewan understand and realize that part of the failure of Liberals on the provincial scene is because of the strong centralist policies of the Federal Liberals and the Government in Ottawa today. They know it and they know it better than anyone else. The Government opposite knows it. I think this Assembly would do well, Mr. Speaker, in taking a look at the current conditions.

MR. McMILLAN: — What about Jack Horner?

MR. BAILEY: — Well as my honourable friend from Kindersley, Mr. McMillan, mentions Jack Horner. And I would like to tell him that I think the former Prime Minister of Canada described the situation better perhaps than anyone else when he said that it was like the sheriff joining the outlaws. And I would like to remind the Member too that Mr. Horner will not be elected in the Province of Alberta and he knows that, he knows that as well as I do.

Mr. Speaker, I think that this Assembly should, at this particular time, very carefully consider this Resolution. Because, I want to say that the problems which face Canada today, not just the situation that exists in Quebec, but the feeling of western Canada, the feeling of alienation, the feeling which the Maritimes have today, have historically been based upon a tradition and a philosophy of the Federal Liberals to centralize the power there, play the ballgame between Ontario and Quebec, pay lip service to western Canada and the Maritimes and in doing so, and we have to give them credit, they have been successful in retaining office more than anyone else, but I think the time has now come in the history of Canada that the Liberals are in effect going to have to go outside of the traditional central provinces if they are going to gain any recognition in the provincial field and certainly from now on if they are going to have recognition in the federal field.

So, Mr. Speaker, with all due respect to the official

Opposition, and I think that they will basically agree with practically everything that I have said, I ask them to join with us and the Government and support this Resolution and with that, Mr. Speaker, I shall take my seat and perhaps listen to what one of the Opposition Members has to say.

HON. R. ROMANOW (Attorney General): — Mr. Speaker, I beg leave to adjourn the debate.

Debate adjourned.

ADJOURNED DEBATES

SECOND READINGS

The Assembly resumed the adjourned debate on the proposed Motion of Mr. Cameron that Bill No. 87 - **An Act to provide for an Economic Impact Statement to accompany Government Bills when introduced in the Legislature and to accompany Statutory Instruments and Regulations when issued, made or established** be now read a second time.

MR. E. F. A. MERCHANT (Regina Wascana): — Is it possible then, Mr. Speaker, for me to speak to the matter?

This I say to the Hon. House Leader is exactly what the question was directed to him about in Question Period today. The Government well knows that this is an area that has received a great deal of attention, not just in Saskatchewan, but all across this country. The Hon. House Leader has said "well, if the Federal Government were giving information, perhaps it would be appropriate for this Government to give information." That's not the question. The question is whether we will have a greater degree of openness in government? We don't have that approach of openness in government. We don't know, with cost analysis, whether the programs that come before the Government are in fact reasonable programs for people of this province to invest their money in. We are faced particularly in this province, because of the efforts of the Government, always to spend taxpayers' money on things which would ordinarily not be viewed as the usual area for taxpayers' expenditures because this Government is socialist in its outlook and left wing in its outlook and apt to be investing taxpayers' dollars in areas where taxpayers would not ordinarily invest their money. Then for this province, it's even more important that people know the cost of the programs and whether those programs will be effective in a long term way. We don't know when we see the programs that come before the House whether those programs will effectively result in the benefits that the Government claims it will result in or whether those programs are in fact undertaken by the Government for the political aims of the Government.

This kind of opening of the door is, I say, very important to the taxpayers of Saskatchewan and would be important in the same way to the taxpayers of Canada.

Now, Mr. Speaker, what are we seeing with this important Bill. We see the Government saying first that they want to stand it. We see the Minister, not even in the House when the matter comes before the House; we see the Hon. Mr. MacMurchy clearly never intending to speak to the Bill when he took the

Bill and adjourned the Bill, because the Government doesn't want this kind of thing to be spoken to and doesn't want this kind of legislation to pass. And they would hope to just stand it off the Order Paper.

Now, Mr. Speaker, I say to you, watch what will happen when I take my place. Probably the Hon. Attorney General will rise and he will adjourn the matter, knowing that then at no time will this House have an opportunity to vote on this Bill. And why would the Government do that? Because they don't want the press and the people, they don't want people to know that they are not prepared to give those kinds of economic impact studies to the province. Because they don't want to be faced with having to vote down this kind of legislation which they know would be good legislation, not good in a political sense, but good in terms of the long-range planning of this province.

Now, Mr. Speaker, I am about to take my place and watch what happens. Perhaps a Conservative would speak for a few moments and I expect would speak in favor of the legislation and then you will find a Government Member, I suspect you will then find a Government Member rising to adjourn debate again, because they are not prepared to have these kinds of studies come before the people of this province.

SOME HON. MEMBERS: — Hear, heart

MR. BAILEY: — Mr. Speaker, I am very pleased to speak in support of this Bill and there are a number of reasons why.

First of all I think the Government should recognize that there is a tremendous amount of public interest in Bill 87. There has been a tremendous amount of public interest generated in various ways since this Bill came to the Order Paper. And that in itself, Mr. Speaker, should be enough interest for the Government opposite to give some consideration to debate on this Bill and certainly to give some deep consideration when the Bill finally comes to a vote.

You know, Mr. Speaker, we are told today by other people who come to our country that maybe one of the things which is holding Canada back more than anything else is the lack of planning done by governments. I am making a reference to governments here, Mr. Speaker, of all political stripes. And simply because this Motion was moved by a Member of the Liberal Opposition, certainly does not mean that I cannot support the Bill, nor a Member opposite cannot support the Bill. We are told, Mr. Speaker, that in one decade, one decade, the growth of civil servants in Canada has doubled. Now I want to get that message across once more. In one decade the growth of civil service has doubled. Go to the galleries downstairs. When Saskatchewan had more than a million people and you find 17 Cabinet Ministers, governments continue to grow, but if governments were faced with the same basic fundamental question as local governments are, or as businesses are, and that local fundamental question is simply this - how much is it going to cost?

When I go to my board with a suggestion, that's the first question they ask, the first question they ask. You know why? Because they are footing the bill and so they'll turn to me and say "we like your proposal, but how much is it going to cost?" And I think that the time has come now in Canada, and

in Saskatchewan, that before any government embarks on a program that the electorate, the people who are paying the shot, have a right to ask, how much is it going to cost? It is very basic and it is very fundamental.

Mr. Speaker, often I am sure in all governments of all political stripes they do perform a cost analysis. And in doing so nine times out of ten they keep that information to themselves. We're becoming across Canada, governments of programs. And this Government is no exception. When we were discussing, Mr. Speaker, the Health Estimates and I heard some criticism about the Dental Care Plan, I for one would have some very positive things to say about that particular program. But that's neither here nor there at this time.

The question is, before we embark on these programs that the public has a right to know how much is it going to cost. You know if we take a look at, when we were going through the Estimates - I believe it was on Culture and Youth, we find that too often the so-called "give-away programs", all governments have them, they're given away in the form of grants. If you do this we'll give you so much money. This Government does it. Liberal governments do it. Conservative governments do it. It often costs 50 cents and \$1 to give it away. And, therefore, what I'm saying is that the public are reaching a point in the history of our country, in the governing of our country to be able to get the answer to one basic question, "How much is it going to cost?" I commend the Member for Regina South (Mr. Cameron) for putting this before this Legislative Assembly. And I would hope that this Government wouldn't do what is done to many Resolutions. That is we stroke out all the words after so and so and we commend the Government. This is good, honest criticism. This is good, honest politics. To let the people know just exactly how much is it going to cost to initiate a program.

I think we owe it to people where we are no longer controlling the millions in our budgets. Our budgets are tripling in just a few years, and therefore people have a right to know, not only at the Provincial Government but at the Federal Government level. I would hope that when the Government Members speak that they will keep this one basic thing fundamental in replying. Do the people of this province have a right to know how much is it going to cost?

MR. G. H. PENNER (Saskatoon Eastview): — Mr. Speaker, I wonder if I may be permitted to rise and just make a few remarks with regard to a Bill that I consider to be an excellent idea. I consider it to be an excellent idea, Mr. Speaker, because it's really not so much a binding Bill as it is a planning Bill, when one looks at the operative parts of the bill that is before us, that is Section 3 and Section 5, at least in my view.

Section 3 says:

That at any time before the Legislature gives third reading to any Bill mentioned in Section 2 it shall take up and consider the related economic impact statement in accordance with the rules of the Legislature.

And Section 5 suggests:

That that economic impact statement should include the

estimated initial and ongoing cost of the action contemplated.

Something that I would expect the Government is already doing, if they're not deficient in their planning.

Secondly, an analysis of the various alternatives to achieve the same purpose at the lowest cost. Again, something which I expect, if there's any degree of planning taking place, that the Government is already doing. A comparison of the cost benefit contained therein as opposed to circumstances where such action was not taken. I don't know to what extent that might be, something that the Government would consider, but I think it's important that that be looked at.

And then lastly, a conclusion as to the economic impact upon all persons affected by the action, including an analysis of persons who will bear the costs and persons who will benefit directly and indirectly from the action.

Mr. Speaker, I can't help but agree with the Member for Rosetown-Elrose (Mr. Bailey) that from time to time we get programs that are put before us, put before us by people who are directly involved in a particular department or a particular field who have tremendous ideas about something that ought to be done in that area. It might be in the field of education or it might be in the field of health or it might be in some other field. People who have visions, who dream about kinds of things that can be done to improve our situation. And I think we would also agree that there comes a point in time where the dreams, the aspirations cannot go forward for some pretty pragmatic reasons. And one of them is an economic factor.

I think that there are programs now where if we were to look at having facilities or programs available without the government involvement in a program, that the costs to people involved would in fact be less than they are right now. Or where programs could be altered to give assistance where people really need assistance without assuming that everyone must have it, and without assuming that people ought to pay more through their tax dollar to have a program than they would if they were not involved in it, and simply paid for the service as they needed it.

So, Mr. Speaker, I say that the Bill is a good Bill. I think it's the kind of Bill any Member who is concerned about constructive spending of the taxpayers' dollars should be able to support. It is a Bill that really is not a partisan matter insofar as Government versus Opposition is concerned. And I would therefore hope, Mr. Speaker, that all Members, when the Bill comes to a vote, will support the proposition.

HON. A. E. BLAKENEY (Premier): — Mr. Speaker, I would like to enter this debate and address a few words to the Legislature. I have heard the remarks of the last two speakers, one represents the Progressive Conservative Party and one represents the Liberal Party, and by coincidence each of them involved in another level of government. Now I would think their arguments deserve attention because any words spoken in this Legislature deserve attention. But I think all would agree that their arguments will deserve more attention if they tell what they have done either in the course of the activities of their political party or in the course of their activities at some other level of government. I am sure that

Liberals opposite will be able to refer me to instances in Canada in Federal or Provincial government where economic impact studies of this kind are made available by Liberal Governments. I regret that I have not heard this. I am sure the Progressive Conservatives would be able to refer me to this practice being used in Ontario or in Alberta or elsewhere. I regret that they have not done so.

I would have hoped that the Member for Rosetown-Elrose would have indicated how this activity is used in the school jurisdiction in the school unit where he operates. But I regret he did not do so. I would have hoped that the last Member who spoke, who is a Member of City Council of the city of Saskatoon, would have referred me to this practice as used by the city government. But the Member did not do so. I, therefore, reluctantly reached the conclusion that we are preached at by Conservatives who are urging upon us a practice which they do not follow and by Members of local governments who are urging upon us a practice which they do not follow. We are being preached at by Liberals who urge upon us a practice which they did not follow when they were in government and they do not follow anywhere else in Canada. We are being preached at by members of local governments who do not follow these very practices which they are urging upon us.

The Members opposite are emphasizing that it's a splendid idea. But when they have an opportunity to do something along this line they don't do it. And they don't do it because it is not nearly as simple as they say it is. They make that so abundantly clear by not doing it when they have the chance.

I am attempting to deal with the merit of the idea. Members opposite are very clearly wanting to make another speech on this issue and probably if I had made the speech that they had made in the first instance, I would want another try too.

SOME HON. MEMBERS: — Hear, hear!

MR. BLAKENEY: — But let me just make one or two observations with respect to this. We pass a great deal of legislation, and virtually none of it provides for the statutory expenditure funds. Almost all of it provides for the expenditure of funds only if voted by this Legislature. Almost all of the Bills provide that no money will be spent unless it is authorized by this Legislature pursuant to our system of estimates. It follows, therefore, that Members opposite can ask as many questions as they like about the economic impact. They can ask as many questions as they like about who is going to pay and who is going to benefit. And before any money is spent they can insist that they get the answers.

This represents a scrutiny of public expenditure unequalled by the other levels of government, the practices of which they are apparently urging upon us. Although I must say they gave us no examples. The Members opposite are referring to how to get information when you're in Opposition. I have been an Opposition finance critic for seven years, I did not experience all the difficulties they experienced in getting information and it was not, I can assure you because of any willingness of the previous Liberal Government to give out information.

As a matter of fact, I have some of my old speeches. I have a number dealing with the unwillingness of the previous

government to give information, and may I say that I am proud that our Government has not been guilty of the same practices.

SOME HON. MEMBERS: — Hear, hear!

MR. BLAKENEY: — I think that everyone who examines the proposition would know that if every proposal to spend money, and if every Order in Council involving the expenditure of money, and required the preparation of an economic impact study, we would, yes, I am glad to note that the Member for Regina South (Mr. Cameron) is explaining the Bill to the Member for Saskatoon Eastview, because it indeed does provide that not only the legislation but also the Orders in Council must be accompanied by an economic impact study. All that involves the expenditure of money. This is literally dozens of proposals per week. All of this urged upon us, urged upon us by people who are complaining about the growth of the public service.

All of them indeed come through this House and are voted in the broad, in the sense of large votes. A great deal of the expenditure is then dealt with in terms of Orders in Council. I can think of this morning's Orders in Council, a proposal for a grant let us say of \$12,000 to, let's say the Oldtimers' Recreational Association of Balcarres. There wasn't one but there might have been. I'm sure that an economic impact study of how the oldtimers in Balcarres spent their \$12,000 might be very useful. And it might indeed indicate whether or not they should be taxed individually rather than the provisions of these grants. I am sure we could work up a great pile of paper as to whether the oldtimers at Balcarres were spending this \$12,000 in a useful way. But I believe that when this is analyzed and looked at it would be agreed that vast amounts of this labor would be totally unproductive.

SOME HON. MEMBERS: — Hear, hear!

MR. BLAKENEY: — Most of the major expenditures are pursuant to programs which have been thoroughly and totally debated in this House on one occasion and one way or another are thoroughly and totally debated every year or two. This is true with respect to, let us say, school grants. I know that we pass an Order in Council authorizing a particular grant to the Rosetown-Elrose School Unit. It may be self-evident that the transferring of any funds to that unit puts public expenditure at risk. I'm not saying it is, but maybe it is. Maybe we do need an economic impact study as to whether or not that sort of money is well spent. Maybe we do need an economic impact study as to whether the money spent on the employees of that unit is really productive from the point of view of the public need. But I really seriously question whether or not it is meritorious to propose that every expenditure fund, every regulation and every Bill have an attached economic impact study.

In fact, the great bulk of expenditure is . . .

MR. PENNER: — Why don't you sit down and read the Bill?

MR. BLAKENEY: — The Member for Eastview wants yet a third crack at it. However, I think from the remarks I have made it is clear while

the Bill has some specious appeal because it's always possible to say more study is needed before we expend public funds, and it is difficult to argue against that in the abstract. However, when the truth be known the great bulk of public money is spent pursuant to programs which have been thoroughly and totally debated in the public forum. The principles have been accepted let us say for school grants which is perhaps our largest single expenditure. The formula is capable of being thoroughly debated each year and will be, or has been, depending on your preference with respect to the Estimates of the Department of Education. There is, therefore, a clear opportunity to get at the information which the Member wishes to get at and I do not think that it would be appropriate to have hundreds of economic impact studies ground out by a squad of economists, thousands indeed, ground out by a squad of economists the vast bulk of which would never be looked at by anybody. The Members opposite do not now read one-quarter of the reports prepared for their perusal. The Members on this side do not read one-quarter of the reports prepared for their perusal. And if any Member opposite says that he reads one-quarter of the reports put out by the departments and agencies of this Government, I am prepared to request him to take a lie detector test, because you know and I know that it isn't done. You know and I know that if we turned out another couple of thousand or four or five thousand economic impact studies, those would not be read either. It would be pure make-work, pure make-work. And accordingly, I think that when the matter is reflected upon, it will be seen that whatever the apparent merit of this proposal as a practical proposition, it would offer nothing to the people of Saskatchewan but more paper, more expense and precious little benefit.

MR. J. G. LANE (Qu'Appelle): — Whenever you allow me to proceed, Mr. Speaker, I am ready.

The Premier, seemingly, has missed a very salient point and the fact is that when we deal with a motion for a Bill, we have certain procedures when we can deal with the Bill in principle, and he can bring out his detailed concerns about the Bill in Committee of the Whole and deal with particular concerns about the Bill at that time.

That would have been the proper procedure for the Premier if he supported the concept of the Bill in principle. I find it disappointing that the Premier would take the stand that the Bill is only of specious merit, to use his phrase. I look at a couple of programs, and the Premier has alluded to the fact that Members would be very unlikely if they read one-quarter of their annual reports, and I would suspect that that is probably high. He also indicated that it would be extremely difficult for a Member to take the time to be able to read through all of the reports, comprehend them, analyze them, study them, and then be prepared to come back and ask detailed questions. It is impossible. But it is the only way that the Members of this Assembly will know the economic costs of the programs implemented, and we can argue about the details as to the type of program that should be under the Bill. I will give you an example, the dental programs.

The Government in this Assembly introduced a dental program for school students, through their classes. The Government subsequently started giving 'per student' costs as to the cost of the operation of this program, of how cheap it was and

how effective it was and how little the Government was actually spending for a long-term benefit for the school children of Saskatchewan. I think the rough figure, and I stand to be corrected, was roughly around \$170 some per student. But that . . .

MR. ROBBINS: — \$158.

MR. LANE: — \$158, I bow to the Hon. Member, the Minister of Health. But, what is interesting about that, not included in this \$158 per student is the cost of training the dental nurses, a major cost, I believe somewhere over \$1 million if I recall Public Accounts of a year ago. Not included in the cost of the dental program, is the cost of renovating the former nurses' residence at the General Hospital for the use of the program, because . . .

MR. ROMANOW: — How do you know?

MR. LANE: — The reason I know this, Mr. Attorney General, and all you have to do to be just equally well-informed, is read the Public Accounts report from last year.

Thirdly, we did not get any cost of the renovation of the schools in the province, renovations of all the schools in the province to bring in and install the dental equipment. These costs run, I believe, somewhere over \$8 million, closer to \$10 million. None of which, are integrated into the per student cost, and a cost which is not really given to the people of this province. In fact, if we break it down, we are probably paying somewhere around \$700 or \$800 per student, and I really question whether or not that type of program in the manner in which it was implemented, would have been agreed upon by the people of Saskatchewan.

We take a look at the SAIL Program. The SAIL Program was implemented by the Province of Saskatchewan. Most of the materials supplied through SAIL, needed materials for prosthetic needs, all welcome, all needed, no question on the concept. We could have done most of them without establishing an existing bureaucracy on top of everything else. We could have utilized the Red Cross, which was supplying some of these services, some of these needs in the past, some of the aid. Sask Tel is supplying the special telephone needs - could have done through that particular area, without the need for establishing an existing bureaucracy on top of all other areas that were already in existence all infrastructures were quite capable of supplying the elements to the program.

Now, we don't know the real cost of the SAIL Program to the people of Saskatchewan. We don't know if it would have been cheaper to supply exactly the same needs through existing agencies and existing Crown Corporations or existing Government departments. Now, perhaps, the Government could have stood up and said, "it is cheaper to co-ordinate." But, in fact, I doubt that it was because we did establish another bureaucratic level in addition to existing means of supplying the needs.

We take a look at the basic admissions by the Minister of Municipal Affairs last night, when I discussed the Housing Corporation. Mr. Speaker, \$2 million go to the Housing Corporation and we look at roughly 600 units being assisted. That is the operating cost and those are the units directly influenced or billed through the Housing Corporation. We could have,

through the existing administrative structure of the Department of Municipal Affairs, done exactly what is being done by the Housing Corporation. We already had, as the Minister said last night, a land assembly program for a period of 15 years in the Province of Saskatchewan. We had co-op housing through the Department of Co-operation and Co-operative development. Installation of a grant program could have been done through the existing administration within the Department of Municipal Affairs. But instead we add an existing bureaucracy, operating costs I believe in the Estimates of some \$2 million. Now what was the total cost of the housing program? We don't really know. In fact, could we have put these moneys to better use by having an economic impact study? Certainly we could have. The Members opposite know it. Again, we come back to a point that I think is unfair for Members opposite to take and that is to criticize specific detail about Orders in Council or regulations or Ministers' Orders, requiring impact studies.

The fact is we're dealing with the principle of the Bill and I'm disappointed that the Premier on behalf of Members opposite would object to the principle.

We could, I think, after debate on Committee of the Whole or on specific areas, come to some consensus as to what types of programs should require an economic impact study. I agree with the Premier that not every Order in Council or regulation should be required, but the principle of the Bill is sound. The Hon. Members opposite know it's sound. The Hon. Members opposite, I think, are a little embarrassed by the particular Bill and I think just quickly putting down a few points as to where an economic impact study would have saved the people of Saskatchewan several millions of dollars with SAIL, the Dental Program and the Housing Corporation, I think that those three and there would be literally hundreds of others, justify Members of this Assembly supporting the proposal of the Member for Regina South (Mr. Cameron).

MR. ROMANOW: — Mr. Speaker, I want to say a few words with respect to this Bill. I want to make two very simple points and I'm not going to adjourn, you can have a rebuttal and anybody else who wants to take part in the debate can speak on this matter, because I think the Premier has more than adequately outlined the major reservations. But I'm saying, Mr. Speaker, that this Bill is going to be a very, very costly Bill. I'm surprised that the Member didn't in a sense table with this Bill a kind of economic impact assessment document. This Bill says there should be an economic impact assessment with every document, every legislative statute, every Order in Council, that's the very principle of the Bill, Mr. Speaker. The proponent says that every bill that's tabled in this House should be done that way.

Now, we say, Mr. Speaker, that this is going to be a costly situation, resulting in hundreds of thousands of dollars, perhaps even millions, as a charge on the taxpayers' pockets. I'm surprised that the Member who has apparently well researched this area, the Member who was so keen on this area, didn't set an example for us in this Bill, as to what the economic impact of the acceptance of this Bill would likely be. Because I say that if he had done so, and he says it's not going to be very much, he says, oh, no the Premier is all wrong about a costly bureaucracy and about the cost to the taxpayers. It's going to be very simple to set this up, so he could have gotten the impact assessment, Mr. Speaker, very easily, could have

gotten the economic assessment. He didn't do it. The reason why, Mr. Speaker, he didn't table an economic impact with this Bill, which he would have the Government do with their bills, I'll tell you why he didn't do it. He didn't do it because in truth, he knows that what I say is dead right. This Bill is going to cost millions of dollars to the taxpayers. I don't know the number of bureaucrats and civil servants and economists that are going to be required.

Mr. Speaker, I believe that today we had something like 75 Orders in Council in Cabinet, maybe more. Every week Orders in Council are dealt with. Every week.

The Member for Eastview (Mr. Penner) says I didn't read the Bill. I invite the mover when he wraps up the Bill to tell me specifically if I'm in error with respect to the Orders in Council and I wish I could put my finger on the Bill immediately, I'd direct his attention to the section involved on this Bill and it covers that.

Mr. Speaker, we have had 110 Bills, approximately, on the Order Paper right now before us, 110. I just ask any one of these Bills to be taken and be analyzed from that point of view, that perspective.

I say, Mr. Speaker, that the Member has set a very bad example for the House and a very bad example for the point that he's trying to make for the Legislature by not tabling his own economic impact assessment with respect to this Bill. I say he either didn't do it because he knows what the facts are, that it's going to be very costly, or the other alternative, he doesn't really believe what he promotes.

I want to say, Mr. Speaker, just three things before I sit down. One, this is going to involve hundreds of civil servants. I think there will be at least a hundred people required to go through the Orders in Council and through the Bills. I think the cost is difficult to assess. It could run \$500,000 to \$600,000, roughly on a calculation in terms of office space and personnel and the like involved. I think the other thing that's very bad about this, Mr. Speaker, is that the Tories and the Liberals are really saying that they want to tell, for example, the example given by the Premier, the local groups, the senior citizens' groups, in effect, impliedly what to do with the grant that is given to them. The same with respect to school boards. The only reaction of these fellows is to sort of laugh and sort of pass it off as being a specious argument, but they can't deny that. They can't deny that they are asking us to table an economic impact assessment report with respect to every school unit that gets grants. They can't deny the fact that every one of those economic impact assessment statements is going to obviously carry express or implicit statements with respect to the expenditures of funds for that school board and they can't deny that. They can't deny that.

This is from the party that's talking about local government. This is from the group talking about private enterprise and let the individual groups work in the community, the senior citizens doing a job in the community. Now, according to the mover of the Bill, we have got to have an economic impact assessment documented with every one of these things. You get a group of 50 or 60 senior citizens out in Biggar or any other community area, now they are not going to be able to have that \$12,000 until he gets his assessment report from some bureaucrat and

civil servant.

Well, I say, Mr. Speaker, that that is an absolutely objectionable point of view that should not be acceptable while I'm a Member of this House.

SOME HON. MEMBERS: — Hear, hear!

MR. ROMANOW: — I'm sure the Bill really needs more consideration and more thought given by all Members before we pass it.

MR. CAMERON: — You said you weren't going to adjourn it.

MR. ROMANOW: — I'm not going to adjourn it, don't worry and I assume you people won't adjourn it either. So that's fair pool. I just simply want to make one or two points before sitting down and that is somebody before 5 o'clock kept saying that I should read the Bill, particularly this business of Orders in Council. Well, indeed it's been some time since I read the Bill last, quite some time since I read it. I decided to refresh my memory again on this business of Orders in Council and also on the concept of the Bill itself. And I'd like to just simply say two or three things in respect to the Bill, Mr. Speaker.

First of all, I draw the attention of the Members of the House that Section 2 of this Bill says that any Bill:

For the appropriation of any part of the public revenue, there shall be tabled in the Legislature a related economic impact statement as described in Section 5.

And then in Section 3 it says that before the Legislature gives third reading to any Bill:

It shall take up and consider the related economic impact statement in accordance with the rules of the Legislature.

Mr. Speaker, my objection to this Bill, is that the assumption therein, is that somehow there is no room and there is no consideration of the economic impact of Bills which have an appropriation carried in them now. And I say that's simply incorrect; drawing clause by clause our Ministers are here to explain the legal language of the Bill and to explain the concept in the programs contained in the Bill, including if the Members would so want the full economic impact aspect of the particular legislation. The assumption is that somehow in Section 3 that the House shall take up and consider the related economic impact statement and that there's no room for that at this stage in the game and that's quite clearly false.

Second observation with respect to the Bill is this matter of the Orders in Council. I want to simply read to the Members of the House this particular Section, Section 4, and I quote, Mr. Speaker:

Orders in Council and regulations that involve or entail an appropriation of public revenue shall, when issued, made or established, be accompanied by a related economic impact statement; which notwithstanding the Tabling of

Documents Act, 1973, shall be tabled in the Legislature immediately or in the event the Legislature is not then in session shall be forwarded immediately to all Members of the Legislative Assembly by prepaid first class mail.

I note it's a quibble. I note that it goes to MLAs, doesn't go to anybody who may be affected by the Order in Council such as the discussion before 5 o'clock was. But what really bothers me, Mr. Speaker, is the next section when you couple it with respect to the Orders in Council, and the Bills. What does an economic impact statement entail? Well/the Member says that an economic impact statement should entail the following:

- (a) the estimated initial and on-going cost of the action contemplated.
- (b) an analysis of the various alternatives to achieve the same purpose at the lowest cost.
- (c) a comparison of the cost-benefit contained therein as opposed to circumstances where such action was not taken.
- (d) a conclusion as to the economic impact upon all persons affected by the action, including an analysis of persons who will bear the costs, and the persons who will benefit directly and indirectly from the action.

Now, Mr. Speaker, we have had something like 110 Bills on the Order Paper for the House business to date and I suppose that an argument could be made with respect to some major policy bills, that there should be some kind of an accompanying document which shows an economic impact in this regard. At least I think that would be a lot sounder, a way to base the proposition of the Bill. But even then, Mr. Speaker, the assumption is that there is no such economic impact made by Government. And that furthermore there is an inability by the Opposition to determine the ground rules or the basis upon which that economic impact implied in a Bill is made. Clearly, I argue that this is not the case. But if you look at the way the Bill is worded with respect to Orders in Council then it really becomes horrendous and really totally unrealistic.

I have before me here a very brief summary of Orders in Council just for today, because today happened to be a Cabinet day. And, Mr. Speaker, I was in error. I said there were 70 Orders in Council today, but that's not the case. Rather, it's something like 45 or 46 Orders in Council, on a very quick count. If this Bill were to pass we would, under Section 4 as I said before 5 o'clock, we would have to determine the economic impact of an Order in Council transferring (I won't name the individual), transferring Mr. X to Saskatchewan Hospital at North Battleford. This is an Order in Council detainee; persons found not guilty by virtue of insanity are now being transferred to North Battleford. We would, according to the Member's Bill, have to give the House in that Order in Council, the initial and out-going cost, various alternatives in comparison to the cost-benefit and a conclusion of the economic impact upon all persons affected by the action. And who is going to bear the costs and so forth? Now someone might say, that's ridiculous. But if you go down the list of Orders in Council that's exactly the kinds of Orders in Council that take place.

Here I have one that's appointing a police sergeant as a speedometer tester. Now we're going to have to go through all the various alternatives and the economic aspects of it. Here's one proposed by my colleague, the Minister of Municipal Affairs (Mr. MacMurchy), he's going to alter the limits of the town of Kipling and all the limits of the town of Maidstone. These, I would say Mr. Speaker, are at the request of the two communities involved. The Member for Rosetown-Elrose (Mr. Bailey) says what we should do is tell the town of Kipling and the town of Maidstone that we're going to have an economic impact analysis. Here's a grant to a Balcarres Consolidated school district. Well, we should for the \$1,102 set out, Mr. Speaker, make an estimated initial and out-going cost of the action contemplated, the various alternatives, the cost-benefit and in conclusion the economic impact upon all persons affected by the action.

Here are a couple of interesting ones by the Minister of Social Services (Mr. Rolfes), a grant to the Federation of Saskatchewan Indians, \$66,000, that's a lot of money. But what the Member wants to do is he wants us, before that Order in Council or after that Order in Council is passed, to give an economic analysis outlining the various alternatives, the economic impact upon the persons affected and so forth. And you go down the line, \$65,218 to Melfort Activity Centre, to the Hillsdale Manitou Lake Homemakers Service, to the Battlefords Visiting Homemakers Service and another \$20,000, a grant to Parkland Education Employment Co-ordinating Committee. He wants an economic impact analysis of that and you can go through the Orders in Council and you can go through the legislation on that same basis and I say, Mr. Speaker, that what will happen if these things have to operate as contemplated by the Bill is a waste of time and a waste of money. That's what is going to happen, Mr. Speaker.

It was argued before 5 o'clock and implied, that it was a direct interference with the activities of local community groups. It was not related to the Government, who just want their money and they're going to decide in their interest what to do with it. It was not related to local governments, school boards, hospital boards or otherwise, but the Conservatives and the Liberals would have us in the "Big Government knows all", atmosphere.

We would write out for them the economic impact analysis of the Homemaker Group of Balcarres for \$12,000 because we don't think that they know themselves what to do with their \$12,000 grant. That's basically the operation there. And I am saying, Mr. Speaker, that the way the Bill is written, on just one day's operation and on one session's operation of 110 people, I say that my statement before 5 o'clock, I will candidly confess that maybe hundreds is an overstatement and millions is an overstatement. I used that before 5 o'clock; I withdraw that. But I do maintain the statement that many civil servants and a substantial sum of money to fulfil this kind of a project, for which as MLAs we have the responsibility to fulfil in this House, with the result of the operation, there can be no other conclusion. And I'm very concerned about the fact the Conservatives and Liberals would seek to use this as a means to tie the hands of little groups and local governments in an attempt to somehow say that Government knows what's best for local governments and local groups.

I don't happen to agree with that, Mr. Speaker. And I think that these can best be looked after by the mechanism which is available to us here and has worked out very well. I will close now by saying that I think the Member has a gem of a thought which perhaps needs some development and worth some more consideration. But I do say strongly that the proposal as set out here, in detail and in principle, is unworkable and undesirable. And if I was really able to spend the time and the effort on it, I'd be tempted to move an amendment that this Bill not now be read a second time until the Member for Regina South (Mr. Cameron) comes to give us an economic impact analysis statement with respect to this Bill. But since I don't want to delay the progress of the House any further, I think, Mr. Speaker, my words can be taken to urge the Members of the House that this Bill has to be defeated.

SOME HON. MEMBERS: — Hear, hear!

MR. S. J. CAMERON (Regina South): — Mr. Speaker, from time to time we have in the House spectacles of great interest and one can't conceive, I think, of a spectacle of greater interest than we saw between about 4 o'clock and 5 o'clock this afternoon. The background is, you have an Act that comes before the Legislature "The True Cost of Government Programs Act". My friends opposite argue against that. They argue strenuously against an Act which would disclose the true cost of government programs. Therefore, what would they support if one reversed it, because if you are not for something, you are against it and presumably you would be for the opposite. The opposite Act would be The Non-disclosure of the Genuine Cost of Government Programs Act and that's what they would support.

Now, what we had in that hour between 4 o'clock and 5 o'clock is an interesting situation. It was obvious that the Attorney General did not intend to speak to the Bill. He said 'stand' when the Bill first came up, obviously not prepared for debate and if there was any doubt about it at that stage there was no doubt after he finished speaking. What we saw you see, interestingly enough, was the reversal of roles over there between the Premier who fancies himself as Mr. Reason and the Attorney General who fancies himself as Mr. Emotion. Well this afternoon they decided to reverse roles. Mr. Reason was going to become Mr. Emotion. He rose and he spoke ten or fifteen minutes, emotionally, and it was the worst we had ever seen because he had abandoned his traditional role of Mr. Reason.

SOME HON. MEMBERS: — Hear, hear!

MR. CAMERON: — Then Mr. Emotion decided well, Mr. Reason didn't do a very good job of playing my role so I'm going to try and play his. So Mr. Emotion rose to give us Mr. Reason's speech. Of course, not being prepared, as he admitted he wasn't, by having wanted the Bill stood in the first instance, didn't do a very good job of Mr. Reason's side of the argument. Now when he had an hour or two hours between 5 o'clock and 7 o'clock to go back and prepare, he said, why I read the Bill. He hadn't done it for a long time. I wished that if he wanted to play the role of Mr. Reason that he had done it before 5 o'clock, because his argument since 7 o'clock clearly showed he hadn't read the Bill in a very long time. He would have been far better off playing his Mr. Emotion role.

Let me tell you why, because what he said, Mr. Speaker, was this. He made a great argument of this and I told him in the midst of it he'd best stop because he was on weak ground. One of his principal arguments was that the Member who proposed the Bill was breaching his own requirements. He says the Member ought to give us an economic impact statement because he has introduced this Bill. Then I won't go on to detail and great length his sort of cluttered argument to support that position, but let me draw his attention merely to one fact. Section 2 of the Bill, had he troubled to read it before 5 o'clock instead of after, says that when a Bill is introduced into the Legislature for the appropriation of any part of the public revenue then it should have with it an economic impact statement. Now, as Mr. Speaker knows, having ruled that this Bill was in order, did not draw any funds from the Treasury. It couldn't be a spending Bill, or Mr. Speaker, would have ruled otherwise. Mr. Speaker couldn't have found it in order if it had been a money Bill. In other words, the Attorney General who is the House Leader ought to know the rules, and presumably does, but occasionally likes to selectively forget them, says I should table an economic impact statement with respect to a Bill which, if it had required it, Mr. Speaker would have found it out of order.

The Attorney General, Mr. Emotion, playing Mr. Reason's role, clearly fails on that one. He fails as a House Leader. The Attorney General ought to know if he had read Section 2 of the Bill that an economic impact statement is not required with respect of a Bill that does not draw on the public Treasury. He should know that Mr. Speaker would never have found the Bill to be in order if it had drawn on the public Treasury. So he failed on that account. That's Mr. Speaker's ruling. If the Attorney General, the House Leader, doesn't know the rules of the House, I suggest, after this length of time he ought to get to know them a little better. But I'll tell you what, the Attorney General, the House Leader, in fact does know the rules. Of that there is no question. He knows the rules, but when he seeks to be Mr. Reason instead of Mr. Emotion he makes those kinds of blunders.

Now then he is the Attorney General. He presumed to give the House a legal opinion on the interpretation of a Bill, never having read it, apparently never having read it. Now I don't know what one would say of an Attorney General who would give the House an opinion in respect of the Bill never having read it. But that's what happens when Mr. Emotion becomes Mr. Reason. Then he says, and consider this as a self-defeating argument, he says, "Why, if we pass this Bill what would we have to hire, maybe 100 additional civil servants at great cost, to determine the true cost of Government programs." Now what does that say? That's a confession of the fact they don't now do it. That's what that is, a confession that they don't now do it. He says that we would have to hire 100 more civil servants. For what purpose? To tell them what it really costs when they bring forward a government program. Well if they have to hire an additional 100 civil servants to tell them what it really costs to have a program that's the best proof of all of the kind of mismanagement that we have been talking about all this while.

SOME HON. MEMBERS: — Hear, hear!

MR. CAMERON: — Then the Premier, playing his Mr. Emotion role, making arguments which ordinarily he wouldn't make because as Mr. Reason he usually gives it more thought. He says, "Where else do they do this?" "I might be persuaded as to the merit of the Bill if

Members can show me where else it is done, if this isn't the first time, then I might be prepared to accept it." Now that's what he said. Well, I suppose after you have been in the House for 17 years maybe a certain reactionary aspect of your character slips in. Maybe your attitude becomes a bit encrusted, I don't know, but let me remind the Premier that what this Bill advocates happens every day. Where it has been happening a very long time is in every home in this province. There isn't a single person with the exception perhaps of some of those who haven't the attitude of government, that set about to buy a car, to take one example, without sitting down and saying how much is it going to cost? Where am I going to buy it? He will shop at four or five or a half dozen places to find the best price. Then he makes a decision as to whether he should buy a new one or a second hand one. How long will the current car go, as opposed to how much I am going to pay in repairs because of the miles on it? Then when he finally makes that decision to buy on the basis of that kind of economic impact kind of decision process, he then decides what frills he is going to add to it. Am I going to add air conditioning and power steering? Can I afford these things? What's my current salary? How much is it going to increase over the course of the next year? He considers all these kinds of things. Every single person who has any sense of fiscal responsibility in his own home, and that's the majority by far, go through the very process that we are saying the Government ought to go through.

Again, we see the old double standard of the rest of us accepting for ourselves one standard of conduct and giving to the Government a very different one. That is what it comes down to. The Attorney General makes a specious argument when he says, "Imagine all these Orders in Council to which the Act would apply." Well, if he had found some weakness in that sense why didn't the Attorney General come and say, "Look, if you will amend this Bill we would be happy to accept it, strike out the reference to Orders in Council, and then we will accept the Bill. But he says, "Every Order in Council with respect to a grant is going to result in an economic impact statement with respect to how the grantee accepts the money." Now that is an absurd argument and he knows that. It would not require you to analyze how that community spends the money. It is for you simply to provide us with the cost of the grant, with what are the alternatives from your point of view, give us an economic impact statement on the grant from your point of view. Don't draw it to the stupid absurd conclusion that somehow it is going to require an economic impact statement from the community or the grantee. He knows that's nonsense. That is as I say, one of the difficulties when he attempts to become Mr. Reason. That's the kind of specious argument he puts before us. A lot of nonsense!

As I said, Mr. Speaker, at the outset, what this Bill is determined to do is to bring into government some additional measure of discipline with respect to spending which isn't now there. I used the example last day, of how we accept for ourselves one standard which is modest and prudent and yet we accept of our government a totally different much more extravagant style. What an individual does every day of his life, the Government is not prepared to do. As I indicated to you the other day, there is example upon example. The way in which we house ourselves as opposed to the way in which government houses itself is an example. What we do in terms of our own expenditures as opposed to the kind of slap-happy attitude government takes to its expenditures is another. When the average individual loses \$100, it's a matter of great concern. The Government drops

\$50,000 and it doesn't blink an eye. That's what this Bill is intended to get at - to bring some discipline into government spending. You are not the only offenders. Government at every level, except those levels below you to which the Premier this afternoon referred are the great offenders. He said municipal government doesn't do it, but local government does it all the time. He suggested the school boards don't do it, but they do it all the time.

The Attorney General may know, although I am not certain he does, certainly some of the budgets that the superintendents deal with and the trustees deal with, line by line budgets. If they want to embark on a new reading program, what do they do? They ask the superintendent to do a study of costs. What do the books cost? What is the replacement cost? Often they will budget over three years to five years; they know exactly what it costs. They know exactly the impact upon the mill rates in their communities. Local government and school boards, government at the municipal level, have been doing this kind of thing for years. Every business in the province does exactly this kind of thing; every farmer does exactly this kind of thing. When a farmer goes out to buy land or machinery, or granaries or whatever, what does he do? He makes a decision as to how much money he has, how much he can afford, what additional benefit there is going to be. In other words, a standard which applies to every other level of government below the provincial level and to every individual and to every businessman and to every farmer, is a standard that the Provincial Government won't accept.

As I say, I find it strange indeed to find a government with a Bill before them that says, let's have the true cost, the True Cost of Government Programs, and they say, "No, we are not going to support that Bill." That means of course that they are on the side of non-disclosure of the True Cost of Government Programs. That's what it means. It means to say that you are so consumed with government power over there, that you are afraid to do it, that's correct. I say to you, if that is your attitude, and if you have to have 100 additional civil servants to do the thing you should have been doing all the while, that's the best evidence of all of the kind of mismanagement attitude that you have.

SOME HON. MEMBERS: — Hear, hear!

MR. CAMERON: — Mr. Speaker, I am obviously not going, this time around, to persuade Members opposite. I am pleased to say that I have managed to persuade our Conservative colleagues on this side of the House. I thought Mr. Bailey made some very good points. The issue isn't dead. I expect the Government Members will, as usual, follow the lead of Mr. Emotion and Mr. Reason, even though in reversing their roles they bombed out, nonetheless the unthinking multitude will follow them along. I say it is going to come back again, because if you defeat it this time, I'll bring it back next session, and like it or not, I will be back in the next session. Therefore, I should like to say in conclusion that we here find it very disappointing that the Government has taken such a cavalier attitude toward a proposal which has much merit. They nit-pick here and there a little bit. Mostly they offer bombast. Mostly a lot of rhetoric, because they want to cover the embarrassment of having to confront an issue of this kind, and they don't want to do it.

I say. Mr. Speaker, if we fail at this time, we'll be back again.

SOME HON. MEMBERS: — Hear, hear!

Motion negatived on the following recorded division.

YEAS — 11

Stodalka
Wiebe
Merchant
Penner

Cameron
Anderson
McMillan
Larter

Bailey
Ham
Katzman

NAYS — 25

Bowerman
Romanow
Messer
Snyder
Lange
Kowalchuk
Matsalla
Robbins
MacMurchy

Mostoway
Banda
Whelan
Kaeding
Kwasnica
Dyck
MacAuley
Feschuk

Cowley
Tchorzewski
Shillington
Vickar
Skoberg
Allen
Koskie
Thompson

SECOND READINGS

MR. S. J. CAMERON (Regina South) moved second reading of Bill No. 92 — **An Act respecting the Right of the Public to Information concerning the Public Business** be now read a second time.

He said: Mr. Speaker, having failed to appeal successfully to the reason of the Members opposite in respect to the subject matter we have just discussed, I don't suppose, in a realistic sense, that I should have much more optimism in this respect, but perhaps I will. In this respect we may have some better precedent.

I recall, Mr. Speaker, in the two years that I spent seeing to the internal workings of a government, a whole array of documents which used to be stamped with various designations, depending upon the secrecy of the documents. The stamps used to run the gambit, from documents that were stamped "confidential to those that were stamped "secret". Some were stamped for Minister's eyes only". That was the interesting one I always found.

As a matter of fact, I remember one day getting on an airplane, I ran into one of the federal Minister's wives who was wearing a blouse with one of her buttons undone. She said, "Oh my gosh, I'd best do that up; that's for the Ministers eyes only." That, in a sense, is the absurdity of some of the designations that one saw on documents that were designated as "secret" or "confidential" or "for Minister's eyes only. I don't doubt that the same practice is going on here, having seen now this Government at work for two years. In fact, my guess is it's a whole lot worse.

This proposal, Mr. Speaker, is by no means a novel one. The Attorney General will have done enough preparation I presume to know that. As a matter of fact, New Democratic Parties in other jurisdictions - I should say this for the benefit of the Premier - have put forward proposals of this very kind. They have a genesis, including a genesis among some New Democrats. And I might say they have an origin too in some Conservatives.

These freedom of information acts (otherwise or sometimes known as the 'Sunshine Acts' because what they endeavor to do is kind of open the shades on government windows to bring some light to bear on information that governments are storing in greater and greater quantity) originated in the United States in 1966. I think that was the first effort at a Freedom of Information Act. There was, as usual, a massive resistance from the bureaucracy. Of course the notion of freedom of information tends to be anathema to senior bureaucrats and indeed bureaucrats of another level as well as to the executive arm of government.

I don't doubt that some Members opposite who are not part of the Cabinet, would find a good deal of merit in this, in themselves wanting to get additional information from government. Of course, we all run into the wall that executive arms of government erect in respect of ideas such as this. This applies to all governments. It doesn't only apply to yours. It applies to governments right across the country.

MR. MESSER: — This Government is more open . . .

MR. CAMERON: — Well I hear the Minister indicating it applies more to this Government than any other, and I agree with him, indeed it does. There is more need here in this province than I suspect any other province in Canada, as a matter of fact.

MR. MESSER: — Show me!

MR. CAMERON: — Well, he says 'show me.' I'll show him. We had an example of a study by Mr. Huggett which you may be familiar with, certainly the Attorney General is, but I am not sure he would disclose it to you either, so you may not be familiar with it. We asked him for it. He said it's only one page. We've been after it for several months, he says it's a good document, but I am not going to give it to you.

Then there was a whole array of studies which the Minister, who sits immediately behind you, the Minister of Municipal Affairs (Mr. MacMurchy) did in respect of the cost of moving grain. A pretty serious question in this province. You probably did some pretty good studies for, as a matter of fact, we said, "Can we see them?" He said, "No."

Then there was the cost of rationalizing the prairie branch line network. He made a submission to the Hall Commission based upon studies that he had done at the expense of taxpayers. We said, "Show us the studies." He said, "No." You will remember it wasn't very long ago we were debating potash at great length in this House. That was one of the major economic decisions ever made in the province. You had a whole series of studies on all aspects of that program. We said "Can we see studies?" Again and again the answer was "No."

MR. MESSER: — We showed you some.

MR. CAMERON: — We saw precious little. As a matter of fact, to this very day we've seen precious little information in that respect.

Contracts are being entered into for the expenditure of literally tens of millions of dollars in the acquisition of mines. Are those contracts put before us? No, they aren't. I am merely responding to the question that you raised earlier in showing you the various things we have been after. You say you are such an open Government. I am showing you why we need sunshine laws here.

I asked the Minister of Consumer Affairs, during his Estimates, what his policy was in respect to the release of information to people who needed it and in respect of whom it was kept. He wasn't sure they had a policy, except you couldn't see it. That was number one. Then after a little reflection he thought, well, they kept these files for five years, they had done 277 investigations in one year. I suppose over the course of time it is not an exaggeration to say he has done 2,000 or 3,000 investigations on people. Files are kept for five years. What kind of information is in those files? How is that information being used? What detriment or disadvantage are some people suffering as a consequence of misinformation which is in those files? We don't know, because the individual doesn't have access to a file on himself. Even though, and this again is the double standard that is applied, it wasn't very long ago that this House legislated disclosure in respect of operation of finance companies. We said if they gather information on an individual they have to disclose it to the individual because there is great potential for abuse and disadvantage for that individual. There is information there and no one knows how accurate it is. Of course we adopt one standard for business and we adopt quite a different standard for government.

We saw another example, but perhaps I can cease now that the Minister is gone. He is no longer interested in listening to all the examples. But we saw another one in Government insurance. The Minister will be familiar with this one. Information is obtained by investigators when one applies for insurance. A decision is made whether to give that person insurance or not. If the applicant for the insurance is denied insurance by Saskatchewan Government Insurance Office he is in effect blackballed from ever getting insurance in the province because SGIO is a leader in the field. Now the person comes to SGIO and says, "What sort of information do you have on file in respect of which you turned me down?" Well SGIO says, "We are not prepared to show it to you." He says, "How do I know that you are not acting on misinformation?" "Maybe there is something in there that's false. You are making a decision based upon information that may not be accurate." They say, "No you can't have it." He says, "Well, there must be some mechanism available to me to test the information or to meet whatever you have got there if I can meet it. If I can't, fair enough, deny me the insurance. But let me know on what basis you are making this decision." They say, "No, you can't have it. I say that kind of attitude is entirely wrong and the fact is people suffer ill consequences in the result."

The Department of Labour was another example. The examples go on and on. I asked again in Estimates of the Minister of Labour what their policy was with respect to the retention of

information on individuals. He wasn't sure either exactly what the policy was, if indeed they had one, except that he said, "An individual cannot have access to the files and I think we keep the files four years." What do you do with the files? "Well they are stored, certain people in the department have access to them, others don't." "We do give some of the information to the Department of Income Tax occasionally, if they ask for it. When we have looked at somebody's books, we'll pass the information on to the Department of Income Tax."

Example after example, after example of information of two kinds, one is information on individuals which is gathered more and more by government as they grow larger and larger, and information of the other variety which is information assembled by the Government in respect to which they make decisions. That too, grows larger and larger as government itself grows.

Governments of all kinds have been taking the attitude that they have become in effect the owners of that information. They are not. They are the custodians on behalf of the people, but they do not own the information. The onus in respect of getting it is almost reversed by people having to show some good reason for requesting the information before they get it, instead of the Government having to show some good reason why they shouldn't get it. You see, we've got the reverse notion.

Now what this Bill would do would permit any resident of the Province of Saskatchewan to say to the Government, "I would like to have a written record that I know you have", if it is a study or if it's information on him, or whatever, and if within a reasonable period the Government didn't respond why that person would have the right to apply to a district court judge to order that the Government provide that person with the information.

What the Government would then do is have to file the documents with the judge and the judge would make a determination as to whether or not there was a good claim of privilege on behalf of the Government. If the judge found there wasn't, he would order production of the documents. If he found there was the secrecy with respect to the document, it would be retained and the document would be given back to the Government.

Now the Bill clearly recognizes that there are areas of Government operations in respect of which information has to be kept confidential, no one would suggest otherwise. Cabinet minutes, submissions to Cabinet, legal opinions sought by the Attorney General, investigations conducted by the Attorney General's Department, are clearly examples of the kind of information which clearly has to remain confidential within a government if it is to operate in a proper way. Some other examples, private communications between different levels of government and additional areas as well. The Bill recognizes exceptions of that kind and would not force the Government to reveal any information of that variety. It sets up a couple of other exceptions. It says that if the request for information is frivolous or vexatious, then the information needn't be given. Or if the information is of such a trivial variety that its great cost would far outweigh the value of giving it since it is so trivial, again there is an exception.

So it is an effort to reverse the traditional onus that governments are beginning to use with respect to the provision of information. It says if a person wants information that the

government has, the government has to give it. If the government doesn't give it, you have the right to apply to the court to have it. The judge will determine whether or not there is a proper claim or privilege and if there isn't he'll give the information and if there is, the government doesn't have to give it.

Now I said that it isn't a novel idea and I said the Premier would be interested in this. He found some objection to the previous Bill I introduced because it hasn't been done anywhere before and it's a novel idea, even though all of us, as I said to him earlier, if it had been done in our homes every day and is done by everybody in the province every waking hour, but he thought it was rather novel. Well I want to tell him that this one isn't and this one has its origin, as a matter of fact, as I said earlier, its initial origin is in the United States.

Recently, the New Democratic Party in Ontario has been putting forward the same notion. The Conservative Party in Ontario voted at one of its recent conventions 65 per cent to 35 per cent to direct its government to explore the area of freedom of information and to bring in legislation. In consequence, what the Tories in Ontario did, was to impanel a commission to have a look at the whole area; they will conduct some studies and they will come back presumably with a draft act for the Government of Ontario. But the process there has begun and it's been in operation now for about two years. In Ontario it will lead inevitably to a Freedom of Information Act, which will bind the government in a similar way that this one here would.

A similar kind of growing concern is taking place in other provinces, British Columbia, where the British Columbia Bar Association recently passed a series of resolutions calling for enactments of this kind in all the provinces, particularly British Columbia. There is some effort now being made there which will lead, no question, inevitably to a Freedom of Information Act at that level too.

The Canadian Bar Association, and other groups, are bringing pressure on the Federal Government to do the same thing and I know that it won't be very long before we will see an effort in this respect in the Federal Government because they can't resist it. The pressure is growing too large. I say here it's time we in Saskatchewan began the same process, of looking at this whole question of government information which is building and growing more and more as government grows larger. We should be defining that information which government legitimately can keep secret and that which they ought to make available to the public because that is so necessary in terms of fundamentals of democracy. And I hope that at least this Bill, which I don't expect is going to get passed, but at least I know it will begin the process and begin to direct Members' attention to the need for this kind of legislation and indeed I think that Saskatchewan could play a role in the country which would be a leading role. If we, within the next 12 months, implemented a bill of this variety, it would be a first in the country and I think that's something in respect of which we could be proud.

Of course, Members understand the fundamental importance in a democratic society of people having access to the information based upon which governments make decisions. Because one cannot effectively make an analysis of government decisions unless one

has the information base upon which it is making its decisions. And so long as much of the information base upon which the government acts is not open to people to analyze then it is very difficult for them effectively to determine whether or not the government has done the right thing. And if we get to the point in time when it becomes so very difficult to make those decisions, what are we doing? We are then thwarting the very basic and most fundamental point of democracy. The Bill is not perfect; no question, it's a complex field, it's open to a lot of nitpicking and nibbling away here and nibbling away there. What I would hope we would do though, here seriously, is begin to direct our minds to the principle of the thing and if we didn't pass the Bill, I would hope at least we would direct our attention to one or two other things; either setting up a commission such as they did in Ontario to study the whole area and report back to the Legislature, that is one alternative. A second alternative is to set up an intercessional committee, and we have done that many times in respect of other questions, and I think that this would be a good area for us to do it again. So, if Members opposite are not persuaded to support this particular Bill, as it is drawn, I'll understand that. If they would accept the principle of it, I would be pleased. If they are not prepared to do either, then I would ask them to consider a commission to have a look at it as they are now doing in Ontario, or alternatively an intercessional committee to have a look at it.

What I ask them most of all to do, is to look at the principle of the thing involved; where we are going; the need for some concept of this variety and I tell you that it is inevitable in this province, as it is inevitable elsewhere. And, Mr. Speaker, I hope that this Bill will get the process begun here.

Therefore, I am happy to move second reading of an Act respecting the Right of the Public to Information Concerning the Public Business.

SOME HON. MEMBERS: — Hear, hear!

MR. E. F. A. MERCHANT (Regina Wascana): — Mr. Speaker, I want to say a couple of things in support of the second reading of this Bill and I certainly don't propose to adjourn debate and indeed will be encouraging the Government not to adjourn debate on the matter.

The Hon. Member for Regina South (Mr. Cameron), who, if I might say in passing, moving this Bill and moving the Bill that we were discussing this afternoon, spoke very well. I suggest to Members about the need for information and he has clearly done a great deal of work in presenting both of these matters to the House. And I think that that's the kind of positive suggestions that are needed in order to see to it that we do indeed have a better government. He is a classic example, Mr. Speaker, of the kind of Opposition Member whom you can have who does not constantly oppose, who tries to make government a better government, even though he is not elected to the Government benches.

SOME HON. MEMBERS: — Hear, hear!

MR. ROMANOW: — Stu Cameron to the Bench.

MR. MERCHANT: — You see, Mr. Speaker, one of the things that NDP lawyers don't know is the process by which you get to the Bench.

AN HON. MEMBER: — And they not likely ever will.

MR. MERCHANT: — The way you get to the Bench is to lose, not to win, and he is a winner.

SOME HON. MEMBERS: — Hear, hear!

MR. MERCHANT: — Mr. Speaker, my colleague has talked about the direction that freedom of information, the sunshine legislation is taking in other jurisdictions in Canada. In the United States, freedom of information legislation has already been passed. I suggest that to the Premier who said in reference to a similar Bill this afternoon, "Well it's too novel for us; we're not prepared to do anything that fresh and new." Well the freedom of information, as you grow older, you get more determined to protect the status quo. That's part of the problem you see and the United States has already passed freedom of information legislation and the United States is not particularly known, Mr. Speaker, for being that open in terms of its government. But the people there demanded that kind of legislation be passed and it has been passed.

In Australia, that country is moving towards the freedom of information legislation. The Conservative Government there, and it's not only a Conservative Government, big C, but it's a conservative government, little c; it was elected in a rather reactionary mood of the Australian people. Even that government, Mr. Speaker, has passed a proposal in its House saying that they will bring forth freedom of information legislation that they think that sunshine legislation is an important thing and something that we require. And that is perhaps a better example to this House and to the Canadian jurisdiction than any other. Because in Australia, just as we have here, they have a federal state with a federal government, as well as provincial state governments.

Now, Mr. Speaker, what's the principle of freedom of information and what's the principle of the legislation that we discussed this afternoon about information being made available so that the public is in a position to judge whether a program is an economic program or not. It's an old legal principle in fact, "nemo judex", that the people dealing with the information should not both be the defendant and the judge. Because so often, Mr. Speaker, in political matters, the Treasury Benches are the defendant to the extent that they are trying to justify what they have done. They are the defendant in that they are trying to keep information from the public for their own political aims of trying to get re-elected. And they should not be both the defendant in dealing with that information and the judge of their own actions and the judge of what they have done. No person, Mr. Speaker, should be in a position, as Ministers are, of being able to hide information which frequently shows that they have made errors on behalf of the people of the province.

The Auditor General nationally stated in his last report that:

Public funds are, in effect, trust funds and must be treated accordingly. Financial controls and safeguards over funds in the public sector should be at least as reliable and strong as those over trust funds in the private sector.

And of course, Mr. Speaker, that fully applied to the previous Act and further he says that:

Government information is, in effect, collected and held in trust for people. At the very least there should be some independent review process to determine whether or not relevant government information should be made available to the public before legislation is passed or regulations are imposed.

What could be simpler and more obvious and more democratic? And indeed, Mr. Speaker, I suspect that a Premier who frowns a little when he hears that quotation would possibly have passed this kind of legislation six months or a year into the job, before those years in the job, like barnacles scaling upon him and upon Cabinet Ministers, have taught this Government to be defensive about information, defensive about putting the information that the people of this province are entitled to have before them.

Now, Mr. Speaker, I am not suggesting that this legislation will be passed today. Indeed, in fairness I am sure that Members opposite would have wanted to consider the matter and I realize that the House is winding down and they will not be able to do what they would ordinarily do, speak, adjourn the matter, come back in a few weeks and possibly pass the legislation.

Now, Mr. Speaker, this Government has been curiously reluctant to pass even the simplest legislation proposed by the Liberal caucus. It is interesting, Mr. Speaker, that when the Members elected to the Liberal caucus were first elected, they characterized us as being a negative caucus and were critical and saying things like whining and complaining and opposing and then, Mr. Speaker, when they found that we were the sort of people who were constantly proposing legislation and resolutions and amendments, then they decided that they really didn't want that kind of an Opposition at all. Or at least they certainly weren't going to pass any of the legislation or the proposals that came before them even though they used to get up and say/ "You know, we think that is a pretty good Act." Sometimes they would get up and say, "Well we think that is a good amendment." But we pretty quickly found out that they didn't like the other kind of opposition and they didn't like the new opposition much better.

AN HON. MEMBER: — They don't like any opposition.

MR. MERCHANT: — Well, that is right, they don't like any opposition at all. Perhaps that is one of the things that the barnacles of office lead you to feel. That you really wish they would just leave you alone so that you can spend your dying days in office the way God had ordained somehow. Well, Mr. Speaker, I know that they are not going to be able to adjourn this matter to give it the kind of consideration that it deserves, but I do ask them and say to them that the press and the people of this province, when they see sunshine information all across this country, all across the world, brought up in the national House as well as in other Houses; when they see that the press is entitled to know where the Premier stands, where the Hon. Attorney General

stands. Are you in favor of this kind of legislation in principle? And that is all we ask. Will you, before you adjourn or before this matter is ended on the Order Paper tonight, will you at least go so far as to indicate whether you approve in principle the concept? Because I say to you, if you get up and adjourn it without even indicating whether you stand in principle for or against this sort of legislation, that the press should fry you, and if the press don't react at all to that . . . Mr. Speaker, how often in this House are we told that this Government leads, that this Government is first, that this Government is first with workers compensation, first with occupational health, first with an SGIO program, first or almost first with family law, first with community legal aid; you name it, medicare, dental care, hearing aid programs, you name it, they are first.

Well, here is your opportunity to be first. First, they say repeatedly. Well now they have an opportunity to be first with freedom of information, first to open the books a little, let the sunshine in, clear the webs a little and allow the people of the province to see the way government operates. Give to the people of the province the information which, as the Auditor General puts it, that Government holds as trust, in trust for the people of this province. Well if you are so proud of being first and I hope that one of you will rise and at least say, be prepared to look at this kind of legislation, if we can't do it now then at some time in the future.

HON. A. E. BLAKENEY (Premier): — Mr. Speaker, I want to address a few words to the House on this matter. I want to make a few obvious comments in reply to the comments of Members opposite and then to address myself to the Bill briefly.

I think the obvious comments stem from the fact that it comes from the Liberal Party, a party which has been and is known for its secrecy. If anybody in this House knows where the Liberal Party gets its funds, it doesn't come from any sunshine disclosures by the Liberal Party. The Liberal Party is determined, as it ever was, to prevent anyone from finding out where its backers come from and who puts up its money. Now I know that it takes the position that other people ought to reveal information, but when it comes to the Liberal Party, they take the usual position that they are immune from all of these requirements because after all the Liberal Party is not governed by ordinary laws that govern mortals, since they are (at least in their view) some species of immortals. They have indicated that, I think rather clearly with respect to the appointment of judges. We used to say that a legal education was desirable in getting an appointment as a judge, and you can have a Bachelor of Civil Law (BCL), and that might be helpful; you might have a Doctor of Civil Laws (DCL) and that indeed might be even more helpful, but the one you really needed was DLC and that was "defeated Liberal candidate. "

SOME HON. MEMBERS: — Hear, hear!

MR. BLAKENEY: — And I think that a quick review of the Bench will indicate why that conclusion was reached.

MR. CAMERON: — Are you saying . . .

MR. BLAKENEY: — I am saying that a great

number of them are defeated Liberal candidates and I can only say what American friends have told me. They say to me, "You Canadians always complain because in order to be a judge in the United States you have to be elected." My observation of the judicial system in Canada is that in order to be a judge you have to be defeated, and I think that that is a fairly reasonable comment on how to become a judge in Canada.

But to come back to some of the principles enunciated, I am proud of the record of our Government and particularly do I contrast it with the government which preceded ours with respect to information and making information and opportunities to get information available to citizens. I remember when I sat on the Opposition, pleading with the then government of the day to appoint an Ombudsman, because citizens needed somebody to extract information from the government.

MR. MERCHANT: — I was in high school then.

MR. BLAKENEY: — That's right, some of us were not aware that you had attained those heights and we extend belated congratulations.

SOME HON. MEMBERS: — Hear, hear!

MR. BLAKENEY: — We established, early in our term of office, a Human Rights Commission, which was designed to assist citizens to get information where they may be adversely affected by decisions, not only by governments, but by others. A provincial enquiry centre, that is no tremendous benefit, but it does permit citizens to get information about their government in a way which in no other province in Canada does that operate. It is not outstanding, but it is rather better than any previous Liberal government has been able to do or any Liberal government in Canada, federal or provincial.

SOME HON. MEMBERS: — Hear, hear!

MR. BLAKENEY: — I look at our establishment of a Crown Corporations Committee many years ago which led the way in public disclosure, and which, even though it was many years ago, has not been caught up to by let us say, a Federal Liberal Government at Ottawa, so that there is far less information known about Federal Crown Corporations than about Provincial Crown Corporations. I am proud that we have been able to open up this area for public scrutiny, and I invite all Hon. Members who may have any influence with any other government in Canada to urge them to emulate this. I think of another little custom of the government which preceded us, and I remember my colleague the Member for Regina North East as he now is (Mr. Smishek) introducing a bill to discuss a 40-hour week. Such a revolutionary proposal that was, and it was defeated on first reading on the grounds that it was not only inappropriate to produce that sort of heretical legislation but it was inappropriate even to discuss it, and therefore, we were defeated on first reading. That was the way that those great advocates of sunshine disclosures dealt with issues of this nature.

However, whatever are the shortcomings of Liberal governments, or indeed Conservative governments in Canada, I would not attempt to justify any action that we take by the fact that somebody of the Liberal or Conservative ilk is doing the same,

because under those circumstances, as Members opposite have so accurately and kindly pointed out, many, many firsts that Saskatchewan has recorded would not have come about.

What I do want to do is address just a few words to what is the basic issue in this type of legislation, and that is, how do you fit in freedom of information Acts with a parliamentary system of government? Nowhere where the parliamentary system operates is there this legislation. People say it is coming in Australia. They are thinking about it in Ottawa. Maybe they are examining it in Ontario. The facts are that nowhere, either in Britain or Australia or New Zealand or anywhere where the parliamentary system operates is this type of legislation on the books. This is not to suggest perhaps that it shouldn't be on the books, except that no one has addressed themselves to how you meld that type of legislation (freedom of information legislation) with ministerial responsibility. Now it is all very well to say that in Sweden or in the United States they have this type of legislation. Their systems of government are very different from ours. If a particular paper is published in the United States, and you think that it reflects adversely on the government and you ask a Cabinet Minister what's the meaning of this? He says in effect, "Don't ask me, I didn't publish it and I have no responsibility for what's published. You go and ask the guy who published it. Don't look at me." Now if it is permissible, in the minds of Members opposite, for a Minister of the Crown to come into a Legislature and with respect to a paper which is put out by let us say the Department of Mineral Resources, what is the meaning of this paper, and the Minister stands up and says, "Don't ask me, my signature isn't on it, that is the Director of Mineral Resources. Let us say an official of the Oil and Gas Conservation Board - hike off and ask him, but don't expect me to be responsible for what he is doing." This is the situation in the United States or Sweden. Well then, it is clear that much information can be disclosed which is not now disclosed. It is, I think, clear that if the public expects Ministers to be responsible for what goes on in departments, then Minister must have some right to indicate what is disclosed and what is not disclosed. That is the rock on which all of these proposals for freedom of information have foundered in every jurisdiction where there is a parliamentary system of government.

I think that is the question which must be addressed. If it is going to be the case that Ministers in governments are not going to be held responsible in any sense, and will not be called upon to answer, either to the press or to legislatures about papers, or documents, or other information which is prepared, and if they are to be responsible only for their own actions and for policy statements which they make, then clearly a good number of things are possible. If they are to have what has been the traditional ministerial responsibility in parliamentary governments where they are responsible for what is done by those who are under them, even though they may not know anything about it, then it is clear that all Ministers and all governments are going to exercise some jurisdiction over what is published.

It may be that this should not be. I am saying it is true, and it has been true wherever there is a parliamentary system of government, and if we will address ourselves to that we will then know that any bill which provides for this should also provide that the traditional doctrines with respect to ministerial responsibility will no longer apply. I think that that might be a very workable form of government. It is one, which

I say does not exist in Britain or Australia or New Zealand or any other place where there is a British parliamentary system of government.

I would invite Members who advocate this, to address themselves to this issue, because in all the literature written on this, this is the one on which the question is not answered. It is very easy to fluff it away. To say that there is no reason why Ministers should in any way resist the publication of any information which is generated by a government, and at the same time resisting responsibility for it all. But I think that one short period sitting in on this Question Period would indicate why any government is wishing to have some restriction on what is published. Hardly a day passes when somebody doesn't stand up and say I have a letter, I have a report, I have something, please tell me all about it. And it is expected that the Minister will tell him all about it or alternatively has some duty to tell him all about it. With the duty must go the right. If there is a duty to respond to everything that becomes public, there is some right to ascertain what becomes public.

It may again be suggested that governments should labor under the burden of being responsible for every bit of paper which is generated in a bureaucracy the size of ours, or in the size of the Federal Government, and that it should all be available to the public, and the Minister should be responsible in the traditional parliamentary way for answering for all of it. But I think that the result would be that Ministers would be paralyzed in a sense on having to inform themselves about vast loads of material which might become public and which presumably they are responsible for in the sense that they should respond to it in legislatures and to the press. This is a burden which no government in any parliamentary system has been willing to assume. I think if we can establish the principle that that type of ministerial responsibility is no longer operative then it is appropriate for a Minister to say, "Is my signature on the bottom of that document? If not, then go and ask the guy who produced it, but don't bother me with it." If that's an acceptable answer, then I think that many things are possible. But as I say that will very greatly change the system of government under which we operate. We would then have a system much more akin to that of Sweden or much more akin to that of the United States where the bureaucracy has a separate existence, where it is not immediately dismissible by the Ministers and not immediately answerable to the Ministers, but rather answerable to the Legislatures or Congresses, through a very elaborate system which is no part of ours. We can choose. But I simply say to you that nobody yet has found a way to meld the two by saying that we should continue to keep our parliamentary system with all its principles of ministerial responsibility and at the same time have free and total disclosure of all public information.

That, as I say, is the rock on which these proposals have foundered. I would have wished that one of the proponents of the Bill would have addressed himself to this and would have said; (a) the misgivings of governments all over the world are unfounded or, (b) that there are enough safeguards in the Bill to see that this flood of information would not be made public in order to require ministerial action and comment or see that it would be appropriate for Ministers to deny any responsibility or any accountability for information prepared and generated.

I think that's what I would have liked to have heard. I did not hear it. I accordingly, therefore, am unable to believe

that the proposal put forward is put forward in a serious way. I am advised by Members opposite that we will hear some arguments about it, but surely this is the very nub of it and this is the argument which might well have been put forward by the second speaker. The Members are now making an argument. But surely this is the nub of the only argument in most of the cases.

SOME HON. MEMBERS: — Hear, hear!

MR. BLAKENEY: — And it has been ignored. And I'm not surprised it has been ignored by Members opposite because I don't think they have any effective answer to this and accordingly they didn't want to open it up.

Mr. Speaker, I know that a number of other speakers wish to speak on this and courage has been urged upon me by people who have sat in their seat all day without moving a muscle. I have, at least, stood up and spoken my piece on two bills. I know that others want to exercise the same option and they want to do it from their feet and not from their chairs and accordingly, in order to preserve their right to do so, I beg leave to adjourn the debate.

SOME HON. MEMBERS: — Hear, hear!

Debate adjourned.

HON. W. A. ROBBINS (Minister of Health) moved second reading of Bill No. 105 - **An Act respecting the Superannuation of Certain Persons under Certain Superannuation Acts.**

He said: Mr. Speaker, it gives me a great deal of pleasure to discuss Bill 105 and the principles of the Bill. This is rather a major Bill. We've been involved for a very long period of time in discussions with various groups in relation to this proposed Bill and I would like to give Members a bit of background in relation to the Bill in order that we can have discussion on the Bill apropos of the actual conditions and facts as they exist today, in relation to pensions across this country and particularly in Saskatchewan.

I think, Mr. Speaker, it's important that we look at some of the statistical facts with regard to pensions. There are 15,853 public and private pension plans operating in Canada and they cover some 3,425,000 people. If we look at those plans we realize that they have accumulated very large assets. The private plans across Canada had, at the end of last year, some \$22 billion in assets. The Canada Pension Plan had in round figures, \$12 billion. Other public employers, which would come in the classification of federal, provincial, municipal governments, boards, agencies and Crown corporations, had an additional \$10 billion in assets.

In addition those assets grow at a rate of about \$5 billion a year. But the amazing fact is that 80 per cent of the people involved in those pension plans will end up with very nominal pensions or no pensions at all.

I think people are beginning to realize that pension plans based on a formula calculation, and most public and private pension plans are in that category, operate on a principle similar to those of lotteries. Few winners and many losers. The fact

of the matter is, Mr. Speaker, that pension consultants who draw up those plans, do not intend that all participants in a particular pension plan will in fact be pensioned by that particular plan. In the main, their calculations assume that most of the people in any given pension plan, at any given time, will for one reason or another quit or be laid off before they reach pensionable age. Yet, it is generally assumed that one of the rewards of a working career is a retirement pension. However, in an increasingly mobile society the loss of pension benefits becomes a matter of significance and concern to employers, to employees, and to governments. The basic problem in pensions is individual job terminations. Some of the statistics are rather shocking, Mr. Speaker. If we assume the civil service in the Province of Saskatchewan is in round figures 15,000 employees, which includes the labor service of approximately 5,000 persons, we find there have been 15,763 resignations from the public service of this province in the last ten years. In other words, the total civil service has turned over more than once in a ten-year period.

Mr. Speaker, lest Members think that unusual, the percentage is even higher in private industry, if you check the statistical facts.

If we look at the 15,763 persons who left the public service of this province in the last ten years, we find we paid them in cash - \$13,368,000. Most of those people were young people. If you take an average of an assumed age of 30 or less, and if you had retained those funds, and earned 7 per cent compound interest, which would approximately double every ten-year period, by the time those people reached retirement age that \$13,368,000 would have accumulated to in excess of \$120 million.

The fact of the matter is the pension plan may go on indefinitely but in an increasingly mobile society, the individual employee does not remain indefinitely under his pension plan. He changes jobs and receives no pension right. He forfeits everything. People are going to say that he withdraws his own equity. Yes, he does, but the unfunded liability of the employer disappears, and when a young person under the age of 25 withdraws from a pension plan which occurs in the majority of cases, that person has without realizing it, already committed financial suicide in relation to the pension he is likely to get at retirement.

There is increasing discussion in society concerning pension portability. However, I think that's unrealistic with 15,853 private pension plans, all with varying rules and regulations. To assume that portability is possible is a dream. It just will not happen. Frankly, it doesn't have to happen, because although the mobility problem is a real one, in simplistic form, portability is impracticable and somewhat useless. The basic problem, Mr. Speaker, arising from mobility is pension forfeiture, and forfeiture is a problem which we will meet directly or we will not meet it at all. The fact of the matter is portability without some restriction on forfeiture is meaningless and conversely, restriction on forfeiture would make portability totally irrelevant. The only way you can get a restriction on forfeiture is to ensure that you have vesting, and that vesting must occur early. People who are concerned about mobility and pension forfeiture should be interested in vesting or ownership to the employee and lock in accompanied by sound funding. If these are accomplished, there is really no need for portability. A vested pension is a right which is non-forfeitable which an

employee keeps when he terminates and takes another job. Vesting and funding, Mr. Speaker, must go hand in hand.

The funded pension is one which is backed by sufficient assets, usually in the form of trust funds, so that even if no further contributions to the fund are made, the money will be there to pay pension benefits when the employee reaches retirement age. You may have, Mr. Speaker, fully funded plans, partially funded plans, and unfunded plans, and we have all those types in the Province of Saskatchewan. In fact, in terms of the pensions we are looking at, those conditions occur throughout the piece. If an employee has vested right to a pension upon reaching retirement, the pension is payable to the extent that the pension trust has sufficient assets. If the trust is poorly funded, the employee may have a vested or owned interest in next to nothing. On the other side of the coin, if the pension plan is well funded, but not vested, the fund ends up with a lot of cash, which employees have no right to receive. Those vested earnings are necessary if the pension plan is to be of much value to any individual.

I think I cannot stress too strongly, Mr. Speaker, the necessity of people changing their viewpoint in relation to pensions. Pensions should be viewed as something that has been earned. It should be treated as a deferred wage, not as a reward for long service, for it is obvious in a mobile society in which we live, long service becomes irrelevant for most people.

I think it is also fair to say, Mr. Speaker, that people come to pensionable age without any real knowledge of their pensions; where the money comes from in terms of pension payments, and what rights they have. And quite frankly, I don't think we can expect them to understand them because we've written pensions on a very complicated legal formula which is difficult to understand.

The first requirement, Mr. Speaker, in pensions is the vesting clause to the individual and lock-in. And may I demonstrate with a simple example. The MLA pension fund is a matched fund; it's vested and it's locked-in. In my view, unfortunately, it attaches a formula which is not realistic. I would like to use two examples without naming names, of course, of Members who sat in this House. I use, as the first example, an individual who was elected at a young age and defeated at a young age. MLAs are not noted for having security of tenure. That individual contributed in round figures about \$4,000 to his pension plan during his term in this Legislature. Since the funds are matched, a like sum was put up by the employer, in this case the Legislative Assembly, or the Government, or the people of Saskatchewan. That sum of money accumulated to him will pay him a pension of \$173.61 a month when he reaches age 55, based on the formula which is attached to the pension. However, if you take that \$8,000 from the age at which he left the Assembly, and accumulate it at a 7 per cent compound rate, it will accumulate to a round figure of \$128,000 at age 65. If you go to age 55 you are going to accumulate to a round figure of \$64,000. That \$64,000 would buy that individual a pension of \$500 a month at age 55, but he will get a pension of \$173.61. If he waits until normal retirement of 65, he will still get a pension of \$173.61 a month and it would accumulate to approximately \$1,100 a month by that time in terms of its earning capability. What you may say is we are being too generous in the

calculations, 7 per cent is too high. Frankly, I don't think it is if you look back at interest rate cycles. But if we assume it is too high and cut it back to 6 per cent or 5 per cent, he will still have a pension more than double at age 55 than the pension he will have under the formula.

Now, why do we do it that way. I am assuming that the reason it is done that way is because another Member elected at an older age of 62, and defeated at age 66 - and again I am using an example of a Member in this House who accumulated \$4,000 approximately on each side - was immediately pensioned at a pension of \$173.61 per month. Did he have sufficient money to pay him that money? He did not. If he got the pension on an earned basis he would have a pension in the range of \$70 or \$75 a month. Now I suppose, Mr. Speaker, someone is going to say that he couldn't live on it. Of course he couldn't. But I refuse to believe he was in high school until he was 62 and he obviously should have pensions for his working periods prior to that date. The fact that he hasn't, is too bad, but there is no solution to that problem. You will have to start from where you are.

Mr. Speaker, when an employee informs the employer he is terminating and is informed that he can take out his equity, (contributions plus some interest accrual), or he may leave it. To expect him to leave it (particularly when he is young) is unrealistic. This insures a pension failure in terms of the final results at the beginning of a worker's career.

Pensions possess little probability of meeting the individual's requirements at retirement, unless the pensioned person receives a pension for each of his employed periods when pensionable. I think we have a good example to illustrate this point. The Canada Pension Plan may have many faults but it does have lock-in and vesting and I think it's been important in terms of the educative process, to alert people to the fact that pension money should do the job of pensioning them in one form of deferred wage. I don't think Canadians expect to get refunds of the sums they have paid into the Canada Pension Plan, nor do employers expect to get refunds of the money they paid in on behalf of the employees, and in fact no one does. The matched employee's contribution is not withdrawable when termination occurs and it becomes vested, or in effect owned by that employee.

Many people I think, Mr. Speaker, assume that vesting or ownership to the employee involves additional cost. It does not. It does not involve increased cost if other factors are not fixed by formula. And a fixed formula pension is totally unrealistic, if the primary requirement of vesting and lock-in is to be achieved and the only way you will ever get people retiring with pensions for each of their employed periods, is through a pension of vesting and lock-in procedure. Mr. Speaker, failure to realize this fact means that 80 per cent of the population reaches retirement with minimal pensions, or none at all. In fact, if an employer is unable or unwilling to set up matched pension contributions, invested consistent with safety and with accruing earnings annually allocated to all participating persons, and vested and locked-in at an early date, the employee would be better served to have no pension plan at all. An extended vacation with an extra vacation month for each additional five years of service would provide a real benefit of real value at limited cost.

We have to face the fact, Mr. Speaker, that inflation

creates havoc with pensions. I repeat something I said the other day and I think I was misquoted a bit on it. Two digit inflationary rates over any prolonged period of time will destroy pensions as they are currently constituted, they are a recipe for disaster. Matched pension contributions invested over the employed lifetime of the individual will bring realistic and reasonably satisfactory pension results and I don't suggest that it is perfect, but it is much better than the system we currently use. It is also reasonable, Mr. Speaker, to suggest that additional contributory rates to offset the inflationary factor may be incorporated in a pension plan. If you are going to follow that rule, it should be applied when the individual reaches his middle years. A worker at age 45 can be much more readily convinced that it is prudent to increase contributory rates to offset apparent inflationary trends than can a worker at age 20 or 25 just entering the work force.

I know, Mr. Speaker, that indexing a pension is currently a topic of general discussion. Many contend that pensions should simply be increased by the increase in the cost of living as measured by the consumer price index. This is, however, Mr. Speaker, a rather imperfect measurement. It can be demonstrated that continuance of two digit inflation, and again I stress two digit inflation, will increase pension costs by prodigious amounts, and make the costs of carrying them by those still remaining in the work force burdensome and unacceptable. There are currently six employed persons in the work force for each pensioned person. Within 25 years that ratio will be about three to one because of an aging population and declining birth rates and you will then be in a position where not only those three persons left in the work force will be required, if using an indexation system, to find the additional funds in terms of contributions to meet those additional costs associated with those people already pensioned, plus contributions to meet future claims in relation to themselves when they become pensioned. Rational individuals will accept the reasoning associated with the increased contributory rate in the middle years through to retirement to meet the inflation factor. It would be unreasonable to move towards a situation where employer contributions and accrued earnings become wholly the property of the employee in the year in which they are paid. Employees in such a situation would achieve what is required for a reasonable pension result, a pension entitlement that reflects their entire working lifetime.

Mr. Speaker, I want to say a few words with respect to some other items that we propose in the Bill. I want to say just a word or two about various pension plans. You can have benefit promised plans, i.e. final earnings, career earnings, average earnings, or flat benefit types, or you can have value accumulation plans, i.e. equity annuities, money accumulation or profit sharing group type of plans. In all of these instances, it is important that you look at the whole picture or the whole benefit package.

I think it is unrealistic to assume that pensions can meet the requirements of disability. Let us assume a person completed his university education at age 25, and then goes into the work force and is in a participating pension plan and at age 37 suffers a stroke and is permanently disabled for the rest of his life. It is obvious that that person has been in the plan for such a short period of time the accumulation is insufficient to build a reasonable pension at that age level. It doesn't matter what type you use, doesn't matter if you use career annual

earnings or final earnings or any type of formula, or strictly money accumulation. For two reasons, first of all the time factor is much too short, and secondly the individual if he lives a normal life span of a person would take very large sums out of that pension plan in terms of family needs. You have to look at the pension plan along with other benefits in a total benefit package.

Our proposals in relation to the pension plan introduced also call for substantial increases in terms of group insurance and an income disability insured plan which would pay a salary to the individual while permanently and totally disabled. While that salary was paid to that individual the necessary contributions to the pension plan matched by the employer would be accumulated in his pension fund and eventually he would go on pension assuming he lived to pensionable age.

When we talk about this particular Act we are looking at five basic plans, Sask Power, Sask Tel, Liquor Board, Workers' Compensation and the Public Service. In addition, we have to look at the implications for some other plans in the province.

The Bill does not change anything for people who are currently participating in these five plans. That's a cardinal rule in pensions. Those people were hired under those conditions and no change occurs for them. They may, of course, take the option to move into the proposed new plan.

Some time during the current year, new employees coming into the public service would enter the new plan. That plan would require a contribution from the employee matched by the employer set up in a fund with their earnings accumulated through to retirement. The other benefits package which would be attached is the group insurance on a largely increased basis, plus the income disability that I previously referred to.

I want to say just one brief word about the total unfunded liabilities that we see in our present plans. Sask Tel, Sask Power, Liquor Board and Workers' Compensation plans are fully funded plans. That doesn't mean they do not have unfunded liabilities at the present time. However, they are taking steps to offset those unfunded liabilities and the total amount of unfunded liabilities in those four plans is relatively small, in the range of some \$40 million. In terms of the public service it is much greater. We don't know exactly what it is, but it looks as if it is in the range of some \$560 million. I thin it is fair to say that the teachers' plan would be in a worse position than that. An actuarial study will begin in the current year on that plan.

All we are saying is that this Bill realistically faces up to the facts. It does not alter the situation for any person currently in the pension system, except to improve certain clauses that groups have been asking for for a long period of time; clauses in relation to war service, re-marriage of a widow and other items of that nature. However, it does propose to set up for new employees a new plan and the benefit package as I previously outlined.

MR. KATZMAN: — Before the Minister takes his seat would you entertain two questions?

MR. ROBBINS: — Yes.

MR. KATZMAN: — When you say the option, are you referring to what becomes like a cash-purchase plan basically and are you suggesting a lock-in provision? In the speech you made when you introduced the Bill you indicated you were looking at a lock-in.

MR. ROBBINS: — The new plan will have vesting and lock-in after three years. It is in the Bill. That will not affect any person in the current plan except those who choose the option and transfer. We anticipate that a fair number of people will do this, but they will be the younger people.

MR. KATZMAN: — The 10:45 law then will have no effect? There is no conflict here?

MR. ROBBINS: — No.

MR. W. H. STODALKA (Maple Creek): — Mr. Speaker, before I adjourn the debate to consider the Minister's remarks more fully, there are a couple of things that I should like to say about this. First of all, I realize you have spent a good many years and many hours in preparing this legislation and certainly some of the changes which you have mentioned, such as war service and the problems of remarriage, these particular things I think are moves in the right direction. Having belonged to one of these pension plans for many years, I suppose one of the things we will have problems with is the fact that young people have to forfeit their pensions when they change jobs. This business of retaining a pension plan with all of the years of service and not being able to withdraw will probably cause concern, particularly among younger people. I know it did when I started the plan and I didn't really, I suppose, begin to appreciate the benefits of the plan until I got on in years.

One of the things that you did mention, of course, was the fact that the cost of living index in the teachers' plan will remain and is not present in the Bill, if my reading of this particular Bill is correct. That particular item will not be introduced into this Bill. You begin to wonder when you have two different types of legislation and some employees or some people who benefit from pension plans receive certain benefits and then you have another group of employees who do not receive these plans. I sometimes wonder if it would not be possible to keep some of these benefits such as the cost of living index if the appropriate fee was charged in the first place, instead of the 6.3 per cent in the case of the teacher plan. I notice in this plan you stagger from 7 per cent to 8 per cent to 9 percent, according to the age. Sometimes I think I would personally rather pay an increased fee to retain some of the benefits of these plans. The danger, of course is, if you don't have these, and the Minister I am sure is aware that you end up with a frozen pension plan, or a plan that will have to have some legislation introduced each year in order to alter the pension benefits.

If I read this Bill correctly, then in the case of anybody who superannuates, each year you are going to have a change in the payment made to the individual who has superannuated, and there will have to be another Bill brought into the Legislature to make adjustments year by year. There is no increase. Another thing in reading the Bill, which bothered me, is that I notice in other

pension plans, as far as dependents' allowances, they are based at 60 per cent, and when I read this one, I notice that the dependents' allowances are based at 50 per cent.

I would just like to say that we would like to consider the Bill more fully, particularly in light of the remarks that the Minister has made. We will introduce, I can assure the Minister, on third reading of the Bill, some amendments to the legislation. Again, so that we can consider it more fully, Mr. Speaker, I should like to adjourn the debate.

Debate adjourned.

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.

He said: Mr. Speaker, just a very few brief remarks with respect to the Bill which was adjourned yesterday, I believe.

I wanted to make a few very brief comments with respect to the remarks of the Member for Regina Wascana (Mr. Merchant) which I believe require some analysis and some remarks on my own behalf.

I want to say first of all that I was extremely pleased that he indicated that he intends to support the Bill because apparently he decided to set aside his principles and do what is right. Among other things, Mr. Speaker, he indicated that the Occupational Health and Safety program in Saskatchewan is a very costly program. I don't know how to measure the cost of protecting workers from hazardous or unhealthy conditions, Mr. Speaker. I don't know upon what criteria he bases his judgment that ours is a particularly costly program. Obviously it is more expensive than the former Liberal Government's program because they didn't have one.

I should like to take just a moment to examine the facts. Within a report, Mr. Speaker, provided to the Manitoba Government of January 1976, the Manpower and Employment Subcommittee of the Manitoba secretariat concluded, and I quote from that report:

The division of occupational health and safety in the Department of Labour in Saskatchewan has brought about some very real gains with only a very modest outlay of financial resources by the Government.

Accordingly then, Mr. Speaker, Manitoba's decision is to pattern their program after Saskatchewan's. I think it should be placed on record, Mr. Speaker, that with a labor force in the Province of Saskatchewan of approximately 400,000 people were spending \$1,038,670 or \$2.59 per worker, while Alberta, with a labor force of 859,000 spends over \$4 million, or \$4.66 per worker capita and a monstrous departmental staff to police and to administer the program. I suggest to you and to the Member for Regina Wascana that it is ludicrous to describe our plan as being too expensive, regardless of what yardstick he proposes to

use. Facts just don't bear out the allegations and furthermore other jurisdictions agree that we provide a service which is superior to any other province in Canada. This is the conclusion that has been drawn by other provinces visiting us who appear ready to follow the Saskatchewan plan.

The Member for Regina Wascana also indicated that the director should be a medical doctor. I should remind him perhaps that the former director was a medical doctor who will be well-known to the Member for Regina Wascana. It was that former director, a doctor, who was largely responsible for the drafting of the original Act. This was the legislation described by Justice Bence in the March 1975 judgment in the following terms, when he said:

With deference to the draftsman, I am of the opinion that it (the Act) is horribly defective and incapable of enforcement.

Mr. Speaker, the deficiencies of the original Act required that this Bill before us replace the 1972 document.

It should be known that for The Occupational Health Act we are fortunate in having as the director of that division an outstanding person in Dr. Leslie Euinton who is a specialist in industrial medicine who brings with him 12 years of experience as factory medical inspector in England. To suggest that the division director must or even should be a medical doctor, I think, ignores administrative and organizational realities and has no basis in fact.

To make a final point with respect to the remarks of the Member for Regina Wascana may I say that his suggestion that the Occupational Health and Safety Committees are used, or are intended, or were ever intended as a device to support the formation of trade unions, is without foundation and I believe, Mr. Speaker, that the old bogey man had been laid to rest more than three years ago. I don't believe that that point of view is being expressed by anyone in the Province of Saskatchewan today, with perhaps the rare exception of some Members opposite. It is an impression that is simply not shared by anybody of opinion in the Province of Saskatchewan.

I think the Act which is before us represents a tidying up of a previously defective piece of legislation. It heads us in the appropriate direction, Mr. Speaker, and I am particularly pleased at this time to move second reading of this Bill.

Motion agreed to and Bill read a second time.

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Byers that Bill No. 102 - **An Act to amend The Liquor Licensing Act** be now read a second time.

MR. E. F. A. MERCHANT (Regina Wascana): — Mr. Speaker, I do not propose to go on at any length and I would hope that we can then deal with the matter. I have spoken with the Minister about one of the areas that I raised, namely, the current, if not permanent problem that I would describe as the over-zealous approach of the Liquor Licensing Commission in dealing with clubs; in particular in dealing with the Army and Navy Vets, with the Royal Canadian Legion, and with the golf courses and the curling clubs. I suggest to the

Members opposite, a couple of whom are nodding their heads that you are not doing yourselves any political favors by closing down the Legions in every little town and nook and cranny in Saskatchewan. It is a surprising situation when you have the curling clubs, which are one of the mainstays of this province in some ways, one of the few sporting activities that give excellent exercise to people, not asking for any assistance from government, supporting themselves in large part by selling to their own members, 50 and 60 cent drinks, beer and so on, after a curling match and finding themselves shut down frequently over what may be offences against the Act but what I think most people would describe as not very serious offences at best.

AN HON. MEMBER: — What are they?

MR. MERCHANT: — You may recall that when I said a few unkind things about Mr. Snyder, I was quick to say that I thought that I might well have acted in a similar way. In fairness to me I said that.

MR. ALLEN: — You said he . . .

MR. MERCHANT: — No, I left that to one of my colleagues. The good guys and the bad guys. When I was addressing myself to that I specifically said it was a question of whether Ministers would step in and kind of sponge over legalities and I didn't think that it was appropriate that that went on and I still don't think that was appropriate.

Mr. Speaker. I have spoken to the Minister privately. I have raised my concerns in the House. This legislation will go through. I am pleased to see the changes. The changes don't affect in any way the likely rate of consumption in the province, all they do is make some modest changes that make fairer the way that the legislation proceeds. I hope that something may be done by the Government to come to grips to use the same word again, with the over-zealous attitude that we see from time to time from the Liquor Licensing Board.

HON. A. E. BLAKENEY (Premier): — Mr. Speaker, I should like to add a word or two. I think that the Member for Wascana has implicitly stated the problem under which the Government labors, for reasons which I think are now very obvious to everybody. No government, certainly not ours, wants to get in the business of attempting to tell the Liquor Licensing Commission how to enforce the regulations. It is almost inevitable that if you do there will be allegations of some sort of favoritism. On the other hand, there have been instances where, if I had been exercising judgment, I think I would have exercised it differently. I am aware of this because it has happened with constituents of mine and I am sure with others. We have been in the rather difficult position of, in effect, having to say to the constituent that we felt he had a pretty good case, but that you were in no position to intervene on his behalf with the Liquor Licensing Commission because of the independence of that body and of the desirability of having it independent.

That is the present situation and I think that the Hon. Member has indicated that, on occasion, the Commission has made judgments which he did not agree with and they made judgments that I don't agree with.

The position of the Government, I think, will be that we will continue to refrain from attempting to intervene in any individual instance. It may well be that we would be able to sit down with the Commission and work out some general approach, which would offer a little more compassionate, if that is the word, administration of some of the regulations which are necessarily harsh in some areas.

I can assure Hon. Members it will not be done on the instance of an individual case since that represents problems, but the general point made by the Member for Wascana, I think, is taken and subject to my comments we will be proceeding on that basis.

Motion agreed to and Bill read a second time.

COMMITTEE OF THE WHOLE ON BILL NO. 27 - An Act to amend The Saskatchewan Development Fund Act, 1974.

MR. CHAIRMAN: — We will call Bill No. 27 and we are on Section 3.

Section 3 agreed.

Section 4 (10) amended agreed.

Section 5:19 agreed.

Section 6 agreed.

Motion agreed to and Bill read a third time.

BILL NO. 85 - An Act to amend The Saskatchewan Telecommunications Superannuation Act.

Section 1 agreed.

Section 2 (5) as amended agreed.

Section 3 (12) as amended agreed.

Section 4 agreed.

Motion agreed to and Bill read a third time.

BILL NO. 75 - An Act to amend The Public Health Act.

Section 1 agreed.

Section 2:83C agreed.

Section 3:83D as amended agreed.

Section 4:86 agreed.

Section 5 agreed.

Motion agreed to and Bill read a third time.

BILL NO. 97 - An Act to amend The Ombudsman Act, 1972.

SECTION 1

MR. CAMERON: — Mr. Chairman, if I might just direct some questions to the Premier.

The Ombudsman has, in this year's annual report and in last year's annual report, drawn to the attention of the Members of the Assembly some difficulties he has in respect of the interpretation of some sections of The Ombudsman Act and has raised, for the second time I think, his request for an amendment in order to extend his jurisdiction to deputy ministers.

I wonder if the Premier can indicate to me whether, in fact, some attention has been given to the request of the Ombudsman and extend his jurisdiction to encompass deputy ministers, as he has twice requested, most recently in the last annual report?

MR. BLAKENEY: — I am not quite sure whether it was in the last annual report, which I have before me, but in any case it has been raised with us and we have given some consideration to it. We haven't reached a final decision, but we certainly have not taken a position opposed to it. We felt that, for this Session, we would simply await any comments from the new Ombudsman who is taking his office on April 4. Accordingly, we simply felt that we would allow the matter to rest until the new Ombudsman had had an opportunity, at least, to express the point of view.

MR. CAMERON: — May I ask the Premier, why at the time of the Throne Speech, you indicated in the Throne Speech that you would, in fact, be placing amendments before us in this Session to enlarge the jurisdiction of the Ombudsman? I made the assumption that you were then thinking about enlarging the jurisdiction to encompass deputy ministers. Perhaps my assumption was wrong. Why, in view of the indication in the Throne Speech that that is what you would be doing, have we not had legislation of that variety?

MR. BLAKENEY: — I think the assumptions are basically correct and we didn't proceed because we knew we were going to have a new Ombudsman and we wanted to have the benefit of his comments.

Since it became clear after the Throne Speech, as I recall it at least, but before this Bill was introduced, that we were going to have a new Ombudsman, we simply decided to take his advice on that point and simply defer that item until next year.

MR. CAMERON: — Then in respect of the other areas of difficulty with respect to the Act, the Ombudsman has been indicating he is having, and that is with respect to Sections 12, 13, 15 and so on. Again, my question is: are you seriously looking at the difficulties that he has raised in respect of those sections and can we sort of reasonably expect that the next time we meet we will have some amendments along the lines that were suggested?

MR. BLAKENEY: — I can assure the Hon. Member that we are seriously looking at them and that if the new Ombudsman takes the same position, or substantially the same position as the former Ombudsman, that these amendments are desirable, they will be proposed.

Section 1 agreed.

Section 2 agreed.

Motion agreed to and Bill read a third time.

BILL NO. 100 - An Act to amend The Legislative Assembly Act.

SECTION 1

MR. BLAKENEY: — Mr. Chairman, there is a House amendment which is unclear. The Bill now reads "subsection (8) of Section 56, as enacted by Chapter 28 of the Statutes of Saskatchewan, 1976, is amended".

The lawyers advise that it should read, "subsection (8) of Section 56, of The Legislative Assembly Act, as enacted by Chapter 28 of the Statutes of Saskatchewan, 1976."

MR. KATZMAN: — Mr. Premier, did you say on that second reading that the Hughes Report is still looking at this area as well?

MR. BLAKENEY: — I said that the Members were still looking at the Hughes Report. When I reflect on that I am not sure that they are. They are certainly looking at superannuation, primarily. I don't know whether they are looking any further than that and now that the Member has called this to my attention, I certainly remember saying it on second reading. I am not sure whether I am right.

Amendment agreed.

Section 1 as amended agreed.

Section 2 agreed.

Motion agreed to and Bill read a third time.

BILL NO. 54 - An Act to amend The Industry and Commerce Development Act, 1972.

Section 1 agreed.

Section 2:4 as amended agreed.

Section 3:5 as amended agreed.

Section 4 agreed.

Motion agreed to and Bill read a third time.

BILL NO. 93 - An Act to amend The Workers' Compensation Act, 1974.

Section 1 agreed.

Section 2 4 as amended agreed.

Section 3 66 as amended agreed.

Section 4 70 as amended agreed.

Section 5 75 (a) agreed.

Section 6 77 as amended agreed.

Section 7 80 agreed.

Section 8 101 agreed.

Sections 9 and 10 agreed.

Motion agreed to and Bill read a third time.

BILL NO. 107 - An Act to amend The Trade Union Act, 1972.

Sections 1 and 2 agreed.

Motion agreed to and Bill read a third time.

BILL NO. 38 - An Act respecting Annual Holidays, Hours of Work Minimum Wages and Other Employment Standards.

SECTION 1

MR. R. KATZMAN (Rosthern): — On Item No. 1, if I may. The settlement of the court case about which I spoke with you the other day involving a printing company on the nine and one-half hour work day without permission, which ended up in court, will that have an effect on this piece of legislation?

HON. G. T. SNYDER (Minister of Labour): — Well, Mr. Chairman, the Member makes reference to a decision rendered with respect to Centax, where a judgment was rendered indicating that an agreement between employer and employees, which, described in the Act as being more beneficial in circumstances for the employee, then did not require the payment of overtime after eight hours in any given day or 40 hours in any given week. Quite frankly, the decision rendered is a relatively new one, it is one that the department has under consideration and the question of what the net result will be, I suppose still remains unknown. I think it is one which we will be considering in the time directly ahead. I can't give any precise answer about what the department proposes at this point in time, except to say that it places a somewhat different construction on the hours of work provisions that we had not assumed to be the case previously.

MR. KATZMAN: — That being the case, you can work overtime now without overtime pay for it so long as both the individual and the corporation agree that there is a benefit before it; that is the decision the way I read it, and therefore, will that not affect your averaging orders in many different areas?

MR. SNYDER: — We are a little out of order in terms of the section of the Act, but it is okay. Section 72 of the Act, under part 9 says:

Nothing in this Act or in any order or regulation made under this Act affects any provision in any Act, agreement or contract of service or any custom insofar as it ensures to any employee more favorable conditions, more favourable hours of work, or a more favorable rate of wages than the conditions, the hours of work or the rate of wages provided by this Act or by any such order or regulation.

I suppose a difference of opinion would probably be encountered if it were suggested that excess hours of work of perhaps a 12-hour day, represents more favorable conditions. A great many people would believe that that doesn't represent more favorable conditions even though it provided for, on some occasions, a three day weekend for the benefit of the employees.

So I think that at this point in time the guidelines are somewhat unclear and I am afraid I can't be any more precise because you will recognize that this is a relatively new judgment that was rendered by the courts of the land.

MR. KATZMAN: — Well, my concern is, that judgment that was rendered makes a lot of clauses within this new proposed legislation possibly not worth the paper they are written on, because in the findings of that case the 10-hour, 12-hour, 14-hour day is now legal, if the individuals so wish to work it, and the corporation wishes to go along without overtime. And therefore, the hours of work in this legislation may be totally irrelevant now.

MR. SNYDER: — What would have to be assumed would be that the conditions, the circumstances which are provided, are more favorable to the employee as agreed upon by employer and employee. I think that is a fine measurement because probably in one particular sphere of activity you might find two people disagreeing as to whether the conditions were more favorable. I think, as I indicated earlier, I can't get any more precise than that except to suggest that the court decision does cast some doubt over our position as it has been in the past. Without a permit it was not possible to work in excess of eight hours in any given day without providing for overtime payment at the rate of time and a half and you could not exceed 40 hours in any given week, without the payment of overtime. Now there is some question of doubt with respect to whether this is possible without a permit, providing employer and employee agree and it is determined to be more beneficial to the employee.

MR. KATZMAN: — Well, then if I am reading you correctly, that any employer in this province and any employee in this province who wishes to make an agreement to work any number of hours in a day and in a week without any overtime, because they both think it is a better deal; let's use the extreme worst situation I can think of, 20 hours today, 20 hours tomorrow and 5 days off. If both parties agree to it then it is basically legal by what that decision in court came down with?

MR. SNYDER: — I don't believe that would be the case because I think that would be stretching a long bow to suggest, you are using the extreme example, but I think it would be stretching a long bow to suggest that working 20 hours in one day and 20 in the following day and having 5 days off would represent better conditions for the employee. There is an option that is open. I suppose the Department of Labour can appeal that decision because it does fly in the face of what we have believed to have been the existing set of circumstances for a good long time.

MR. KATZMAN: — Well, my point is this. If an employee wants something and he thinks he is getting a good deal by it and the employer is willing to go with it, then basically the department will have no say on those arrangements any more and people now can feel free to do it. For example, a machinery dealer, if his employees during a certain season want to work a little longer and have the time off later, it would become legal. Now that has been gone since, I believe, 1973, but they can do that again without having to go to your board? We can now go to 10 hours a day, 4-day week, without having to ask your permission as you require in the Act? We can go to, I assume in this particular case, a nine and one-half hour day, four days a week, 38 hours, no overtime, and I think that this is what we are into and I sort

of wonder if this Act, you should maybe have considered that court case in this Act.

MR. SNYDER: — Well, I think it narrows down to the point where it is necessary to prove that the conditions are more favorable than those spelled out in The Labour Standards Act, and it is very possible that it may create some awkward situations for us. It may require us to take another look at the Act and, or at least the possibility of appealing that decision because it may create some horrendous problems for us. At this point in time we are not prepared to take the position without having something more in the way of a deeper study and more definite thought with respect to the application of that court decision as it applies to The Labour Standards Act.

MR. KATZMAN: — Another interesting part of this particular case was that even though all the employees said that the company owed them no money, they had no claim on overtime and were perfectly satisfied, your department still took and charged these people under the present Act and then forced them to go to court. I am wondering now, does this mean once again that you will not be able to go in unless you are requested and unless an employee says, "they owe me?" Then otherwise, if nobody has any legitimate complaint or doesn't want to press a complaint that you will not be going into the business, pulling out the books and saying you broke these rules.

That is the other point that this court case has proved, that you went through prosecution even though everybody in the place was happy the way the situation was.

MR. SNYDER: — We have to assess our position very carefully with that in mind. I think there would be a very great difference of opinion with respect to extended work hours between employees, and in an industrial plant. For example, there has been some agitation in one industrial plant that I can think of particularly, for the extended work week, that is to say the contracted work week, for four 12-hour shifts with the suggestion that after working the four 12-hour shifts employees would enjoy a three or four day period of leisure. Some real opposition comes from some of the older members in this plant who believed that it would be detrimental to their health to work those extended hours for that elongated period of time. I think we have to reassess our position very carefully and see what effect the court action will have on the provisions of the Act as we have known them to be over the last number of years.

MR. KATZMAN: — Would you not say rather the senior workers' concern, one of their concerns, would be that they fought for many years to get rid of the ten-hour day and the 12-hour day and, therefore, they don't want to go back above the 8-hour day and that is more that's in the mind than the better time off; for example, three days off in a row if you are working four ten-hour days, or three days off in a row if you are working four nine and one-half hour days as was the case in this particular court case?

MR. SNYDER: — I think we would have to be

convinced that the circumstances under which employees were working would be more beneficial to them and beneficial, I would imagine, in an almost unanimous view of all of the employees before we would not enforce the provisions of The Labour Standards Act. I think in general terms that would be the way we would have to approach the matter at this stage.

MR. R. A. LARTER (Estevan): — Mr. Chairman, I have a question I should like to ask the Minister. In the case of a cement contractor who has a very busy season. Under the new Labour Standards Act he is only permitted to ask his employees to work so many hours extra a week. These employees, now they have a very busy season and they have long hours during the working season and (I think you will probably know the company that I am talking about); he keeps these people on all winter long, but if he has to go and ask these people and they refuse him and he is working on a cement job, there is just no way he can handle it. It is not only the fact he has to ask them but he has to have these people during this time of year. If it is any other way it is going to mean one thing, he is going to work people at a peak period and he is going to lay off completely in the wintertime. Are there any regulations that are going to help this, this type of a contractor out?

MR. SNYDER: — I think the Member should understand that the provision for voluntary overtime after 44 hours is just as the name describes it. It is voluntary after 44 hours. The 40-hour week is the order of the day in the Province of Saskatchewan and the provisions of the Act suggest that the employer may require the employee to be at his disposal for 44 hours, paying him that additional four at the rate of time and a half. At that point in time the employee has the right to refuse to work in excess of that additional four hours. The suggestion is then that he will have the option of refusing to work excessive hours. Overtime, however, being voluntary, must be paid at the rate of time and a half. There is nothing to prevent employees from working as long as they wish provided the employer reimburses them at the rate of time and a half.

MR. LARTER: — Mr. Chairman, this is just the problem in the oil field, in the oil patch and in hotels, where you require people and you phone two or three people and they won't work if they have worked 44 hours, what do you do? In this case this cement contractor, what can he do? He has got to have men to move these trucks if he is in the middle of pouring a building or a foundation or a pad for a pump in the oil patch, and he can't stop at the 44 hour week. Now you have got to the stage where the employees are making good money and that is very good, my employees are too. And you can't get people to work overtime, as was in the past, and this is going to force layoffs in the winter months, if they have to work under these conditions.

MR. KATZMAN: — In part 1 of your Bill I have got several questions.

I'll use them all while I am at it.

Page 4, Section 6, second line, the last word 'permit':

2. Require or permit any employee to work or to be at his disposal (the employer).

MR. SNYDER: — I am wondering where we are Mr. Chairman. What clause of the Bill are we discussing?

MR. CHAIRMAN: — Are the Members agreed? Section 6, subsection (1).

MR. KATZMAN: — It is up to the Minister. The word "permit", require or permit.

MR. SNYDER: —

Require or permit any employee to work or be at his disposal, (2) - subject to sections 7, 9 and 12 - no employer shall, unless he complies with . . . etc.

MR. KATZMAN: — Just the word . . .

MR. SNYDER: — . . . payment of overtime.

MR. KATZMAN: — The word permit is the problem.

MR. SNYDER: — . . . or permit. Yes, okay.

MR. KATZMAN: — You know the case that I always refer you to, about the city employee who used to sleep four hours in the local basement of the restroom in Saskatoon and then after ten years claimed payment for all that and received it, so I am told by city commissioner, Mr. McLeod. That word 'permit' is what bothers me, because the employee can be at the job and you know he is there, even though he is between shifts he is permitted to be there, if somebody comes and disturbs him and asks him to do something because something has happened, the employer is responsible to pay him. That is the case in Saskatoon where one man claimed for ten years back pay and the word 'permit' bothers me. Is there any way you can define it a little better?

MR. SNYDER: — I don't believe there is anything wrong with the definition in the Act, there is nothing wrong with the construction of the legislation. It is a matter of being obliged to pay an employee at the rate of time and one-half if the employer permits him to be on his premises, to be available for work, or actually working for his employer. You are dealing with a very extreme set of circumstances, an individual case. I would venture a guess that you could search the province over and you would not find another one, because I know of no set of circumstances where an employee remains on the job for an extended period of time when he is not working for, or at the disposal of, his employer for purposes of performing work for him. I would think that in that particular set of circumstances the supervisor, the foreman, or whoever it was, who allowed that practice to take place should have been disciplined for obviously violating the Act for allowing that person to remain on the premises and be in a position to lay a wage claim against his employer at a later point in time. I think it is something that would probably never happen again.

MR. KATZMAN: — Another example is an area where they have a three-hour break between shifts. They work four and then they are off

three and then they work four. Quite often the employees in one particular area will sit around in the lunchroom and kill two hours playing cards, for example. They are on the premises and if something happens they pitch in and give a hand. The work permit allows them to be paid for that even though the employer doesn't tell them to be there, or doesn't require them to be there, but he has permitted them to be on the site rather than go downtown shopping or something and that causes another problem.

MR. SNYDER: — If you are suggesting that the employee is there and he actually performs service for his employer, then obviously the employer is being placed in the position where there may be a wage claim, which may be collected. I think employers have to be conscious of the fact that this is placing them in jeopardy. If they have a person on the premises, they are requiring him to perform a task, obviously there can very well be a wage claim and I think it is a matter of understanding the Act and being aware that this set of circumstances exists. The Act has been around for a long time and that doesn't represent a particularly new phenomenon that has come upon us in the last day or two.

MR. KATZMAN: — Could you consider, in your definition, when you put 'permit', also breaks down, to have knowledge, to allow them to work. For example, as I have said, there were people who stay, with the department that I was with, who used to be there for two or three hours just killing time between shifts and if there was something to do they would help you.

What I am suggesting to you is: is it feasible anywhere in this Bill to have a definition that would say something like, 'with permission'?

MR. SNYDER: — Have a look at Section 8, if you will. Section 8 says:

Where an employer has knowledge that an employee is working and he does not cause him to stop working, he shall be deemed to have permitted such an employee to work within the meaning of the expression, 'permit any employee to work', as used in Section 6 and 7.

This revision of the Act was put together with the assistance and with the rather broad knowledge of all of our Labour Standards inspectors in the Province of Saskatchewan, who spent a great many hours in attempting to put together the most workable, the most readable kind of a document, and one which will cause the least kind of problems in enforcement. I think quite frankly that to move from the definitions that have been provided would be a move in the wrong direction. I don't think that there is anything excessive in the Act and I think the definition of "permit" is one which, I think, takes care of the set of circumstances that you draw attention to.

MR. KATZMAN: — Well, again, the problem with Section 8 again, is the employer. Quite often the employer is not on that site and that is where the problem has developed. Through my years with the city of Saskatoon, that problem was a constantly developing cause

of which the employer had no knowledge of the individual being there and that is what always causes the problem.

MR. SNYDER: — I think managerial responsibility sort of dictates that you know where your employees are and whether they are in a position to have been on your premises and performing service and if you are not aware of that then, of course, you place yourself in the position of jeopardy and I think that management in that set of circumstances must be aware of those peculiarities of the job and must make it clear, by written notice or otherwise, that after a given hour that there is nothing required of that employee, when his work schedule clearly states that his working hours are from eight to eleven and two until five, or whatever.

I think that is a matter that rests solely with management and I believe that must be their responsibility to see that the Act is observed and I don't believe that the task is a particularly onerous one. You are the only person who has drawn this to my attention, in a matter of six years, where this has ever been reflected as a difficulty by management and we meet with management regularly and this is the first instance where anybody has mentioned this as a difficulty.

Section 1 agreed.

Sections 2 to 11 agreed.

SECTION 12

MR. KATZMAN: — Mr. Chairman, I should like to make one comment on the amendment. I offer the Minister my congratulations for this amendment because this was a very weak section and I am glad to see it.

Section 12 as amended agreed.

SECTION 13

MR. KATZMAN: — One question on the period of rest. Is the Saturday midnight still defined if you work, as the start of the week, and therefore if you work a shift from four to midnight and then come back at 8:00 to 4:00, there is no penalty?

MR. SNYDER: — We are having a little difficulty in determining what the question is. If you are suggesting that there will not be a penalty if a person works from 4:00 o'clock to midnight, then comes back in at 8:00 o'clock in the morning, then there is a penalty because there must be 16 hours off between shifts . . .

MR. SHILLINGTON: — Mr. Speaker, on a Point of Order. The question is not related to the Bill, it is not related to the amendments. I think they are a long way from the amendments.

MR. KATZMAN: — The question is, from Saturday midnight (that is normally the week), does this law affect it or not?

MR. SNYDER: — If you are looking for the

definition of week, it remains unchanged. A week means a period between midnight on Saturday and midnight on the Saturday immediately following. That has been in the Act for a considerable period of time.

MR. KATZMAN: — Right, and therefore, does this cause a problem, when you are saying that normally you can move from one week to another without the longer period of rest? This rules that out?

MR. SNYDER: — The one day rest in seven provision, as the Member will know, provides that after six consecutive days that the requirement is under the one day rest in seven provision that an employee shall have one day off, a clear 24 hour period off.

With respect to the application of the hours of work to an employee who works a shift, using the one you described as an example, from 4:00 o'clock until midnight, then if he returns to work without a clear 16 hours off between shifts, then his employer must provide for him overtime for that overlapped period.

You say, no; tell me what the hell your question is then.

MR. KATZMAN: — There is a court case that says the opposite, when it affects Saturday to Sunday, because of a start of a week provision. The week is ruled from midnight to, and that is the problem and there is a court case that involves the city of Saskatoon Hospital.

MR. SNYDER: — The definition of a day is any 24 consecutive hours and it doesn't matter whether you start your week on a Tuesday, Friday, Saturday or a Sunday and work your five full consecutive days, or your six consecutive days, as long as you are provided with overtime at the rate of time and one-half following the 40 hour provision in The Labour Standards Act.

I don't know what else I can say - but we are having a little trouble in communicating here.

Section 13 agreed.

Sections 14, 15, 16 agreed.

Section 17 as amended agreed.

Sections 18 to 21 agreed.

Section 22 as amended agreed.

Section 23 as amended agreed.

Sections 24 and 25 agreed.

Section 26 to 41 agreed.

SECTION 42

MR. MERCHANT: — Mr. Chairman, before I address my questions in Section 42 and 43 - when on earth is Saskatchewan Day?

MR. SNYDER: — Saskatchewan Day is the first Monday in August, which was declared a holiday a year ago.

MR. MERCHANT: — Continuous service in Section 42, I am sorry, refer me to the areas where continuous service is dealt with in that part.

MR. SNYDER: — Continuous service is dealt with in Section 43.

MR. MERCHANT: — That is what I thought, Mr. Chairman. My question deals with Section 43 and deals with Section 45, perhaps I can bring all my comments together.

Where in the previous legislation is there a section comparable to Section 43, if at all?

MR. SNYDER: — It appeared in Section 24 of the previous Act.

MR. MERCHANT: — Of which previous Act?

MR. SNYDER: — Section 24 of the previous Labour Standards Act which this one is to replace.

MR. MERCHANT: — Section 45 says:

Nothing in Section 43 affects any provision in a contract of service or any recognized custom by virtue of which an employee is entitled to more than one week's notice of termination . . .

I would have thought that the recognized custom all over Saskatchewan was that an employee who works and is paid twice monthly or every two weeks, is entitled to two week's notice. I fear that what Section 43 will do is that it will take away the two week's notice to give one week's notice instead.

MR. SNYDER: — I don't know whether it provides any kind of answer but the fact of the matter is that this is not a new provision in The Labour Standards Act, it has been there, the Director of Labour Standards says since the early 1950s, prior to his time. So it doesn't represent a change in the Act, and is really a transfer from the previous Act in general terms.

MR. MERCHANT: — Then why bother having a new Act at all unless you upgrade the Act and bring it into accord with the way things are in fact operating in the province. You can have a 1951 Act that was passed in 1951 and you can have a recognized custom which is what Section 45 refers to, a recognized custom develop, and a recognized custom when you have got a Section like 45 takes effect over the rule that is laid down by the Act. When you pass a new 1977 Act then people are going to pay attention to the new 1977 Act, not the recognized custom that has developed since the '51 Act.

I think that the net effect of passing this Section will be that you are taking away from workers all over this province the right to two weeks' notice.

MR. SNYDER: — I don't know where the Member got the idea that an employee is entitled under The Labour Standards Act to two weeks' notice.

They are entitled to a week's pay in lieu of notice or a week's pay, but certainly they are not entitled, except by custom, to two weeks' notice.

MR. MERCHANT: — That is exactly my point. The custom has arisen which has gone beyond the law. The custom is two weeks. That is the reason you have a section like Section 45 that says, that nothing will take away from recognized custom. So that if someone had a week in 1951, they had a week by statute. The custom developed of two weeks and that is the pattern all over this province, -that people in fact get two weeks' notice where they get two weeks' salary, in lieu of notice. So now you pass an Act that tolls the clock back to 1951 and takes out 26 years of the development of the custom.

MR. SNYDER: — Some people may possibly get a month's notice but The Labour Standards Act lays out the minimum provisions which must be observed in terms of Minimum Wage Board orders that are provided in terms of minimum wage, hours of work, and there is nothing in the Act which prohibits or prevents more favourable standards being adopted by virtue of custom or because of the collective bargaining agreement or whatever. No problems have been created in the process. I may be missing a point but it strikes me that the Member is tilting at windmills. I see no particular problem because this lays down the minimum requirements. Anything in excess of that that has been entered into by custom or otherwise is not affected by the minimum provisions in The Labour Standards Act.

MR. MERCHANT: — Mr. Chairman, there are times when I really wonder why I waste my breath in this place. Are you listening to what I said? What I said was that you have got a custom that has developed and now you cut away that 26 years of development of custom and you roll it back to the 1951 standard of one week. All over the province workers get two weeks' notice or they get salary in lieu. That is the custom. If we were looking at this Bill in 1983 and we were discussing the Bill and it is a 26 year old Bill, then the custom that would have developed would have been protected by Section 45. Now you are cutting away the custom which has gone beyond the week. You are cutting things back, you are giving to employers the right now to not be caught by the recognized custom which was better for the workers. I think the way you got into that is because nobody looked at the section. Nobody thought, why are we enacting a new section. Clearly you are enacting - it is not a big thing, you shouldn't get peeved - you are enacting a new section, new Bill to bring everything up to date. Up to date is two weeks' notice.

What you should be saying is not justifying that, you should be looking at it and saying, you're right, we should have had two weeks, not one, maybe we will move a House amendment and make it two. Because two is the practice all over this province. You know that.

MR. SNYDER: — If the Member is saying that The Labour Standards Act should be upgraded and that The Labour Standards Act should not provide for only one week's pay or one week's notice, then I might be inclined to agree with him. But the fact of the matter

is we haven't determined to extend the period of notice or the pay in lieu of notice at this point in time. And at this point the one week's pay for notice still stands. It takes nothing away from employees who are currently receiving something in excess of that. Every now and again I believe I understand the English language until I start dealing with lawyers. I think Labour Standards people understand the provisions of Section 45. The only one that can conceivably confuse it has to have an LLB behind his name.

MR. KATZMAN: — Through custom and usage, Mr. Minister, has it not developed that you will be paid your notice in accordance with if you are paid once a month, it is one month's notice normally, if you are paid every two weeks, you get a two week notice. Isn't that how the custom and usage is developed?

MR. SNYDER: — There is nothing laid down in the Statute with respect to the custom across the Province of Saskatchewan. We are discussing The Labour Standards Act which lays out the minimum provisions which must be required of an employer who hires employees under the terms and conditions of this Act.

Section 42 agreed.

Sections 43 and 44 agreed.

The Committee reported progress.

The Assembly adjourned at 10:13 o'clock p.m.