

**LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**  
**December 12, 1977**

**EVENING SESSION**

**Debate on Bill 47 Continued**

**MR. BAILEY:** — Mr. Speaker, when we called it 5:00 o'clock we had been listening to the speech of the member for Bengough-Milestone (Mr. Lange). Mr. Speaker, you were fortunate that you couldn't hear all of that speech. The member was correct in one thing, Mr. Speaker, he did say the Conservative Party was a 'me-too' party. If I meet a group of people I hardly know, they will say, "aren't you our MLA, aren't you our Conservative MLA?" I say, "Yes, I am." They say, "I'm voting Conservative 'me-too', and that's what happened. Mr. Speaker, up in Saskatoon-Sutherland, that's what they told the people up there. They said 'me-too'. We want to go with the Conservatives.

Mr. Speaker, I went downtown to have a bite to eat and I ran across a friend down there and he said to me . . .

**MR. MacDONALD:** — . . . (inaudible) . . .

**MR. BAILEY:** — I will get to your bed partners a little later on in the Liberal caucus.

He said to me, aren't you the Conservative member from out in the West and I said, "that's right". He said, "you know, it's me-too, we're going Conservative here too."

I think the government opposite would be well advised to use that slogan. It's a 'me-too' slogan wherever you go in the province of Saskatchewan, in support for the Conservative Party.

Mr. Speaker, this afternoon two firsts were established in all the British parliamentary history. At least two firsts established in this Assembly were established here this afternoon. Never before in the history of British parliament have we seen government members filibustering their own bill - never before in the history of the British parliamentary system have we found government members filibustering their own bill. But that isn't the most significant first, Mr. Speaker. The most significant first that we have witnessed in this Legislative Assembly in the past four days, has been the actions of the government opposite. For the first time in history, Mr. Speaker, has a government asked the Opposition to support the bill and then turn around, with speaker after speaker after speaker, asking them not to support the bill. Those are the two firsts, Mr. Speaker. that we have established in this House in recent days.

I would like to quote for you the hon. member for Saskatoon Centre (Mr. Mostoway). He was so shocked and so dismayed, Mr. Speaker, that he says this:

I predict you will not heed my words of wisdom and common sense and you will oppose the bill and when you do you will have forsaken the people.

The hon. minister for Kelsey-Tisdale (Mr. Messer) he got up in his speech and begged the Conservatives not to support this bill.

**AN HON. MEMBER:** I wish you would.

**MR. BAILEY:** — Somebody said I wish you would and I am going to get to that, Mr. Speaker, and I want to show this House and tell you why, Mr. Speaker.

Let's go back, let's go back to when the bill was introduced. The Attorney General, with all the rhetoric power that he has of persuasion, and he is really good, he persuaded the people after a long and careful debate and he really warmed the hearts over here, he begged the Opposition, get in and support the bill. Now, Mr. Speaker, when the Conservatives said for the purpose of the people of Saskatchewan not to bring any more debt into a debt-ridden province, that we would in fact support the bill, then the government became very, very angry and speaker after speaker after speaker has been trying to beg the Conservatives not to support the bill. It most assuredly, most assuredly, Mr. Speaker, has to be a first in British parliamentary democracy.

Mr. Speaker, why are they so mad, and why are they so disturbed about our qualified support for the bill? Why are they so disturbed? I want to tell you, Mr. Speaker, why they are . . .

**MR. MacDONALD:** — Mr. Speaker, I wonder if I might ask the member for Elrose a question. The question is . . .

**MR. SPEAKER:** — Order, order! Will the member permit a question?

**MR. BAILEY:** — If he wants to ask me a question following my speech I will be very pleased to entertain it at that time. Yes.

It is a little bit disturbing to me, Mr. Speaker, why the Liberals opposite took almost a week to make up their minds as to how they were going to support the bill and you know what, they told us today why they couldn't make up their minds before they had to contact Ottawa. That's why. They couldn't make up their minds until they contacted Ottawa. I'll have more to say about that a little later on.

Mr. Speaker, the government opposite reminds me of the familiar old grouch, who, when his wife came down to ask him what he wanted for breakfast, he said he wanted two eggs. She said, what way would you like to have them done? He said, I want one boiled and one fried. When she brought him the eggs he was still grouching and she said, "What's the matter dear?"

He said, "You boiled the wrong one". That's just exactly what the government is behaving like now. First they filibuster their bill and then they come back and they condemn an opposition party who is trying to save millions upon millions of dollars that we would have to pay back out of the peoples' money in the province and now they don't want the support of it. But what's the real reason, Mr. Speaker?

Let's look at the real reason. The Premier said in speaking in Weyburn the other day, he said this, that he was prepared to fight an election on Bill 47. He is prepared to fight an election on Bill 47 and over half of the caucus opposite are determined that that in fact is what should take place. Why not? They've got a good reason. They can say, we'll have four sessions in in three years. We have got something for which we can go to the people with. Our popularity of socialism across Canada is going this way, and now is the opportune time to go to the people with an election. Here we are, Mr. Speaker. They wanted an issue to go to the people of Saskatchewan with and because of the support and because of our concern for the people of Saskatchewan over the politics opposite

they find it very embarrassing that we don't want to have to pay back this money and now they are wiggling around and arranging for speaker after speaker to condemn the opposition party that says that they will give support to the bill.

Mr. Speaker, we have a lot of noise coming from your right, Mr. Speaker, and I want to tell them about a few little deals in the past that these members have had. Did you know that when they asked the Liberal leader in Manitoba as to which way he would vote if he were not the Liberal leader he said, "I would give my support to the NDP." As they did — oh yes. Even on the evening of the provincial election in Manitoba a Liberal senator on CBC radio plugged and prayed for the support of the return of the NDP government in Manitoba. Anyone who listened to the election results coming in could have heard the very same thing as I did.

Mr. Speaker, the reason why the members opposite have become so nervous about this whole thing is very clear. They like to tell us that they are Saskatchewan Liberals. They like to make a distinction that they are somehow separated from the federal Liberals. But yet, Mr. Speaker, I want to tell you this - that one of the problems with that caucus there is simply this - they have not been able to, at any time, disassociate themselves with the federal Liberals, not at any time. When the federal Liberals, namely one federal Cabinet minister in this province, Otto Lang, says "jump" they say "how high", and the people in western Canada have forsaken the Liberals in Manitoba. They will forsake them in Saskatchewan. They are wiped out in Alberta and in British Columbia simply for that reason.

Mr. Speaker, listen to what some of the Liberals have said during this debate, listen to what some of them have said. The member for Saskatoon Eastview (Mr. Penner) says that this bill has a 50/50 chance. Now he got some information through from Ottawa and the member for Regina Wascana (Mr. Merchant) says - "no chance at all, completely unconstitutional".

What they are doing, Mr. Speaker, is waiting for the decision to come from their federal counterparts not the concern for the people of Saskatchewan, not the concern even for some of their own members who are going to be left after the two leave for federal politics, but what they are concerned about is their federal counterparts and their federal counterparts opposite.

Mr. Speaker, this 'me-too' party as the government has indicated and I am sure that they will want to use that term because more and more people across Saskatchewan are in fact saying "me-too", the government opposite has spent a great deal of time dealing with individuals and periodically they pick out some individuals. Mr. Speaker, not only have we established history opposite in the statements that have been made, but most of the members over there are what I consider and a proper term to call them would be "closet capitalists". They preach one thing, they try to put on the image about this great socialistic protectors that they are, while they individually practice and behave quite differently altogether.

The member for Kelsey-Tisdale is a good example of a closet capitalist. If you look at the member for Melfort, as well, a closet capitalist. All across there you will see, Mr. Speaker, that they are nothing but closet capitalists trying to come to the people that they are the great protector of socialism.

Mr. Speaker, when we take a look at the issue that is at stake, first of all the government would like very much. with the pressure both from within and without their caucus, to

call an election and they can't right now. The second thing is that they have now decided that they must filibuster their own bill in the hopes that if they say something long enough and say it often enough they will get a few people to believe it. What they are not talking about, Mr. Speaker, and what they don't want to go to the people of the province with, are some other statistics.

In Saskatchewan we have a 58.5 per cent personal income tax. They don't want to go to the people with that, Mr. Speaker. Not at all do they want to go to the people with that. And if they want to make a comparison, if they want to make a comparison Alberta is exactly 20 per cent less, twenty per cent less on personal income tax.

Mr. Speaker, I want to say something to the closet capitalists opposite. I want to say something to those people who prefer to filibuster their own bill. I want to say something to re-establish once and for all that the provisions in this bill (and there are provisions in this bill) which we in the Conservative caucus simply cannot accept.

**AN HON. MEMBER:** Oh no!

**MR. BAILEY:** — Oh yes, and we've said it before. In its present form the bill gives the Premier the power to set rates of taxation as he sees fit, or, Mr. Speaker, the bill in its present form gives the executive the power to waive any part of it. In other words, it is possible, Mr. Speaker, in secret, that he could conceivably or they could conceivably, set a much higher rate for some companies than they do others. There is no reason why they couldn't do that. It could even be possible for the Premier to favor some companies that happen to favor the NDP and the companies that don't favor them they could possibly get a different rate.

Let's look at some of the favors. When the member for Saskatoon Centre was speaking he was accusing members on this side of the House of wanting concessions for the money-hungry masters. Let me say something about the money-hungry masters. Let me say something to you closet capitalists opposite. What position did some of your defeated MLAs get? Some pretty money-hungry positions weren't they? And not only for one year or two years, some of them got long term positions and they were money-hungry positions, Mr. Speaker. As a matter of fact, Mr. Speaker, I read not too long ago a report in the Leader Post where this government had turned over \$250,000 worth of law business to the Premier's former law firm. Isn't that money-hungry? A quarter of a million dollars is no small amount, I want to tell you that, Mr. Speaker.

I want to say something else. The government, in its complete lack of common sense, as the member for Bengough-Milestone mentioned this afternoon, he said that Bill 42 was very effective. You know, Mr. Speaker, I couldn't agree with him more. It was very effective. It drove practically every oil company out of this province. It was very, very effective. I would like the member for Bengough-Milestone to listen to this.

As a result of oil production in Saskatchewan of Bill 42 had dropped sharply. The oil industry, finding this province a hostile environment to operate in, cutback its activities to the point where last year, in 1976, there were fewer gas wells completed than in any of the previous 24 years.

Yes, Mr. Speaker, Bill 42 was effective and that's exactly the effectiveness the government opposite wanted it to have; they drove the oil companies completely out of the province of Saskatchewan.

I want to say something else, Mr. Speaker. The second thing in my mind that becomes very clear is this government's lack of common sense; if they had acted properly and if they had used common sense instead of trying to portray to the people that they were the big enemies of the multinational corporations; if they had used the common sense of business and had the people of Saskatchewan at heart rather than their own politics, we wouldn't be in this mess that we are today. That party opposite, Mr. Speaker, those closet capitalists opposite are always thinking about the issue of politics rather than the welfare of the people. In this province, Mr. Speaker, the oil industry, as the government has admitted, has all but shrivelled up.

One thing they haven't talked about, Mr. Speaker, is the incalculable amount of money that has been lost, not only in the oil industry but in other natural resources as well, that could well have been in this province in the millions of dollars that were denied the people of Saskatchewan because of their strange socialistic philosophy which they, as closet capitalists, don't practise themselves.

Mr. Speaker, what I am saying is that they simply can't have it both ways. We will never know what revenue has been lost to the people of Saskatchewan by the attitude of this government and all because the NDP has consistently put its political philosophy ahead of common sense and sadly enough ahead of the people of Saskatchewan.

Mr. Speaker, one of the bright political lights in Canada today has been the demise of the NDP government in British Columbia and in Manitoba. I would fear for the people of western Canada, indeed Canada, Mr. Speaker, at this time had not the people of those two provinces seen the folly of the closet capitalists which they are.

A little less than one year ago, Mr. Speaker, we had a story that was carried through the Canadian Press where the former Premier of British Columbia had this to say. He said:

If the Party Quebecois adhered to the social and economic goals Premier Blakeney of Saskatchewan is spearing toward, that Premier Shreyer of Manitoba is experimenting with, and was certainly ran with in British Columbia, there would be an opportune time for an alliance with the Party Quebecois.

Now, Mr. Speaker, we have some strange philosophies but I want to say this, Mr. Speaker. I want to say this. The people of Saskatchewan cannot afford, even though this government has bungled, we cannot afford to place a debt upon the people of this province that is already heavy debt-ridden at the present time. And if these closet capitalists over there will then start to realize that, first of all, they don't have an issue to go to the people with, the second thing, that they cannot appease the extreme left within their party, then they will in fact accept reasonable and sensible amendments to Bill 47 when it comes to Committee of the Whole. If they are not willing to accept the amendments, if they are not willing to put the bill in its proper perspective, then they will continue, Mr. Speaker, to drive from this province the investments which are required.

Mr. Speaker, let me tell you, some of the hon. members over there had made reference today to the Alberta Heritage Fund. And you know, Mr. Speaker, with the one lone NDP in opposition in Alberta, you know what his criticism is of the Heritage Fund? His criticism (and I think he has grounds for criticism) is that the opposition does not have an input into the allocations of fund, the fee or the expenditures of that fund. That's the NDP criticism in Alberta and he has grounds for that. But you are asking us to support a bill here in which the Legislature doesn't set the rates but rather the executive staff sets

the rates.

You know, Mr. Speaker, we have opposite here a very strange group of people. We told them in an hour and a half speech on the very first day that we would be supporting Bill 47. They could not make up their minds until they finally got the go-ahead from Ottawa and when Ottawa says to support the bill, they will support it. If Ottawa says, don't support the bill, they won't support it. All we have opposite here are puppets on a string from the federal Liberal government and they know it. Boy you talk about credibility, Mr. Speaker. You know they talked about principle, the federal government is the government which astonished the people of Canada by establishing a record adding 1,000 new civil servants each month, 1,000 new civil servants each month. They talk about principle in a time when we're asking for restriction as far as the new civil servants every month. They have no principle, Mr. Speaker, none at all. When Ottawa says to do something they will do it and so the people of Saskatchewan have been quite accustomed to them being nothing but puppets for Ottawa by when they make a speech. Mr. Speaker, we will be giving support to Bill 47 and I think if I have been as persuasive as the Attorney General was in asking us to support the bill then the closet capitalists opposite will realize the folly of their ways and take onto themselves the necessary changes not just for themselves, not just for themselves but for the industry in Saskatchewan and very definitely for the people in Saskatchewan.

**MR. MACDONALD:** — Mr. Speaker, the member for Elrose indicated that he would answer a question. I would like to direct a question at the member for Elrose. Now that David Lange, the member for Bengough-Milestone is leading the filibuster on behalf of the NDP against the government, would the member for Elrose agree that now the only party in the Legislative Assembly that is willing to support Bill 47 is the Conservatives?

**MR. BAILEY:** — Mr. Speaker, the honorable member for Indian Head, yes, I'll answer the question. I'll answer the question by a question, first of all what took you people so long to make up your mind? I'll tell you why it took them so long to make up their mind, they weren't worried about those people in Saskatchewan, they're not worried about the political future. I'm saying this, Mr. Speaker, and I want to repeat it once more, we will support Bill 47 at this time in the hopes that they will take upon themselves some protection for the industry and the people of Saskatchewan. If that isn't clear, Mr. Speaker, then you will never get anything clear to the members opposite.

**SOME HON. MEMBERS:** — Hear, hear!

**MR. MACDONALD:** — On a point of order, Mr. Speaker, I was wondering do I get the opportunity to respond to his question?

**MR. SPEAKER:** — I think the member for Indian Head was putting a rhetorical question to which he knew the answer. There is no response.

**MR. E.C. MALONE (Leader of the Liberal Opposition):** — Mr. Speaker, I would like to say a few words this evening about the amendment that's been proposed by the member for Regina South. I'm mindful of course, I must restrict my comments to strictly the amendment and not to the major motion, but it's very interesting to note today's spectacle in the legislature, Mr. Speaker. The member for Rosetown-Elrose was quite right in one of his points when he said that legislative history was made today. When the member for Bengough-Milestone tried to persuade the Tories not to support the bill.

It's a very interesting situation. Mr. Speaker, a member of the government side saying please don't support it. It's an amazing situation, Mr. Speaker, until you consider that the people whom they are talking about are the Conservatives I wouldn't want the Conservatives support either, Mr. Speaker. And now we have the very, very interesting spectacle of the member for Rosetown—Elrose getting up and saying I'm going to support the bill or maybe we're not going to support the bill. Mr. Speaker, what's happening with the Conservatives here is they are so embarrassed about the situation that they've dug themselves into, they're so embarrassed by their leader's performance after the CIGOL case, they're so embarrassed by the comments of the member for Qu'Appelle that they want the whole thing to go away and to go away as quickly as possible. Mr. Speaker, I can tell the member, the member for Rosetown-Elrose it's not going to go away, it's going to stay around for a little while longer and indeed the people in Thunder Creek are going to be told that their member in Thunder Creek is lining up with the NDP to support Bill 47. The people in Qu'Appelle are going to be told that the member for Qu'Appelle is lining up with the NDP to support Bill 47, all of which brings me to the amendment, Mr. Speaker.

Mr. Speaker, in talking about the amendment I think it is only proper for me to once again refer to our basic approach to Bill 47 and what the amendment does towards our basic approach. At the time the CIGOL decision was handed down and at the time I entered this debate, I believe it was last Monday, every speaker since on behalf of the Liberal Party have made it very clear that we approach this bill with one fundamental question in mind and that question is, Mr. Speaker, will Bill 47 permit the government of Saskatchewan on behalf of the people of Saskatchewan to retain the bulk if not all of the moneys that were illegally collected under Bill 42? That's the question that is before this House, Mr. Speaker, there and the collateral questions as well. They have the oil plant in Lloydminster, future oil development, the amount of money of any that has to be given back to the industry as a result of Bill 42 being struck down by the Supreme Court of Canada, but that's the fundamental question before this Legislature and that's what we in the Liberal caucus have been addressing ourselves to since last Monday, Mr. Speaker.

Now we've asked a number of questions about Bill 47, we've asked the government to indicate to us what type of negotiations are going to take place with the industry, we've yet to receive answers to those questions. We've asked the government to indicate what the future development of Saskatchewan and the oil industry is going to be, they have yet to answer those questions. We've asked the government about the constitutional aspects of Bill 47, we've received few if any answers on those questions. We've asked about the heavy oil plant in Lloydminster, no answers whatsoever. Mr. Speaker, the questions that we asked last Monday remain unanswered, but one thing that we have been assured of by the Attorney General and assured of by the member for Qu'Appelle is that what is important now is the principle of Bill 47. The Attorney General aided and abetted by his colleagues in the Conservative Party has indicated to us that this principle is found within Bill 47, that the government, if the bill is passed, will not have to pay the money back to the oil industry.

Let me say, Mr. Speaker, that saying the principle and finding it within Bill 47 are two separate things. The Attorney General and the Conservatives can get up and say time and time again, that that principle is implicit in Bill 47, that doesn't mean it's there, Mr. Speaker, and indeed the more we read Bill 47, the more we consider it we find that there is going to be a very, very great danger indeed, that Bill 47 is not going to clean up the mess that the NDP have created. What could possibly happen, Mr. Speaker, is that a serious situation that we're facing right now, the return of \$500 million to oil industry,

could in a year or two years turn out to a catastrophic situation where we will be paying back not \$500 million, Mr. Speaker, but \$1 billion. We have been considering the bill in that light, Mr. Speaker, and in our view the questions that we asked of the government opposite last Monday have yet to be answered. Let's make no mistake. This is probably the most important bill that has ever appeared before the Legislature of Saskatchewan. This bill's implications are far more staggering than the implications of Bill 42 and of Bills 1 and 2 in connection with the potash industry. If we are not right, Mr. Speaker, on this bill, if we are not right as to the principle that it contains that will keep that money for the people of Saskatchewan, what we face is economic disaster in the years ahead for the people of this province. That is the concern of the Liberal Party, Mr. Speaker, the future. What's going to happen to the taxpayers of Saskatchewan if this bill doesn't clean up the mess?

Mr. Speaker, in this regard the member for Regina South (Mr. Cameron) has proposed some amendments; those amendments we believe are well taken. We believe that those amendments if adopted by the government opposite will, first of all, clear up the possibility of having Bill 47, the second part of Bill 47 to deal with the future, attacked in the Supreme Court of Canada. That uncertainty will be removed. The other part of the amendment, Mr. Speaker, asked for negotiations with the industry to ensure that there will be no more litigation about the past. If that amendment is adopted, Mr. Speaker, then that uncertainty is removed. Those are the two key things before this Legislature right now, Mr. Speaker. We believe that if those amendments are adopted by the government, passed by this Legislature, we can clean up the whole mess right now, right here!

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

**MR. MALONE:** — The members to our left have indicated they reject the amendments out of hand - if the comments of the member for Rosetown-Elrose can be taken in that way. We have yet to hear from the government. We suggest, Mr. Speaker, that the government should consider the suggestion of the Liberal Opposition. We believe it's a way to get ourselves out of this situation. Mr. Speaker, let me assure you that if Bill 47 remains the way it is now and if the legitimate questions that we have asked over the past week are not answered in a meaningful way by the government, under no circumstances will the Liberal Party be supporting this bill on second reading, in Committee of the Whole or on final reading.

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

**MR. MALONE:** — Mr. Speaker, for us to do that, for us to support this bill in its present form, means that we are acting against the interests of the people of Saskatchewan, because what we would be saying to the people of this province is that we don't care whether two years down the road you don't have a bill from the oil industry of \$1 billion or more. That's what the government is asking us to do. They've obviously sucked in their Conservative friends to their position. It's an interesting little alliance that we see, Mr. Speaker. Let me say that our position on Bill 47 has been consistent from the day that it was handed down in this Legislature. Our position on the whole mess has been consistent since the day that CIGOL was handed down. Our position remains that way, Mr. Speaker. We ask the government to consider the suggestions made by the member for Regina South. We believe that those suggestions are well worth consideration.

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



**MR. MALONE:** — Mr. Speaker, in order to allow the government members to have this evening, and tomorrow to consider those suggestions that were made, I now beg leave to adjourn debate.

Debate adjourned.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Romanow that Bill No. 23 **An Act to establish a Unified Family Court Saskatchewan** be now read a second time.

**HON. R. ROMANOW (Attorney General):** — Mr. Speaker, I want to say just a few words in closing the debate with respect to Bill No. 23, an Act respecting a Unified Family Court. I particularly want to address my remarks on the question that the opposition members have spoken to during the course of the debate namely, position of the province of Saskatchewan respecting the Unified Family Court be housed at the Magistrate Court level. I believe that the members of the Liberal Party aided and abetted by the members of the Conservative Party, more particularly the member for Qu'Appelle (Mr. Lane), were taking the position that somehow Saskatchewan's discussions with the federal government in an attempt to get the federal government to house the Unified Family Court in the Magistrate's level were really sham discussions, or, as the member for Wascana (Mr. Merchant) tried to portray it in the course of the debate, that this was really an excuse manufactured - I believe was the word that he used - by the Attorney General of this province not to pass Unified Family Court legislation. He then went on to talk about the position in Ontario and how Ontario had set a good example for all the people of Canada by going ahead with this legislation and setting up the Unified Family Court and so forth.

Mr. Speaker, the purpose in rising briefly to rebut the speeches to date is to emphasize again that nothing could be further from the truth than that point of view that has been advocated, primarily by the member for Wascana, in a peripheral way the member for Regina South and the member for Qu'Appelle the Conservative critic for the department. The reason that I say nothing could be further from the truth is I happen to have before me here a copy of a federal-provincial conference of Attorney's General communique dated June 17 to 18, 1976, about a year and a half ago in Vancouver. This, Mr. Speaker, was the conference where family law, divorce and other matters were of the utmost of importance. There is a section very early, in fact, it's the lead item dealing with family law reform. I would like to cite this portion of the communique to emphasize my point that Saskatchewan together with nearly all, it isn't unanimous but most of the Attorney's General as late as a year and a half ago took the position that a Unified Family Court should be housed at the Magistrate's Court level. I will read now from the communique, Mr. Speaker. The communique says, talking about the Unified Family Court, the following:

To this end ministers agreed that priorities should be given to the development of Unified Family Courts with broad jurisdiction over all legal matters respecting the family unit. (Here is the relevant quote that I wanted to emphasize.) Most provincial Attorney's General expressed the strong view that these Unified Family Courts should be located in courts with provincially appointed judges or in courts with jointly appointed judge.

I could perhaps continue to say, Mr. Speaker, to round out the quotation the communique reads: "It was noted that the Law Reform Commission had recommended that such courts should be Superior Courts. The Minister of Justice Canada agreed to

consult with the federal Cabinet and the Attorneys General in an endeavor to reconcile these different approaches".

So, Mr. Speaker, the point of this communique is that most of the Attorneys General said that Unified Family Courts should be housed at the provincial court level or in courts which are courts with jointly appointed judges. The communique says that the Minister of Justice Canada a year ago was to consult with the Attorneys General in an endeavor to reconcile these different approaches. Now, Mr. Speaker, a year ago the province of Ontario and the Attorney General of that province were supportive of this communique. This is the communique that all unanimously agreed to. A year ago there was no such thing as a Unified Family Court in the District Court - there wasn't in Ontario until about April, May of 1977, just six or seven months ago. We, Mr. Speaker, are the second province in Canada to, in effect, said that we can't delay the Unified Family Court in the pursuit of this laudable objective that it should be based in the Magistrate's Court as opposed going to the District Court.

I want to emphasize that British Columbia has an entirely different Unified Family Court. The member for Wascana tries to suggest somehow that even British Columbia is ahead of Saskatchewan. This is not so. The Richmond project in British Columbia has been going for about three years but it's a project of simply bringing all of the judges who are involved in family matters together under one roof physically but there is no kind of a unity of jurisdiction housed in one person. You have the Magistrate, the District Court and the Queen's Bench all housed together. In the case of Manitoba, there was yet another experimental variation of that operation. Ontario and Saskatchewan are the first two provinces to say that we're going to have a Unified Family Court housed in the District Court level and, Mr. Speaker, I think this should clearly show the people of Saskatchewan that indeed the Unified Family Court was not delayed for frivolous reasons but for reasons in which all of the Attorneys General of Canada supported, namely that it should be housed at the Magistrate's level.

I must say that the Minister of Justice and myself were on many occasions in contact on this issue as the communique indicated. He obviously still stuck to his position that it should be a federally court appointed judge. I tried to convince him of the constitutional problems that could be overcome to make it provincial. I was unsuccessful and find that the decision that was before the province of Saskatchewan was 'do we compromise and house it in District Court or not' and we chose the route of compromise in this particular area.

Mr. Speaker, I want to finally close by saying that I do not support the observations, some of which are direct and some indirect, made primarily by the member for Wascana which indicate that somehow the Magistrate's Court is an inferior court or a lesser court that should not be trusted with matters of these issues. In fact, I recall the speech that he took in this regard, specifically the member for Wascana. I do not subscribe to that view, Mr. Speaker. We have many judges who deal with many aspects of marital problems in my view, as competently as any so-called Superior Court judges. I use this now in a legal term. They are in no sense legally or in human lifetime's experience inferior in the administration of family matters.

I believe that we have made considerable stride in the province of Saskatchewan, particularly in the last four or five years, to establish a strong Magistrate's Court and I very much regret any suggestions that somehow it's a good thing that we're housing this in District Court because Magistrate's Court people are not in some way competent to handle this particular matter of it. So I say that the Attorney General of Ontario, in fact

British Columbia to this date. Saskatchewan and all of us, not in some petty squabble as the member for Qu'Appelle would have you believe, but with a sincere and genuine view that this is the way it should be structured to try to resolve the Unified Family Court in the Magistrate's. I think this proposal that we have before you will work. I am not totally satisfied with it but I am prepared to in my ministry do all that I can to make it work. to make it a success and see if we can develop it in some future case in the Magistrate's Court, Mr. Speaker. This is indeed a pioneering step for the province of Saskatchewan. We are not first, Ontario is first but we are pretty close to being first and indeed I am proud to move second reading of Bill No. 23, The Unified Family Court.

Motion agreed to and bill read a second time.

The Assembly resumed the adjourned debate on the proposed motion by the hon. Mr. Robbins that Bill No. 40 **An Act to establish The Department of Revenue Supply and Services** be now read a second time.

**MR. W.C. THATCHER (Thunder Creek):** — Mr. Speaker, on Bill 40 which is an Act to Establish The Department of Revenue Supply and Services, we wish to serve notice on this Assembly, from this corner of the Assembly, that under no circumstances will we support this bill. Mr. Speaker, we in this corner of the Assembly, totally and completely reject the concept, the need, for such duplication for what is already in existence. Mr. Speaker, we can point very strongly to the concept which is used in the federal government in Ottawa where they have a Department of Revenue Supply and Services, where they have their own minister and their own deputy and their own duplication. Mr. Speaker, we can point to that government and to that concept and probably nowhere in the North American Continent can we point to a more inefficient government where probably nowhere else in the North American Continent does the right hand know any less about what the left hand is doing. Mr. Speaker, we totally reject this concept of a Department of Revenue as any solution.

Mr. Speaker, we have other reasons for rejecting this concept.

Mr. Speaker, in no way does a department of revenue have any justification for implementation in this province. At least in Ottawa they can point to a situation where many of the government departments are larger in their budget than the entire province of Saskatchewan. Mr. Speaker, in a province of some 940,000 people where we are dealing in a budget granted for that many people is far too high, in excess of \$1.5 billion, that is still no justification for a department of revenue supply and services.

Mr. Speaker, it is the opinion in this corner of the Assembly that it is duplication, a waste of money and we wish to serve notice on those who may be involved that regardless of whether you proceed to set up such a department in about 18 to 20 months, it will be dismantled.

Mr. Speaker, we frankly see no justification in a department such as the Department of Revenue for a branch such as the Central Vehicle Agency. I would be very interested for the minister in his closing remarks to tell me how in a Department of Revenue there is justification for the Central Vehicle Agency. Granted, we need a Central Vehicle Agency but hardly in that particular department. Mr. Speaker, all the clout the minister telling is about the Queen's Printer in this department. Frankly, in this corner of the Assembly, we can see no justification for removing the Queen's Printer from the department in which

it is presently held.

Mr. Speaker, the System Centre, we think the System Centre is probably quite adequately run in the department in which it is presently located.

In short, Mr. Speaker, the very brief reference to these departments is that it is simply a job creation mechanism in his department, something that I think could perhaps be regarded as a very simple new department set up as a retirement program for an aging minister who is perhaps sliding towards his oblivion.

Mr. Speaker, we will oppose the bill and the related bills to it.

**HON. W.A. ROBBINS (Minister of Co-operatives):** — Mr. Speaker, just a few brief remarks. The hon. member for Thunder Creek said that we were probably setting up this department for an aging minister who was going into oblivion. That would be much preferable than to going into the Progressive Conservative Party I assure you.

I was amazed at the logic of the member for Thunder Creek or the lack of it. He argued that it is setting up another bureaucracy in the transfer of 140 civil servants from one department to another department doesn't change the bureaucracy at all. You know, even if you use new mathematics you come to the conclusion if you take 40 away from 447 you are still going to have the same number of people irrespective of what has been done in terms of a transfer.

I am amazed at the member for Thunder Creek in terms of his criticisms of the department. Perhaps that's one of the reasons why he left the Liberal Party. The hon. member for Lakeview (Mr. Malone) said when the new department was announced in August that he commended the government for setting up this department and he even commended the Premier for choosing me to head it up. He said that if I am quoting him correctly from the report I saw in the paper, perhaps I could bring some control to spending in government as I did in health. I don't know what the connection was but this is a quotation taken out of the press.

I also note, Mr. Speaker, the hon. member for Eastview (Mr. Penner) isn't in his seat today again, as usual on Mondays.

**MR. MALONE:** - Where is the member for Cutknife?

**MR. ROBBINS:** — I guess he is out superintending the member for Lloydminster in his teaching activities.

The fact of the matter is the member for Eastview made comments with respect to the setting up of a bureaucracy as well. This, of course, is really nonsense. It is simply a case of looking at the facts of life in relation to the collection of taxes in the province of Saskatchewan. The transfer of the deputy is the fellow who is now the assistant deputy in Finance, hon. member for Thunder Creek, no change at all.

**AN HON. MEMBER:** — The same number of bodies?

**MR. ROBBINS:** — The same number of bodies, that's correct. I should point out to the hon. member for Thunder Creek that although the rate of tax, for instance the E&H tax in Saskatchewan, is the same as it was when his father, the late Premier Ross Thatcher was head of the government of Saskatchewan. There has been an increase of 192 per

cent in the amount of money collected under that tax despite the fact that meals and reading materials and some other minor things were removed from the tax fall range of that tax. Obviously it is because there has been a great deal of growth in the economy of this province with retail sales climbing in 1969 from slightly over \$1 billion to \$2,522,000.000 last year.

The hon. member made some comments with respect to supply and services being transferred. Well, I have heard that member on many occasions, Mr. Speaker, rise in this Assembly and talk about saving money. He doesn't think the Centre Vehicle Agency should be under the Department of Revenue Supply and Services. I have always been an advocate of the compact car, perhaps I could have some influence there in terms of the cars that the government may buy and in terms of the cost of operating those cars. I totally reject his criticisms of the fact that the CV Agency should come under the new department and also the Purchasing Agency. I think the Premier the other day, Mr. Speaker, pointed out that when the former hon. member for Morse was the Provincial Treasurer in this House the Purchasing Agency came under his jurisdiction and surely the hon. member for Thunder Creek isn't going to classify him as a person who would be guilty of business malpractice.

Mr. Speaker, it gives me great pleasure to move second reading of this bill.

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

#### YEAS — 27

Blakeney	Lange	McNeill
Pepper	Kowalchuk	MacAuley
Thibault	Matsalla	Feschuk
Bowerman	Robbins	Tchorzewski
Smishek	Mostoway	Nelson(Yktn)
Romanow	Banda	Allen
Messer	Whelan	Koskie
Snyder	Kaeding	Johnson
Byers	Dyck	Lusney

#### NAYS — 18

Malone	McMillan	Ham
Wiebe	Nelson (As-Gr)	Berntson
MacDonald	Clifford	Katzman
Cameron	Larter	Wipf
Anderson	Lane (Qu'Ap)	Lane (Sa-Su)
Stodalka	Birkbeck	Thatcher

The Assembly resumed the adjourned debate on the proposed motion of the hon. Mr. Robbins that Bill No. 38 - **An Act to amend The Hospital Revenue Act** be now read a second time.

**MR. W.C. THATCHER (Thunder Creek):** — Mr. Speaker, I shall be very brief . . .

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

**MR. THATCHER:** — Mr. Speaker, it really embarrasses me to have a fan club across the way. I merely wish to point out, Mr. Speaker, that since we were opposed to the enactment of Bill 40 that obviously we must be opposed to Bill 38 and we shall, therefore, vote against it.

**MR. SPEAKER:** — Is the Assembly ready for the question? The question before the House is Bill No. 38, An Act to amend the Hospital Revenues Act. Is it the pleasure of the Assembly to adopt the motion?

Motion agreed to and bill read a second time.

**MR. MacDONALD:** — No, Mr. Speaker.

**MR. SPEAKER:** — I didn't hear any contraries.

**MR. MacDONALD:** — Sure you heard some contrary.

**MR. SPEAKER:** — I said - "Is the Assembly ready for the question?" All I heard was "yes".

**MR. MacDONALD:** — I said "no".

**MR. SPEAKER:** — Order, order!

**MR. MacDONALD:** — Why, Mr. Speaker, would I vote for it when I would like to vote against it?

**MR. SPEAKER:** — I'm sorry, if the member is not keeping in tune with what I am doing I can't help it. That's not my problem. I believe I am correct and I think the record will show that I said, "The question before the House is Bill 38 - An Act to amend the Hospital Revenue Act." Prior to this I said - "Is the Assembly ready for the question?" The question was called - I said, "Is it the pleasure of the Assembly to adopt the motion?" and all I heard was "Ayes".

**MR. MacDONALD:** — I said "no."

**MR. SPEAKER:** - I didn't hear the member. I will assume . . .

**AN HON. MEMBER:** — First time in history.

**MR. SPEAKER:** — Well I was listening quite carefully. Order! I was listening quite carefully and I will put the vote again. Those in favor of the motion say 'aye'. Those opposed say 'no'. I declare the 'ayes' have it. Carried.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Messer that Bill No. 24 **An Act to amend The Power Corporation Act** be now read a second time.

**MR. A.N. McMILLAN (Kindersley):** — Mr. Speaker, I have a few things I would like to say about this bill at some future date and I haven't had time to finalize my remarks yet and I would like to beg leave to adjourn debate.

Debate adjourned.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Byers that Bill No. 1 **An Act to amend The Saskatchewan Telecommunication Act** be now read a second time.

**MR. W.C. THATCHER (Thunder Creek):** — Mr. Speaker, we in this particular corner of the opposition side have no alternative but to vote against Bill No. 1. We have to vote against it because it involves some \$250 million. Now, Mr. Speaker, \$250 million really doesn't mean an awful lot to the members on that side of the Assembly because the bulk of them when they get by their ten fingers and the ten toes that they've got they get into trouble when it comes to mathematics. Mr. Speaker, \$250 million is still an awful lot of money.

Mr. Speaker, we are talking in this bill about raising the upward limit at Sask Tel from \$500 million to \$750 million. Now, Mr. Speaker, the government members opposite would tell us and would have us believe that this bill is to be used solely for the assimilation program in rural Saskatchewan. We don't accept that on this side of the House, at least in this corner. We don't accept it simply by going back into your annual report of 1976.

**MR. MOSTOWAY:** — . . . got the corners.

**MR. THATCHER:** — Well, we'll shortly be 46 to 47 within about 18 months and if you doubt that you could make it 1 or 2 months or 28 days, to the member for Saskatoon, who I would suggest, would be one of the first to go down - maybe in the first 20 minutes.

Mr. Speaker, in the annual report of 1976 of the Sask Tel Communications and we have seen nothing to suggest that this has changed, Sask Tel indicated that they were going onto a rural program that was worth approximately \$100 million. Mr. Speaker, that's right in their annual report of 1976. We have heard nothing to indicate that this has changed. And yet when we get to the bill, Bill 1, they are asking for \$250 million for this purpose. Mr. Speaker, I think it is a fair question for the opposition to ask, and I think we would be very remiss in not asking, what do you need that other \$150 million for? Mr. Speaker, we receive no answer for that and we have asked this question previously in the question period and it really wasn't answered, at least not to our satisfaction. Some people accept questions a little easier than others, or accept answers a little bit easier than others.

Mr. Speaker, where exactly is this other \$150 million going? Mr. Speaker, I think it is a very legitimate question for members of this particular caucus to ask the question and speculate as to where this \$150 million may be going.

We all know that Sask Tel has been in the process for at least a minimum of two years and probably longer of installing cable, the actual Coax cable, underground in Saskatchewan, for at least two years and probably longer. Mr. Speaker, all this cable has gone underground at a certain cost, a very high cost. Mr. Speaker, we all know, thanks to this government, this province does not have what people in Brandon or

Medicine Hat or Calgary or Winnipeg or virtually any place else in civilized Canada take for granted and that is cable television. Mr. Speaker, we know that this cable has been going underground in Saskatchewan for some time. Obviously there has been no revenue coming in from this cable investment which somewhere along the line, even in the strange financial logic of the gentlemen across the floor, must ultimately be paid for. Exactly what has been the cost of this particular business to Sask Tel? Are we in effect seeing part of this \$150 million which is being asked for, being borrowed. What of that percentage has to go into cable television for past years when no revenue was received?

Mr. Speaker, up until some two to three years ago Sask Tel was a corporation and whether you were discussing the time under the old CCF government or, I think, under the previous Liberal government or even in the first two or three years of this present NDP government, it was a corporation — one of the very few corporations that would be described as basically non-political. Then, Mr. Speaker, the cable television controversy came into view and I'm afraid that Sask Tel lost that claim at that point in time. Regrettably for Sask Tel, the ministers who were involved in handling the cable television on behalf of Sask Tel were minor leaguers. In short, they were bush leaguers and muddled it and fumbled it and created a hassle out of something that certainly did not have to go to the extent that it did.

I give the Premier credit after some two and one half years of this hassle of finally getting rid of the minor league ministers that he used in this dispute and bringing in his big guns. And to the Attorney General's credit, who, even though he may very well not have that great an expertise in writing legislation, I give the Attorney General credit for at least, basically resolving this dispute on cable television.

Mr. Speaker, Sask Tel has had to raise its telephone rates an average of over 40 per cent in the last two and one-half year period. Mr. Speaker, I think it is a very interesting question or a very logical question from the Opposition to ask if these rates have to be raised to this level for straight telephone service or do they have to be raised to service a debt on cable television which was drawing no revenue at that time, and to this point in time is still drawing none? Mr. Speaker, since we have not had an explanation for this additional \$150 million, again we must speculate that at least a portion of it is going into cable television cable throughout this province.

Mr. Speaker, I think it's a fair question for not only members on this side of the Assembly, but the people of Saskatchewan, to ask this government exactly what is the cost of your firm, intransigent position on behalf of Sask Tel, that it must own the hardware on which the signal will be delivered? Exactly what's it going to cost the taxpayers of Regina, North Battleford, Moose Jaw and Saskatoon to have Sask Tel own that hardware? And make no mistake, Mr. Speaker, we are only talking of these four centres. And there are members on that side of the House, and I would refer specifically to the member for Moose Jaw North, who have very deceitfully given the impression that the only way rural Saskatchewan was going to receive cable television was going to be if Sask Tel owned the hardware and each and every one of you and even that yo-yo from Saskatoon just said agreed, knows full well, that in the foreseeable future no cable television is going to rural Saskatchewan, not under Sask Tel or anybody else. And, Mr. Speaker, even that great thinker from Saskatoon knows better than that one. We'll mark one on the wall for the member for Saskatoon.

Mr. Speaker, what has been the cost, what is going to be the cost for residents in Saskatchewan for Sask Tel to own the hardware? Mr. Speaker. I cannot comment on



what it is in North Battleford because I do not know the situation. The situation in Regina appears to be unclear. But perhaps the member for Moose Jaw South who seems to have something to say — perhaps he has inquired as to what the situation may be in your constituency. Is it going to cost the subscribers of your constituency a dollar or two dollars, or three dollars to have Sask Tel own that hardware? Because Prairie Coax which has the license for the Minister of Labor's constituency — has a license from the CRTC to provide that service at \$6.85. And, Mr. Minister, I suggest if you haven't already done so, that you talk to the people who have the license for your constituency and find out that since they have been forced to negotiate with Sask Tel, that that \$6.85, that they, on their own, said they could deliver it for, applied for a license on that basis, and since they have now been forced to go and talk to your own personal company to put in the service that they are now being forced to go back to the CRTC, and before they are even in production, before they are even on the air, having to ask for an increase in rates. Now, I'll grant you — poor management, that is a very good term, because if they were owning the hardware they could do it for \$6.85. And now, Mr. Attorney General, you should know this subject reasonably well. You should know what rate they are having to go back and ask CRTC for. You know very well that it's not \$6.85. You can sit there very smugly knowing full well that we are going to get cable television but while you're sitting there smugly, what exactly is it costing every household to have your group of goons at Sask Tel own your hardware?

Mr. Speaker, as on I indicated on a previous bill, the basis of the financial information that we have on the present provincial situation, we cannot support this bill. Frankly, we do not accept that the dollars being used in this particular bill are being used solely in rural Saskatchewan. We will look forward in committee to questioning the minister further on the subject.

Mr. Speaker, we have suggested in this Assembly before that this province is facing very difficult economic times. The economic forecast of declining farm income both for 1977 and that which is projected for 1978, is not favorable. We are sceptical as to exactly what the size of the 1977 fiscal deficit may ultimately be. Mr. Speaker, we would suggest that if the province, the Minister of Finance or the Premier, would make up-to-date financial information available to the Opposition as to exactly where we stand at this point in time, we may possibly be able to change our minds on whether or not we would support this bill. Frankly, on the information that is available at this point in time, we have no alternative but to serve notice that we cannot support this bill.

In addition we will also ask the minister, and I will serve notice to him right now in committee, we wish to know where you are going to borrow this money. Are you going to the New York market? Are you going to the Eurodollar market? What kind of an interest rate are we looking at? In other words we want to know the entire financial situation. Without such information, obviously we would be irresponsible as an Opposition if we did not vote against this bill. Mr. Speaker, we will be voting against this bill.

**MR. A.M. McMILLAN (Kindersley):** — Sorry to be late interrupting you, Mr. Speaker.

I had some rather lengthy comments to make about the Sask Tel Bill — I say I had some rather lengthy comments. I'm not sure this is the most opportune time to put them before the House however. The comments deal primarily with the question of rural service in Saskatchewan and some of the problems that we're encountering today as the result of Sask Tel having taken over some of the above ground lines. I must say if I was convinced that the funds that the government will be giving Sask Tel power to

borrow under this legislation — if I felt that they were going to be used in order to clear up some of the servicing problems that we're having in rural Saskatchewan right now, I would be quick to support the bill. I may be anyway. But I'm not sure this evening, that I would like to put these comments before the House. I would only like to suggest to the minister that we do have some problems, certainly in west central Saskatchewan with service to above ground lines and that's five and six day waits for telephone repair in 30 and 35 below weather, when in the most considerable historic research we can do, we can only find the maximum delay of about 18 hours before telephone service has been repaired. These kind of things have concerned me and I would like some opportunity to speak further on it at some other date, and at this time I would like to beg leave to adjourn debate.

Debate adjourned.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Tchorzewski that **Bill No. 46 — An Act to amend the Marriage Act** — be now read a second time.

**MR. R.H. BAILEY (Rosetown-Elrose):** — Mr. Speaker, Bill 46 here, that we have — some interesting comments that have been made, and while I'm sure this bill is going to receive the support from all the members in the Conservative caucus, I would like to make a few comments on the discussion on this bill. Mr. Speaker, it seems to me that the member for Saskatoon Centre made some very interesting comments I wasn't quite sure as to how he related it to this act to Amend the Marriage Act but I would like to make a few comments on the statements that he made. I failed to see at the time, maybe the member could make appropriate comments later on how they related to the bill. But I would like to point out to the members opposite that you'd almost think by this bill that they were outlawing altogether fornication in its entirety and everything was going to be peaceful and quiet. I was surprised, Mr. Speaker, at the member for Saskatoon Centre when he made these statements last year he did so with a grin on his face. This year he was dead serious. He mentioned, Mr. Speaker, that while he was discussing the Marriage Act that it was the profit motivated society of ours that was causing all of the sin and I don't know whether he was serious or not, he appeared to be very serious. I expected to see in the editorials in the papers some rare editorials. Obviously the press didn't take him very seriously.

I am surprised at this particular time and in speaking on this act that a member from the government benches would indicate that the profit motivated society is that which is ruining our families and causing all of the crime in our society and I failed to see how it related to the bill.

Mr. Speaker, I was very interested to read not too long ago some of the ways of which the European countries are attacking the problem of youth marriage. Many of the countries in Europe, Mr. Speaker, have taken a somewhat different approach but from the length of time that some of the legislation has been before the countries it has been very effective as far as it related to their marriage act. I think that one significant trend which we find is that young people wishing to marry in many of the countries have to have what they call 'notice of intent'. They have to register that they have intentions of marriage and after a period of 90 days they then have a right to go and obtain a marriage licence. The results of that particular type of European legislation, Mr. Speaker, has in fact been more successful than those legislators over there had

anticipated. It has, in fact, reduced the number of marriages which are broken up by many causes and many reasons and their statistics rate would indicate that the marriage has a much more pronounced meaning than it has in the past. I know that by this act that steps are being taken and I am sure that they are going to be supported generally throughout the province and I would hope too that this act would receive the support of all the parties in the House and I hope that we can take a further look at some of the measures that have been taken around the world in regard to young marriages and to how, in fact, we could make them more meaningful. We will be supporting this act.

Motion agreed to and Bill read a second time.

## **COMMITTEE OF THE WHOLE**

### **BILL NO. 37 - An Act to amend The Education and Health Tax Act.**

#### **Section 1**

**MR. R.H. BAILEY (Rosetown-Elrose):** — A few questions I would like to direct to the minister. Last year, Mr. Minister, I raised a problem in this House regarding the collection of some of the taxes under The Education and Health Tax Act. One of the difficulties which we were facing in the province at that time and I am wondering if your department has got hold of it and that is mainly in the western part of the province where people from Saskatchewan were by-passing Saskatchewan dealers in home trailer units - mobile homes. They were by-passing them going into the province of Alberta and making a purchase of them and bringing them back and setting them down on their property here in Saskatchewan and I had every reason to believe at that time that a number of these homes came through without the Saskatchewan tax on it. I was assured at that time that your government would be taking some steps to make sure that this discrepancy, which was most unfavorable to our own Saskatchewan dealers so could you inform me as to what steps have been taken to prevent this from happening?

**HON. W.A. ROBBINS (Saskatoon Nutana):** — Mr. Chairman, I am not sure that I recall the actual question that you put last year but it's a fact of life that if a person goes outside of the province and purchases goods in another jurisdiction, they are subject to the 5 per cent sales tax when they bring that item into the province and the officials of the department do collect that money.

**MR. BAILEY:** — I am talking about something very big here, Mr. Minister. As you know that if somebody from Swift Current or Kindersley or in the western part of the province happens to take a truck and go into say Medicine Hat and buy a chesterfield suite I doubt very much if there is a way in which you can collect the 5 per cent tax on that. I am quite sure that that's not happening. What I am referring to is anything from \$20,000 to \$30,000 units that are being purchased and brought into the province and the 5 per cent sales tax in many cases is not being paid. It's very difficult for our local dealers here in Saskatchewan to deal with it and I mentioned that problem last year and I was assured that steps would be taken to prevent that type of thing happening and I was wondering if anyone in your department has drawn this to your attention?

**MR. ROBBINS:** — Well, Mr. Chairman, I am sure that steps are being taken to make sure that the tax is collected on all taxable items whether they are purchased inside the province or outside the province.

**MR. STODALKA:** — I would like to ask questions about the arrangements that have been made in Lloydminster with regard to the collection of the 5 per cent sales tax. Being a border constituency, next to Alberta, we are rather interested what concessions have been made to Lloydminster with regard to the collection of the 5 per cent sales tax?

**MR. ROBBINS:** — There is an arrangement made in Lloydminster where the tax is not collected. For example, if you have a dealer on one side of the street and a dealer on the opposite side of the street who is not required to collect tax on let's say a washing machine, obviously it would be impossible for the Saskatchewan dealer, selling the same machine, to collect tax on it. That's not something peculiar only between Saskatchewan and Alberta, it also applies between British Columbia and Alberta where there is a 7 per cent tax spread. Obviously there are people coming in from Dawson Creek into Grand Prairie, Alberta and buying products without paying the tax on it as well. Until the people in charge of that tax jurisdiction are familiar with the situation that arises, unless they make a concession because of the problem that arises on that border, as we have, we are hoping still to make an arrangement with Lloydminster to adjust this on a rebate system. Now it hasn't been cleared yet through government. Eventually we hope to get that to the public in Lloydminster, to the officials in Lloydminster, the mayor and the town and the Board of Trade and all the rest of them and see if we can get a consensus on it to make sure that we do get some results in terms of E & H Tax in that particular area.

**MR. STODALKA:** — A further question. I understand that if I can summarize what the minister said, then really the dealers in Lloydminster are not required to collect the 5 per cent sales tax. I was just wondering how far this is extended from Lloydminster? Is it just done on the border? We have other places right near the border in our area and I assure the minister this is rather a sore spot. The people in our area have a difficult time competing with the city of Medicine Hat, just as the people on the one side of the street in Lloydminster have a difficult time competing with the other side of the street in Lloydminster. Now is this concession only given to the city of Lloydminster and merchants in Lloydminster?

**MR. ROBBINS:** — At the present time, yes, because of the proximity and capability of people simply walking across the street. We are aware of the fact that it also happens to some degree between Maple Creek and Medicine Hat, but as I said before, the problem is not only between the borders of Alberta and Saskatchewan, it is also between the borders of Alberta and British Columbia, and they have not been able to find a solution to the problem as yet either. We are both attempting to find jurisdictional procedures which will permit us to collect the appropriate tax because obviously the factor that applies here is that tax should be equitably applied throughout the jurisdiction for which you have jurisdiction.

**MR. STODALKA:** — Well is the minister saying that it is only the matter of fact that you walk across the street in one instance that you waive the tax and the other that you have to drive across a few miles (very few miles in some of the close border towns) that they don't have to pay it?

**MR. ROBBINS:** — Mr. Chairman, I just point out that this is not a new problem. It is a problem that has been around for 40 years.

**MR. STODALKA:** — Has there been some change though in the situation in

Lloydminster within the last while?

**MR. ROBBINS:** — No, there hasn't as yet. We have some proposals we are attempting to make to see if we can get a consensus.

**MR. R.A. LARTER (Estevan):** — A question to the minister. We have a problem along the American border, as the Chairman well knows. We have a problem where we are competing with it seems like a two-price system on Saskatchewan lumber coming out North Dakota and Montana. Not only we can't compete with the price, but we suspect, unless you have some kind of reciprocating agreement with Montana and North Dakota, that they are not paying education tax. You are going down and buying complete carloads of lumber or truckloads of lumber and they are getting their cement hauled in. I wonder what the government is doing about seeing that our suppliers on this side of the line are protected along the American border. Are they paying the 5 per cent on the goods they are bringing into Saskatchewan?

**AN HON. MEMBER:** — Who are the 'they'?

**MR. ROBBINS:** — Obviously the people of the department attempt to collect the tax which applies. If you know of people crossing the border, if you would like to report it to the officials in the department, they will make sure the tax is collected.

**MR. LARTER:** — Mr. Chairman, I asked if there is any reciprocating agreement with the States. You have rights to go into different stores and places that ship into Saskatchewan, into Manitoba, your education tax people can go into Manitoba and go into the wholesale places and find out where goods have been shipped into Saskatchewan and you collect those taxes. But I am asking if there is any reciprocating agreement? Now do you want me to rat on some of the people in the Chairman's area and tell who bought lumber across the line so that they have to pay the 5 per cent? Do you have any protection?

**MR. R. KATZMAN (Rosthern):** — Could the member suggest to us approximately what revenue is brought into the province of Saskatchewan on this tax from outside of the province, for people who bring cars in or something that you can collect on?

**MR. ROBBINS:** — Yes, of course. The tax is collected when the officials become familiar with the fact that no tax has been paid on a particular product.

**MR. KATZMAN:** — How much are you collecting, or do you have the information?

**MR. ROBBINS:** — I don't know what the question is really, Mr. Chairman.

**MR. KATZMAN:** — How much are you receiving each year from outside the province?

**MR. ROBBINS:** — I wouldn't have that information at hand. Actually the department is only in the process of being set up. We will have to find that out for you.

**MR. W.C. THATCHER (Thunder Creek):** — Mr. Chairman, this has been my first opportunity to rise in the Committee session in this Session of the Legislature and being one who has changed his habits since the last session of the Committee, I would like to point out . . . I would like to simply offer before I move into the basic remarks, simply tell a few of you that aren't enlightened yet, who are still plugging away on those cigars and cigarettes, that you really don't know what you are missing by proceeding on this.

Now, Mr. Chairman, I will be very brief on this, I promise, but . . .

**AN HON. MEMBER:** How is the coffee?

**MR. THATCHER:** — Well, the coffee is not all that bad, but I would like to point out to the members that when you put down that weed (and believe me - I got up to a pack and a half of cigarettes and a pack of cigars a day before I finally got rid of it about two and one-half months ago), believe me, you can taste better, you smell better, your clothes don't have to go to the dry cleaners all the time and believe me, your sex drive is double . . .

**MR. CHAIRMAN:** — Order. I think we had better get to the . . .

**MR. THATCHER:** — Mr. Speaker, moving on to Bill 37, I would like to ask the minister that since it would appear that he will be assuming this department, does the minister under this bill, the powers that it will deliver to him, will it deliver to that minister the opportunity to manoeuvre this sales tax, this E&H sales tax. Will you have any power within your department to adjust it in order to stimulate the economy or retard it in whatever the interests of the overall economy may be. Will you have that sort of overall power?

**MR. ROBBINS:** — No.

**MR. THATCHER:** — Would the minister indicate to us, the future Minister of Revenue, exactly what his philosophy is on this particular subject that should the Minister of Revenue, if we must have one, should you have that kind of power?

**MR. ROBBINS:** — No, that will be a decision of government.

**MR. THATCHER:** — Would the minister indicate to the Assembly right now that since, if this bill should go through and this department should become a reality, would the minister agree that this particular tax can perhaps have a very strong effect on the direction that their economy is going? Would the minister agree that at certain time when stimulation of the economy is necessary that a reduction of this tax could be a useful stimulant toward encouraging retail sales? Would the minister concede this point?

**MR. ROBBINS:** — No, I would not. I know that the province of Ontario used the reduction of the sales tax on a temporary basis to stimulate the sale of automobiles, but if that were happening in terms of this province all we would be doing is really exporting jobs in effect. It wouldn't be creating any jobs in this province on that basis. The jobs would be created in Ontario.

**MR. CHAIRMAN:** — Section 1 - agreed?

**MR. THATCHER:** — No, Mr. Chairman, and it won't be agreed for some time.

Is the minister serious when he suggests that by reducing the sales tax that you are exporting jobs? Is the minister serious by suggesting that by stimulating the retail sales in downtown Regina by increasing the sales that he is somehow going to cause the lay off of employees and send them elsewhere? Are you serious when you suggest that

stimulating the economy through retail sales – and we are not talking auto sales – that one is yours, are you serious in suggesting that by making the retail sectors zing here that you are exporting jobs? With logic like that do you really think that you can run a department like this? I would be interested to hear the minister's comments on that.

**MR. ROBBINS:** – Mr. Chairman, the hon. member for Thunder Creek as usual, is making a lot of bluff and bluster and not knowing what he is talking about.

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

**MR. ROBBINS:** – It is obvious that sales tax is an important revenue producer for the province of Saskatchewan - estimated \$187 million in the current year. He is trying to raise a point saying that if the sales tax was reduced we'd increase retail trade. If we reduced taxes in this province, basically we are increasing activities outside the province, because every tractor, every combine, every truck, every car, every bit of consumer goods almost comes into this province over its borders. We could do a much better job in terms of stimulating the province's economy by using the tactics we have used, by building up surpluses in prosperous times and running deficits in difficult times to stimulate the economy.

**MR. THATCHER:** – Mr. Chairman, if I could respectfully point out to the incoming revenue of the Minister of Revenue that there is no sales tax on tractors or combines, or the majority of the other farm implements the majority of the other farm implements in this province. If the minister would care to write that down so he can remember for future reference. In other words the minister is suggesting to us that it is beyond the scope of any government to stimulate its own economy. This is basically what I must read into the minister's remarks. In other words, I suppose the minister is saying tonight what has been the policy of his government for the past few months, when it has become so obvious that the provincial economy is slipping, primarily because the income in the farm sector is declining very drastically – down 13 per cent for the year 1977. Projections from DVS for 1978 are that it will be down another 11 per cent. Even though the income may be up, the costs will also be up and incomes will be down another 11 per cent. And this minister who is going to be charged with raising the money for the Minister of Finance to disburse, I would assume on that basis, is suggesting to us tonight on the basis of his logic, that the government has no control over the economy; that you have no mechanism to stimulate it. And I suppose we're going to go to something else a little later on in another bill, and that same minister will suggest that lowering the income tax rate in no way will stimulate the economy. The minister is telling us tonight, that by reducing the sales tax we're going to export jobs. He's going to tell us that by reducing the sales tax is not going to sell more automobiles, or more consumer goods downtown, whether it's downtown or in a shopping centre. In other words, that minister is telling us before he even assumes that portfolio, that he is a dismal failure. And in short, Mr. Speaker, our description of some nights ago, it might even have been tonight, that we have the image of an old, tired, worn out minister assuming a portfolio, and even though we don't need the department, the fact that it is being set up is one of extreme importance to this province, and already in one of your very few brief comments, you have admitted failure.

**MR. ROBBINS:** – Mr. Chairman, stimulation of the economy of course, obviously comes at the federal level. Any person who has any knowledge of economics at all is aware of that. He should be aware of the fact that in the last 15 or 18 years in this

country, we have run tremendous deficits at the federal level; we have run surpluses at the provincial level. We built up \$198 million of surpluses at the provincial level since 1957. We ran \$28 million in deficits — 18 surpluses, three deficits in that period. At the federal level we have had 18 deficits and three surpluses under Conservative and Liberal governments, I might say, from 1957 on. And there should be no way that this province can isolate or insulate itself against the impact of what happens at the federal level. And the stimulation of the economy in this province is basically related to what happens at the federal level, plus the fact as you have already admitted, that the farm economy is a factor in this province, and we have not suffered production failure, we have suffered price failure, and we have no control over that as you very well know.

**MR. THATCHER:** — Mr. Chairman, I think it is interesting to note that the minister-to-be has made reference this evening, to the concept of cyclical budgeting. In other words, we're going to build up a surplus in the real good years and when we get into the off years that we may have to deficit for, it's all going to balance off. Well, to this minister I would extend the extreme best wishes from the Opposition in the hopes that you can do a far better job than your predecessor, which I suppose is the present Minister of Finance, because under your theory, 1976 — that should have been our all time banner year in this province. We had record housing starts, record levels of construction, we had record farm incomes, we had record income from our natural resources. In almost every one of the major indicators that you could point to, we had a record.

You know, Mr. Minister, you may not have noticed — many of your backbenchers didn't, but when the numbers were in for 1976, we had a deficit of about \$22 million.

**SOME HON. MEMBER:** — \$22,600,000.

**MR. THATCHER:** — Most impressive.

Now, Mr. Minister, when the budget came down the present Minister of Finance indicated that it would probably be \$45 million, and it came in at \$22,600,000 and he really thought that he had scored a magnificent coup on the Opposition. In other words, Mr. Minister, what I'm suggesting is that your cyclical budgeting concept with the degree of management which is in evidence on that side of the House, isn't worth a hill of beans, because if there was ever a year that a healthy surplus should have been tucked back into the provincial coffers, that was the year and you couldn't do it.

We are now into, as you have indicated, the third year of deficit budgeting. Mr. Minister, I think you know full well that we are going to be headed for a deficit in 1978.

Mr. Minister, I would like you to tell me exactly how you're going to be more successful than your predecessor in balancing the budget in 1978, because obviously, he's going to be sending it out and you've got to be picking it up. You have indicated that you are not going to reduce the sales tax. You have indicated that reducing the sales tax is no stimulant whatsoever, totally ignoring the fact that about 200 miles to the west of us, there is no sales tax — no sales tax at all. Does the minister really suggest that we do not lose business — large volumes of business, purchased in Alberta in one form or another? Mr. Minister, I would be very interested to know, in your new capacity, how are you going to balance that budget, or in essence, how are you going to bring in the dollars to balance what the Minister of Finance is going to send out at the other end of the pike?

**MR. ROBBINS:** — One brief comment, Mr. Chairman. The member makes a point of



the fact that there was a deficit of \$22,6000.000 at the end of the last fiscal year, March 31, 1977. The government had budgeted for a surplus of approximately \$8 million to \$10 million. After the budget came down, this Assembly passed Assistance to the Beef Producers, totalling some \$30 million. Now, if we had not paid that out we would have had a surplus of \$8 million to \$10 million. If you are opposed to that assistance to the beef producers, say so.

**MR. STODALKA:** — One final comment. I would hope that when the minister is looking at the problem in Lloydminster that he would also consider some of the other areas because whether you walk five minutes or drive 10 minutes, it really doesn't make that much difference. And would you please give us a copy of your policy once you have finally settled on it.

**MR. ROBBINS:** — Yes.

**MR. BAILEY:** — I just have one question to the Minister. Mr. Minister, one of the things which has always disturbed me and a good number of other people in the agricultural section, is that when it comes to tractors and combines and those things which can be described as specifically agriculture, we have no sales tax on it. Now, there are some border line things such as lumber that goes into a quonset, there's tax on that because it could be used for purposes other than agriculture. There is one thing, Mr. Minister, that disturbs a lot of people from one end of Saskatchewan to the other, and that is paying education tax, the five per cent tax on a steel grain bin that can be used for nothing else than the storage of grain. Could the minister give any explanation or any reason as to why there should be sales tax on that?

**MR. ROBBINS:** — We have always rebated sales tax on granaries. If application is made, rebate is paid.

Section 1 agreed. Motion agreed to and bill read a third time.

### **BILL NO. 35 — An Act to amend the Credit Union Act, 1972.**

Motion agreed to and bill read a third time.

### **BILL NO. 36 - An Act to amend The Tobacco Tax Act.**

#### **Section 1**

**MR. W.C. THATCHER (Thunder Creek):** — I wonder if the minister could tell us - with the Attorney General's permission if I may proceed - I would like to ask the minister exactly what he had in mind in this Bill 36. What is the concept behind it?

**HON. R. ROBBINS (Minister of Revenue):** — Bill 36 merely transfers the jurisdiction of the collection of The Tobacco Tax Act from the Department of Finance to the Department of Revenue.

**MR. THATCHER:** — Would the minister indicate whether all such taxes as the one we have just been through and The Tobacco Tax Act — you are in effect then going to transfer all of these particular revenue sources into your department. Is this correct?

**MR. ROBBINS:** — The taxes related directly to levying by the province, E&H t gasoline tax, tobacco tax, things of that nature, yes.

**MR. S.J. CAMERON (Regina South):** — I want to ask the minister a question, Mr. Chairman, as to whether he would consider a proposition, it falls generally under this act. He'll be responsible for the administration of it. It has always seemed to me a great anomaly that we prohibit in the province advertising in respect to the use of cigarettes and tobacco on television and on radio. That's point number one. Point number two is that we are putting increased emphasis now on preventive health and yet we continue to allow advertising of cigarette products in print. I wonder if the minister has yet given any thought or whether he will in the future give it any thought to prohibiting the advertising of cigarettes, cigars and tobacco products in the print media in the same way it's done in respect of the other media in the province?

**MR. ROBBINS:** — I would be quite willing to use all the influence I may have in relation to government to get a ban on advertising on tobacco. Even when the member Thunder Creek is giving up tobacco smoking; I'm not even worried about that, even though there is some loss of revenue to the government. We'll win on the other side, we'll pay less out in terms of looking after his health in the hospital.

**MR. CAMERON:** — Are you prepared seriously to give the Assembly the assurance that you, as the minister responsible, will seek the agreement of your colleagues to prohibit cigarette and tobacco advertising in the print media of the province?

**MR. ROBBINS:** — I'm quite willing to promote that idea.

**MR. CAMERON:** — Given the sort of record that you have had in the past in persuading your colleagues to certain positions, can we suggest to you that you enlist the support perhaps of the Minister of Mineral Resources and the Attorney General, it might strengthen your hand in that Cabinet.

**MR. ROBBINS:** — I shall do that.

**MR. E.C. MALONE (Leader of the Liberal Opposition):** — A question to the minister. The member for Thunder Creek raised a proposition a moment ago about collecting under this department all the revenue gathering arms of the provincial government - is it the intention of the minister in due course to use this department as a department to collect the provincial income tax and to change the situation, as it now is, of having their federal government collect this income tax on our behalf?

**MR. ROBBINS:** — No, Mr. Chairman, because that's under the federal-provincial agreement and still remains in the Department of Finance.

**MR. MALONE:** — Is it the minister's view that that federal-provincial agreement should be changed thus allowing the province to collect provincial income tax?

**MR. ROBBINS:** — No.

**MR. MALONE:** — Can the minister give us an assurance today that the government, that he is part of, is not moving in that direction to change that particular agreement to change the taxation collection set-up?

**MR. ROBBINS:** — I am not aware of it.

**MR. THATCHER:** — Does the minister not agree that by not taking the revenue from

the income tax, regardless of whom it is collected by - by not assuming that, if you are going to be the Department of Revenue, does it not make sense that you will become the department of total revenue, not a department of partial revenue? Would the minister not agree that this is a trifle bit of a contradiction?

**MR. ROBBINS:** — Mr. Chairman, would the member for Thunder Creek please tell me what income tax has to do with The Tobacco Tax Act?

**MR. THATCHER:** — Mr. Chairman, I think that this Bill 36 makes reference to the Department of Revenue, a department which is not already in force and, therefore, any references to the Department of Revenue - it's already been ruled on by the Speaker — are legal. I asked the minister a question, I'd like the answer. You are setting up the Department of Revenue, income tax is part of the revenue. I had assumed even though it wasn't on the order paper now that somewhere before the budget came down that a bill would be introduced transferring that over to your department. The member for Lakeview has brought out a very valid point, a very valid question. Frankly, I would like an answer on that.

**MR. ROBBINS:** — Your assumption is incorrect.

Motion agreed to and bill read a third time.

### **BILL NO. 5 - An Act to amend The Sale of Training Courses Act.**

#### **Section 1**

**HON. E.C. WHELAN (Minister of Consumer Affairs):** — Mr. Chairman, the member for Rosetown-Elrose asked a question in second reading - as a matter of fact two questions. The first one had something to do with community colleges. Do we license community colleges under this act? The courses that are given by the community colleges are exempt under a section of this act and, therefore, the legislation doesn't apply to the courses that they give. The other one was, what about courses that are from the United States? They are licensed under this act. Any courses that come in from the United States are licensed under this act.

**MR. R.H. BAILEY (Rosetown-Elrose):** — I just want to thank the minister for replying to that. My question deals with that apart to the minister. You say that you control under this act the courses coming in from outside of Saskatchewan - mainly what I was concerned about were the courses coming in from the United States. How do you control that? You pick up a paper; they're advertising in the paper all sorts of courses, magazines; how do you control that, Mr. Minister? It must take an army of people to control all that. If you control it from within, do you have any control over the advertising within the province as well? (I think we need the charm schools.)

**MR. WHELAN:** — I am told that they voluntarily comply. The basic decision rights are applied and they voluntarily comply under this act.

**MR. BAILEY:** — That means that any citizen then in Saskatchewan who wants to take one of these by, say correspondence, it is perfectly legal then? It is perfectly legal for a Saskatchewan citizen to enroll in a course being offered somewhere in Chicago and they have complied with the conditions of this act, is that right?

**MR. WHELAN:** — If the vendor, who is offering these for sale and that's the case as a

general rule, is licensed — if the vendor is licensed even though they are in the United States then they voluntarily comply with the act.

**MR. BAILEY:** — Then what you are saying, Mr. Minister, before they can advertise in a Saskatchewan paper as such, they must be aware of the act and they must be in some way registered with you as minister in order to control this?

**MR. WHELAN:** — Mr. Chairman, in answer to the hon. member, the advertising is beyond our control. That doesn't come under our jurisdiction. Generally speaking these people who sell to the vendor . . .

**MR. WHELAN:** — . . . outside of Saskatchewan voluntarily complied with the legislation.

Section 1 agreed.

**MR. CHAIRMAN:** — I overlooked asking the minister to introduce his support staff there when we started.

**MR. WHELAN:** — The man who is with me is the Director of Licensing Investigation and his name is Orval McGillivray.

**MR. CHAIRMAN:** —

Section 2 amended agreed; Section 3 - new section 16 expiry date of license agreed; Section 4, section 23 amended agreed; Section 5 coming into force, this act comes into force on a day to be fixed by proclamation of the Lieutenant-Governor agreed. Motion agreed to and bill read a third time.

**BILL NO. 6 — An Act to amend the Collection Agents Act, 1968.**

Section 1, Clause 11, new section 16 agreed; Section 2 coming into force, this act comes into force on a day to be fixed by proclamation of the Lieutenant-Governor, agreed. Motion agreed to and bill read a third time.

**BILL NO. 7 — An Act to amend the Credit Reporting Agencies Act, 1972.**

Section 1, Clause 23, new section 10. New section 10 is expiry date of licence agreed; Section 2, coming into force, this act comes into force on a day to be fixed by proclamation of the Lieutenant-Governor agreed. Motion agreed to and bill read a third time.

**BILL NO. 10 — An Act respecting the Enforcement of Extra-Provincial Custody Orders.**

Motion agreed to and bill read a third time.

**BILL NO. 11 — An Act respecting the Interprovincial Adoption of Subpoenas.**

Section 1, short title agreed;

**MR. BAILEY:** — Mr. Chairman, a question to the Attorney General, you mentioned the other day provinces which already have similar legislation. Could you just go through

those provinces again?

**MR. ROMANOW:** — Yes, they are, British Columbia, Newfoundland, Manitoba and North West Territories.

**MR. BAILEY:** — The question is, is there any indication that you have with your colleagues in other provinces as to how soon it will be before you have a bill of a universal nature such as this?

**MR. ROMANOW:** — Mr. Chairman, they are all committed to this in principle, I think it is fair to say it is a question of when the sessions get going and passed.

**MR. BAILEY:** — Within a year?

**MR. ROMANOW:** — Oh I can't say. You know we get a place in Ontario or Quebec where there is just a lot of work load and a busy parliament, it's hard to say but I would think that within a year it will be on stream.

**MR. CAMERON:** — Mr. Chairman, by way of clarification does this thing apply to breaches of municipal by-laws? The reason I asked the question is, you know you get all sort of manner of screwy kinds of by-laws that apply in cities. Take the usual situation of a parking ticket, a \$2.00 parking ticket. One in Ontario picks up a \$2.00 parking ticket, you are not aware of it, you kind of ignore the thing, it will arrive in court one day and you aren't there to appear and someone may issue a subpoena simply to hold jurisdiction in respect of it. Is there a likelihood of a subpoena being sent back here and you have to account in this complex way for something as simple as a parking ticket, or some other screwy kind of by-law and there are all kinds of them as you know.

**MR. ROMANOW:** — My advice, Mr. Chairman, on that is that this bill would not apply to those kinds of circumstances basically for civil actions and when you're looking at municipal by-laws we're looking at a kind of a cross-eyed criminal procedure and therefore it is not applicable.

**MR. CAMERON:** — Well, there is a specific exemption in the bill in respect to the charges under the criminal code, proceedings under the code. What provisions would exempt subpoenas issued pursuant to the breach of the municipal by-law or indeed any sort of quasi-criminal provincial enactment as a speeding charge for example?

**MR. ROMANOW:** — Now, Mr. Chairman, again I can only state what my advice is, and that is that this bill does not apply to those kinds of cases under speeding because we're looking at a quasi-criminal procedure, that as I understand it, as I am advised, that when you want to have that adopted to outside the province you're looking at a procedure under the Criminal Code. I must frankly confess that I just haven't any personal experience in this for so long that I can't be sure of what I say there, if ever. But ask anything you want on any constitutional case and I'll give the answer.

**MR. CAMERON:** — I certainly agree that we ought to have reciprocal provisions of this variety, particularly in civil cases and in particularly as it applies to things like examinations for discovery but the Attorney General knows you can't currently examine in Saskatchewan a party to an action outside Saskatchewan, you would have to go to the expense of going to the jurisdiction of the party as resident, so there are clearly all kinds of situations here where we ought to seek reciprocal arrangements. I personally wouldn't want to see those to extend though to municipal by-laws and to vehicles acts, I

would not want to see this apply to breaches of municipal by-laws nor to quasi-criminal offenses legislated by provinces such as minor traffic offences and that sort of thing. I can't see as a matter of fact that the act does not exempt those kinds of things. I don't see a provision in the act exempting them and having had an earlier look at it and having looked again tonight at this specific point having made a note of it. As I see it now this act would apply to those two things and would you, I wonder, have any objection to building in a section of the section 9 which exempts subpoena issued under any enactment of parliament including the criminal code, a similar exemption with respect to municipal by-laws and provincial enactments of the quasi-criminal kind?

**MR. ROMANOW:** — I have no objection to working that in, I think that perhaps what we should do is stand the bill, I think Mr. Baugh here of my department will go away and in the next couple of days come back with a proposed House amendment, we'll cancel his party activities tonight so he works late at night. But no seriously stand this bill and come back to the House and cover all that. We think its there but it's possible that what the member from Regina South says is right, so we'll clarify it.

Motion agreed to stand bill and report progress.

**BILL NO. 12 — An Act to amend The Reciprocal Enforcement of Maintenance Orders Act, 1968.**

Motion agreed to and bill read a third time.

**BILL NO. 13 - An Act to amend The Surrogate Court Act.**

**Section 1**

**MR. S.J. CAMERON (Regina South):** — As I understand it the federal government is extending the supernumerary option to judges of the District Court. As I understand the position the federal government is extending the option of going supernumerary to judges of the District Court in addition to that option now enjoyed by judges of the Queen's Bench. I think that it is particularly useful that that should happen in our province and I am wondering simply if the Attorney General when it is expected that the federal government would pass its legislation in the complementary time to empower District Court judges to go supernumerary.

**MR. ROMANOW:** — Mr. Chairman, I am advised by Mr. Ketcheson who is sitting here to my right advising me that it is not likely any need for federal legislation. All we have to do is pass this and there is apparently some statutory authority kicking around now about how to do this now but we know of nothing off hand, do we? Just to clarify, Mr. Ketcheson, further elaborates he says he thinks it's in the new judges act - in the new judges act maybe some of it is not proclaimed yet but it's there, the authority. I see no problem as they tell me. Section I agreed to.

Motion agreed to and bill read a third time

**BILL NO. 14 - An Act to amend The District Court Act.**

Motion agreed to and bill read a third time.

**BILL NO. 15 - An Act to amend The Revised Statutes Act, 1974**

Motion agreed to and bill read a third time.

**BILL NO. 16 - An Act to amend The Court Officials Act**

Motion agreed to and bill read a third time.

**BILL NO. 17 - An Act to amend The Trustee Act**

Motion agreed to and bill read a third time.

**BILL NO. 18 - An Act to amend The Limitation of Actions Act.**

Motion agreed to and bill read a third time

**BILL NO. 19 - An Act to amend The Legal Profession Act.**

Motion agreed to and bill read a third time.

**MR. WIPF:** — What do you mean strike out?

**MR. CHAIRMAN:** — I don't know if I can give you the correct explanation of it or not but at the bottom of the bill here why this is to show you that it has given consent and if you will notice in one or two of the other ones why there is a specific date that is set for it by proclamation of the Lieutenant-Governor. When it is printed in the regular form this strike out or this act comes into force on the day of assent will not appear on the bill as such at that time.

**BILL NO. 20 - An Act to amend The Administration of Estates of Mentally Disordered Persons Act.**

Motion agreed to and bill read a third time.

**BILL NO. 21 - An Act to amend The Police Act, 1974.**

**Section 1**

**MR. KATZMAN:** — Mr. Chairman, could you tell me who requests the interpreter, is it the person being charged or is it the court or does anybody have the option?

**MR. ROMANOW:** - I guess pretty well everybody has the option. In technical terms it would be the commission which will in effect issue the subpoena or whatever under The Public Inquiries Act but what can happen is, we have an inquiry. We had an inquiry in Prince Albert, the police were involved and the police wanted to have some witnesses. They said, here is a list of guys that we want, will you please issue these subpoenas for them, while the other side could say the same thing. So it comes at the request of pretty well any side.

**MR. KATZMAN:** — Could you also request an interpreter if you get a prosecuting lawyer like the member for Wascana who talks in funny riddles to explain what he is saying to an individual who is not thoroughly understanding of the law.

**MR. ROMANOW:** — I think that requires a different kind of interpretation and I think it is going to be tough to interpret those kinds of speeches.

Section 1 agreed. Motion agreed to and bill read a third time.

**December 12, 1977**

**BILL NO. 22 - An Act to amend The Creditors' Relief Act**

Motion agreed to and bill read a third time.

**BILL NO. 48 - An Act to amend The Wills Act.**

Motion agreed to and bill read a third time.

**BILL NO. 49 - An Act to amend The Intestate Succession Act**

Motion agreed to and bill read a third time.

The Committee reported progress.

The Assembly adjourned at 9:46 o'clock p.m.