

April 20, 1978

The Assembly met at 2:00 p.m.

On the Orders of the Day

WELCOME TO STUDENTS

MR. R.N. NELSON (Yorkton): — Mr. Speaker, I take great pride in introducing to you and through you to the House two groups of students. One group of 40 students from Quebec, along with their bandmaster, Mr. Fred Barker (these are two bands of course) from Pierrefonds in Quebec, which is a suburb of Montreal. Also to 66 Yorkton students who are the Grey Cup band who represented Saskatchewan in the Grey Cup celebrations last fall. Along with them we would like to welcome the bus drivers, Melvin Hnidey and Bill Koban. The Yorkton unit and, as I said, went down to Montreal last year to take part in the Grey Cup parade. They played in La Place Desjardins as well as the Riverdale High School. Their bandmaster is Mr. Bill Brown. The 40 Quebec students hosted them when they were down there. I think they also took part in some of the activities at the Riverdale High School in Pierrefonds. The 40 students then from Quebec are back on a return visit, they will of course be enjoying the hospitality of Saskatchewan.

Quelque mots en francais. Bienvenue encore, tous les francophones. Comme j'ai dit dans le couloir tout le monde ici que votre sejour ici sera interresant et tres agreable.

So, I would like all of you, through you, Mr. Speaker, to show these people a very warm Saskatchewan welcome.

HON. MEMBERS: — Hear, hear!

MR. A. THIBAUT (Kinistino): — Mr. Speaker, today it gives me great pleasure to welcome to this Legislature and I hope you will join me, to welcome 10 fine Grade Eleven and Grade Twelve students from the school at Yellow Creek. They are 10 in number, led here by their school teacher, Mr. Gordon Stalwick and their bus driver. Yellow Creek is a long way to come. They have toured the city. I hope the memories they bring home about this Legislature will be one which they will appreciate and will be a credit to our government.

For the people of the province of Quebec. Je veux vous dire quelque mots en francais. Je veux vous dire un bonjour, parceque mon pere et ma mere d'vienne de la province du Quebec. Je vous souhaite un bon voyage. Merci.

Thank you very much, Mr. Speaker.

HON. MEMBERS: — Hear, hear!

MR. S.J. CAMERON (Regina South): — Monsieur le President — Mr. Speaker, I would like through you to introduce to the Premier and his government, to Mr. Malone and members on this side of the House, a Grade Eight class from my seat, from W.C. Howe School. They are accompanied by Mr. Marchuk. We welcome you here and I look forward in a few minutes to meeting with you following question period.

April 20, 1978

HON. MEMBERS: — Hear, hear!

MR. M. KWASNICA (Cutknife-Lloydminster): — Mr. Speaker, it is indeed a pleasure and an honor for me to welcome through you, 29 Grade Twelve High School students from the town of Cutknife. They have come 285 miles. So far they have had a look at the conservation house and few other things. I am very pleased to welcome their president, Marianne Nelson, their bus driver, Nigel Lacey, and teacher, Harold Moore, and parents, Liz McKeown and Dorothy McDonald.

I want to inform the group that I will be meeting with them later after the question period in the rotunda and then down for a discussion period afterwards.

I want all members to welcome this fine group of Grade Twelve students from Cutknife.

HON. MEMBERS: — Hear, hear!

MR. H.W. LANE (Saskatoon-Sutherland): — Mr. Speaker, I wish to introduce to you and through you to the members of the House, a group of 50 Grade Eight students from my constituency, namely the Roland Michener School. They are accompanied by W. Pierce, and H. Herfel. I hope I am pronouncing those correctly.

Mr. Speaker, I think the hon. member for Eastview, knowing how well represented his constituency was, took it upon himself to move into it and he lives just down the street from this school so he is going to have a word to say about that as well.

I wish the students the best for today's activities. I hope they have an enjoyable and learning experience. I am hoping to meet with them a little later on for some refreshments and pictures.

I would ask all hon. members to give them a hearty welcome to the House.

HON. MEMBERS: — Hear, hear!

MR. G.H. PENNER (Saskatoon Eastview): — Mr. Speaker, if I could just join with the member for Saskatoon-Sutherland in welcoming the students from Roland Michener — it is the school where my own children attend.

I hope you have a good day while you are in Regina and please take back my personal greetings to Mr. Bartel.

HON. MEMBERS: — Hear, hear!

QUESTIONS

Cable TV Filters

MR. E.C. MALONE (Regina Lakeview): — Mr. Speaker, I would like to direct a question to the Minister in charge of Sask Tel. I understand from reading this morning's Leader Post that the minister now realizes what a filter is and that it has to be used for cable TV. I would like to firstly ask the minister if he would confirm to this House for all cable TV subscribers (now approximately 48,000 in this province) that in due course a filter is going to be attached to the set or has to be used. Secondly, that the approximate cost of the filter is approximately \$100, and thirdly, would the minister tell us when Sask Tel

intends to install these filters to the homes that already have cable TV and in due course, the others who sign up?

HON. R.J. ROMANOW: — Mr. Speaker, I would like to answer the question if I may, on behalf of the government. First of all, the assumptions with respect to the number of cable operators I think is certainly either optimistic or inflated at this particular time. At the time of the application by the cable operators to conventional cable, their own estimate was that at the end of year five throughout Saskatchewan, there would be something in the neighborhood of 70,000 cable operations at the end of year five. Sask Tel has a somewhat scaled down version estimate of that. I think one will see by that yardstick that it would be virtually impossible for the short few months that conventional cable has been operative to get that kind of a success rate. I don't know the exact amount today. I can't dispute the Leader of the Liberal Party directly but I think it would be reasonable to assume that his figure is inflated.

With respect to the question of the filter trap and the converter, this is a single unit which apparently combines both features at the same time. They are used for residents who subscribe to either the CPN service only of which there would be a lesser number than the conventional or to those who subscribe to both the CPN and the conventional cable which is perhaps even a lesser number. The estimate figure, one will tell a little bit further down the line that the estimate figure is in the neighborhood of \$68 for the unit.

MR. MALONE: — A supplementary question then to the Attorney General. May I suggest to the Attorney General that the figures I have of 40,000 were provided to me by the CRTC licencees and they acknowledge that the CPN has about 8,000 customers, for a total of 48,000. Would the Attorney General agree with me that for those customers who have both services, CPN and Cable Regina, they will require two filters and a converter or one filter and a filter converter if it's the same unit? And also confirm that the cost for those two pieces of machinery is about \$269, \$100 for each filter and \$69 for the converter? Would you confirm those amounts and, indeed, if you can't confirm them would you indicate who is going to pay that cost? Now, secondly, would you also tell us how many filters you have on hand or you intend to seek by the end of the month to look after those people who have only subscribed to the private licensee service, Cable Regina, Saskatoon Telecable or the outfit in Moose Jaw?

MR. ROMANOW: — Well, Mr. Speaker, first of all I will take notice as to the exact cost and acquaint myself with that figure again. Quite clearly there is a difference of opinion here as between the Leader of the Liberal Party and myself and I could be in error although the figure of \$68 for the combined filter-converter is the figure that sticks out in my mind. I'll take notice and be more particularly acquainted and try to have the answer ready for you tomorrow.

With respect to the numbers of units which are available the estimate is, as the Minister in charge of Sask Tel said yesterday, the estimate by Sask Tel is that by the first week of May there will be 500 of these units which will be able to separate the two signals together, separate the signals, and 500 a week thereafter until week three in May in which case the converter-filters, which have been described to me to be single units, will be coming on in a thousand a week. The total order is 10,300 so one could project some time toward June or July, in the summer months, for installation if all goes well, there should be enough units to cover the CPN subscription list.

MR. MALONE: — Mr. Speaker, I am sorry. The ministers continually resist answering the question as to how many filters are available. The Attorney General conceded that

you have to have filters for every set, whether it is CPN, Cable Regina, or a combination of both. Well, if you did not concede it you should because it is required. Now I ask you once again, when do you expect to have a supply of filters on hand so that you can have them, install them, and have Sask Tel in a position that it is not going to be in breach of contract either to CPN or to Cable Regina, notwithstanding the decision Mr. Justice McLeod comes down with on May 2.

MR. ROMANOW: — Mr. Speaker, I am giving the answer again to the Leader of the Liberal Party. My information from Sask Tel is, as it is before me on today's date, that the filter trap converter comes in a single unit; a single unit — just listen to me. Listen and perhaps we will get the answer — a single unit which is attached — for those residents who subscribe to CPN only, who do not want the conventional, that mechanism will solve that, or for those who subscribe to both the CPN and the conventional that mechanism will divide them. That should answer the problem because any other conceivable combination would be covered by the filter converter — filter trap converter.

MR. H.W. LANE (Saskatoon-Sutherland): — Mr. Speaker, in regard to CPN and all the related matters, I am sure the Attorney General has, by now, had time to review the answer which he gave in the House yesterday to the member for Qu'Appelle. As the chief law enforcement officer and as a lawyer, he will surely be aware that one of the first pieces of evidence in a court case on breach of contract . . .

MR. SPEAKER: — Order. I will take the next question.

Cancer Commission - Forced Retirement

MR. E.A. BERNTSON (Souris-Cannington): — Mr. Speaker, a question to the Minister of Health. Recent incidents in the Cancer Commission of Saskatchewan, such as the firing or forced retirement of Dr. Walden, indicate a shake-up in the Cancer Commission of Saskatchewan. Are there more of these firings to be announced and if so, who are they and why?

HON. E.L. TCHORZEWSKI (Minister of Health): — Mr. Speaker, first of all, let me correct the assumption on which the member makes his questions. There have been no firings in the Cancer Commission. There has been a case where the executive director of the Blair Clinic, who has been a probationary employee, has had his probationary period assessed by the Cancer Commission, and in the wisdom of the Cancer Commission it has been decided not to appoint this gentleman as the permanent director. I might add further, in reply to the member, Mr. Speaker, that Dr. Walden, although not being appointed as the permanent director, has taken on a position as a medical employee with the clinic and is continuing, for as long as he wishes, with the clinic as a doctor, and will provide his service that way. There have been allegations by members opposite and I heard it on the media today, that there have been five resignations in the Cancer Clinic in Regina. That too, Mr. Speaker, is not correct. There is, as I have said in my estimates, three people of the medical staff out of nine who have resigned over a period starting last December for reasons of their own, mainly because of some very attractive promotional opportunities that they have been able to locate in other places.

MR. BERNTSON: — Supplementary, Mr. Speaker. The minister last Friday, I believe, announced the appointment of a Dr. Watson to conduct a review of the cancer program in Saskatchewan. Can the minister give this House the assurance that this review will not be a duplicate of the Johnson Study of 1972, which was not in fact implemented or

only implemented in part.

MR. TCHORZEWSKI: — Well, Mr. Speaker, the Johnson study had some major recommendations. I am sure if the member would check he would find that most of those recommendations have indeed been implemented. I can provide a pretty extensive list of those that have been implemented if he wishes. I don't think I will take the time of the House to do that. Dr. Watson has been engaged to do a review and carry out an assessment of the organization, the management and the kind of work we are doing. That is not unusual. We have done that with the Aware program after we established it. We have done that with the Dental Care Plan for children after we established it. We are doing that now with the Hospital Services Plan with an advisory committee that I am in the process of appointing. Since the implementation of the Johnson Committee Report we, I think, would like to know and I think we should know what the effect of that has been and we are anxious to see what Dr. Watson, who is a very noted doctor from London, Ontario, will have to say after he has made his inquiry.

MR. BERTSON: — Would the minister not agree that as a result of there being for several months no executive director, no business manager or no social worker at the Blair Memorial Clinic, that the director wearing these four hats is carrying an almost impossible burden, that he was being used as a scapegoat and that further, these positions were, in fact, one of the recommendations of the Johnson Report of 1972?

MR. TCHORZEWSKI: — Mr. Speaker, yes, the position of the executive director of the Cancer Commission was one of the recommendations. That position has been created. There is an executive director now appointed. For the member to allege that Dr. Walden was used as a scapegoat is false. His responsibilities were in a particular area involving the Blair Clinic and that was all. So that allegation is not true. I want to say, Mr. Speaker, that it is unfortunate that the member opposite would try to weaken the confidence that the public has in the Cancer Commission and the services that the cancer clinics in this province have. It is a very important institution. It has a good reputation and we intend to maintain that kind of service that has provided to this province.

MR. MERCHANT: — I would ask the minister whether it is not, in fact, the case that Dr. Walden was dismissed and then because the Cancer Commission is so under staffed, and he was concerned about the patients he agreed to stay for two to four months in a temporary capacity until such time as you can bring the staff level back up to the required level to look after the patients?

MR. TCHORZEWSKI: — No, there is no problem with the Memorial Clinic with regard to staff; the services that it has always delivered are being maintained at the same kind of level, servicing the same number of patients. Dr. Walden has chosen to stay on, it may be temporary, for that period of time when it was decided that he should not be appointed as the permanent head in that capacity in which he was serving on a probationary term.

Keble Inquiry

MR. S.J. CAMERON (Regina South): — Mr. Speaker, a question of the Attorney General with respect to Keble but cable with a 'K'. Last week you filed a notice of intention to intervene in the Supreme Court in the argument coming up on the Keble Inquiry. My question to you is, whether you intend, particularly in face of the widespread view held within the RCMP, that the Keble Inquiry was really a calculated strategy to discredit the RCMP in Quebec; whether you intend in the face of that strong feeling within the RCMP

to argue that the province of Quebec has the authority to continue the inquiry?

MR. ROMANOW: — Mr. Speaker, I want to say at the very beginning that this government and myself as Attorney General, are very much supportive of the RCM Police, as a general police force in the province of Saskatchewan and the Dominion of Canada; I think we put that issue aside. The question of our position on the Keble Commission intervention before the Supreme Court is, as I have indicated in a public statement, not yet finalized. The province of Alberta, the province of Manitoba and the province of British Columbia and I believe Ontario has all given notices of intervention together with the province of Saskatchewan. I would close by saying to the hon. member that he will be aware that all the provinces have expressed of late a steady incursion, what we argue is a steady incursion, by the federal government into the administration of justice, provincially, in such matters as, for example, the prosecution of narcotic and drug cases, the question of whose responsibility that is, whether it is the provincial Attorney General or federal AG. The federal court establishment, the duplicate system of justice which seems to be established. I think this is coming to a head, also, in the Supreme Court in the Hauser case. All I can say to you at this stage of the game is that we have not finalized a position; whatever position we finalize will be mindful of two principles. 1. Our constitutional position or the position of the Attorney General constitutionally in the province vis-a-vis Canada. 2. Our very strong respect for the role of the RCMP.

MR. CAMERON: — Let me by way of supplementary ask the Attorney General then one simple question. Do you intend to argue that the Keble Inquiry ought to continue or do you intend to then argue that the cable inquiry should not continue?

MR. ROMANOW: — Mr. Speaker, that will be announced in due course and I don't mean to answer that flippantly, but I do say to the member that my people in the department who have advised that we should intervene, are in the process of consultation with the other provinces who have also given a notice of intention and we will review the various constitutional positions and I will fully be making an announcement in that regard the moment we have finalized our position.

MR. CAMERON: — Mr. Speaker, a supplementary. Doesn't the Attorney General think that in all these circumstances, with a legal question involved I will grant you, and the broad political question involved as well, don't you think in these circumstances Saskatchewan and Regina being the home of the RCMP, that unless you can argue against the continuation of the Keble Inquiry you want either to stay home or alternatively to go there in full support of the RCMP position?

SOME HON. MEMBERS: — Hear, hear!

MR. ROMANOW: — Mr. Speaker, I say to the hon. member that it is not simply a pro-RCMP or anti-RCMP position that we are dealing with here. How the Keble Commission is directed or misdirected depending on your point of view is something which within the judicial process in Quebec and elsewhere presumably will be straightened away. The point that I am saying is that every provincial government, every provincial Attorney General, I say, has an obligation to make sure in constitutional cases that there is not an erosion of his or her constitutional authority.

The question is, in the Keble Commission, whether or not there are provincial constitutional matters which are being eroded, or of sufficient importance which

would justify the province taking a position one way or the other.

I close by saying the hon. member knows that a province must give notice of intervention within a certain time. That's all we have done. We will now take the appropriate time that that notice has given us to develop a position and to enunciate it in due course.

Agriculture Course at Wascana Institute

MR. R.H. BAILEY (Rosetown-Elrose): — Mr. Speaker, I would like to direct a question to the Minister of Education.

Two days ago I believe, Mr. Minister, I directed a question to you in regard to the Wascana Institute here in Regina offering duplicate courses from the School of Agriculture in Saskatoon. Since that time, Mr. Minister, I have learned that a director has been hired in the School of Agriculture associated with the Wascana Institute and that in fact all of the courses being advertised at the present time are directly taken from the School of Agriculture in Saskatoon and are you aware that many of these positions have now been filled related to the duplication service between the Wascana Institute and the School of Agriculture in Saskatoon?

HON. D.L. FARIS (Minister of Education): — Mr. Speaker, my officials inform me that point after point of the presuppositions of the member's questions are false.

MR. BAILEY: — Mr. Minister, I showed you a supplementary question, Mr. Speaker, I showed you the other day the advertisements in the Leader Post which you carried.

My supplementary question to you is this, have we the finances in the province of Saskatchewan to allow a duplication of a fine school of agriculture which opened its doors in 1912 to be eroded in this fashion?

HON. D.L. FARIS (Minister of Education): — Mr. Speaker, very clearly those courses are not a duplication of the courses in Saskatoon.

Cable Television

MR. MERCHANT: — A question to the Minister in charge of Sask Telecommunications if he is permitted to answer. I ask the Minister of Sask Telecommunications whether it is in fact the case that Sask Tel continues to block the use of channel 3 by the conventional cable operators and thereby stops them from in essence jamming the CPN . . .

MR. SPEAKER: — Order, next question.

Sask Housing Corporation

MR. W.C. THATCHER (Thunder Creek): — Mr. Speaker, a question to the Minister in charge of the Sask Housing Corporation. Mr. Minister, yesterday before you were so rudely interrupted because the gentleman to my right had difficulty following your answer, could I ask the minister if he could finish the answer and we could proceed with the matter that had been brought up earlier this week?

HON. W.E. SMISHEK (Minister of Finance): — I think that I have basically answered the

question that he directed at me. I think that we had probably a fuller explanation of the same question this morning in the Crown Corporations. I do hope the member has received his answer satisfactorily. If not, if there are further questions, I would be glad to deal with them.

MR. THATCHER: — A supplementary question then, Mr. Speaker. Mr. Minister, in the answer which I think you were cut off on yesterday, you clearly established that a Moose Jaw firm, a local firm, was low on a bid. Then subsequently the entire business was retendered. This was never explained, Mr. Minister, and my supplementary question is, why would a local firm, a Moose Jaw firm which was low, why would they not be given the opportunity to rebid? Being that they were low initially, why would they not be invited to rebid on an invitational tender by the architect in that project?

MR. SMISHEK: — Mr. Speaker, as I indicated yesterday, this is in respect to the kitchen cabinets, I believe that the hon. member is referring. The Saskatchewan Housing Corporation was contacted by the Star West of Moose Jaw; the company was advised to contact the project architect to have their cabinet designs and specifications reviewed to determine if they met the required standards. The corporation did not hear from Star West, their representatives, again until the second week of April, two months after the initial inquiry, Mr. Speaker, and almost a full month after the contract was awarded by the general contractor to the Saskatoon distributor. Obviously the people who made the initial bid and did not meet the specifications, after being contacted showed no interest in that particular project.

MR. THATCHER: — Final supplementary. Mr. Minister, I do not know how to make this in terms of a supplementary but I will try it this way. Would the minister investigate this entire matter, because there is considerable discrepancy between information that the minister is giving, (and Mr. Minister I am not suggesting you are trying to give misinformation) but you are giving information that is completely in variance with what Sask Housing Corporation informed me of. Mr. Minister, I would ask you, would you make a complete investigation of this matter and report back to this Assembly. I am not suggesting that you are trying to mislead this House. I am suggesting that somebody in Sask Housing is telling you something considerably different than what they have been telling me. I apologize if that wasn't an adequate question, Mr. Speaker.

MR. SMISHEK: — Mr. Speaker, I do not know who the hon. member was talking to, but what I have said was information that was provided to me by the General Manager of Saskatchewan Housing Corporation. I have no reason to believe that he is trying to mislead me at all and I doubt that there is anybody in the Housing Corporation trying to mislead the hon. member. I will check into it but perhaps the hon. member might also check on the initial sources of his information, because I think the questions that he raised last Monday, I think maybe the very people who are talking to him are trying to mislead him.

Conference Board of Canada Report

MR. G.H. PENNER (Saskatoon Eastview): — Mr. Speaker, I have a question with a couple of supplementaries relating to a press release in the paper this morning, from the Conference Board of Canada, suggesting that the real domestic product in Canada this year is expected to be about 3.9 per cent, and the real domestic product in Saskatchewan is expected to 1 per cent — tied, as the lowest in Canada, with Newfoundland. I wonder if the minister would not agree that the reasons for this poor growth rate are due to a lack of development in the forest and mining industry

particularly, and further, that the Saskatchewan government move into the potash industry is showing to have been a very poor economic investment, having contributed virtually nothing to real growth in Saskatchewan?

MR. SMISHEK: — Mr. Speaker, obviously what the member is asking is, he is displaying a very poor knowledge of economics, Mr. Speaker. Let me bring to the attention of the hon. member what I said in the Budget speech. We said at that time that, for 1978 we expect moderate growth overall, and we still believe that to be the case.

MR. CAMERON: — Lowest in North America — lowest in North America.

MR. SMISHEK: — Mr. Speaker, I think the record will show that Saskatchewan has had in the last number of years, particularly since 1974, spectacular growth and you can't continue with that kind of growth year after year but we do expect growth in the province. I bring to the attention of the hon. member just last week, last Thursday on April 13, where the president of the Investment Dealers' Association of Saskatchewan happens to differ with the Conference Board. Time will tell whether the Conference Board projections are correct. They have proven to be wrong before, whether they will be right this year, time will only tell. All I can say is that we do project moderate growth. I can tell the hon. member that the economy of Saskatchewan is in better shape than in most of the provinces. I think that is conceded all the way through right across this country and I think recognized by the people of Saskatchewan.

STATEMENT BY SPEAKER

LEAFLET DISTRIBUTED BY MR. MERCHANT

MR. SPEAKER: — I have a statement. I received an inquiry from a person about a political leaflet alleged to have been recently circulated by the member for Wascana. I have it here in my hand and I wish to table it at this time. As soon as possible I spoke to the member for Wascana to determine whether he was responsible for its origination. The member confirmed that he originated the leaflet and is responsible for its contents.

The Legislature has always insisted that tape recordings, picture taking and matters of that kind be kept under strict and identifiable control. For example, one of the first motions at the start of each new session is that the Votes and Proceedings of this Assembly be printed after first having been perused by Mr. Speaker. That he do appoint the printing thereof and that no person but such as he shall appoint do presume to print the same.

On behalf of this Assembly my instructions to the Press Gallery Association and thereby its members, is: that all tapes are not to be used 48 hours after the speech was made in the Assembly and that all tapes are to be erased at the time of prorogation; that the tapes are to be used by the media only and are not to be given out to members or to the general public; that the tapes are not to be used during a federal or provincial election or by-election.

Page 24 of the Third Report of the Special Committee on Rules and Procedures states:

Note Taking in Public Galleries - (the recommendation was): That the making

of written notes be permitted in the public galleries.

The reason discussed therein:

Longstanding rules of the Assembly have forbidden unauthorized report of proceedings. Your Committee believes that while this rule should still be followed in the case of tape recorders and cameras, it should be relaxed to permit the taking of written notes in the galleries.

The picture of the member for Wascana in this legislative, in an election leaflet, is not in accordance with the long standing practices of this Legislature. No permission was requested or granted. The appearance of this picture in an election leaflet is an embarrassment to me as Speaker, because I have prior to this time denied a member of another caucus a request to have his picture taken working at his desk in this Assembly.

Questions answered by Ministers

MR. SPEAKER: — I have a second statement which I wish to deal with at this time. Yesterday the member for Qu'Appelle rose on a point of privilege with regard to answers given in the Assembly by a minister. I refer all hon. members to Beauchesne's Parliamentary Rules and Forms, Fourth Edition, page 154, which states:

(4) An answer to a question cannot be insisted upon, if the answer be refused by the Minister on the ground of the public interest . . . The refusal of a Minister to answer on this ground cannot be raised as a matter of privilege.

And further from page 102.

. . . a dispute arising between two members, as to allegations of facts does not fulfil the conditions of parliamentary privilege . . .

The member may not agree with the reply he receives to his question but the reply cannot be debated. I rule that the member does not have a valid point of privilege.

HON. R. ROMANOW (Attorney General): — Just on this point, if I can, the point raised by the member for Qu'Appelle. I would like to advise the House that I will do a little check with the facts with respect to the court case because I don't want to mislead the House, inadvertently or advertently. If there is something we can table tomorrow, I'll present it to you.

POINTS OF ORDER ON QUESTION PERIOD

MR. E.F.A. MERCHANT (Regina Wascana): — Mr. Speaker, I rise on a point of order in reference to the question which I asked today. I assume that you concluded that the question was referable to a court case. Let me present two thoughts to you regarding that matter. First, the question referred to current policies and the actions of Sask Tel at this time regarding blocking of channel 3. As your Honor may know once a statement of claim is issued the right to a claim for damages ends, so that in an ordinary lawsuit the right of the claimant would be for the period past. While this question and other questions that we would pose along those lines may well deal with Sask Telecommunication's policy for the ongoing period, to preclude us from questioning Sask Tel about current cable policy is I suggest an overly restrictive interpretation.

The second argument that I present to you in this regard is that it seems to me that it should be the minister who should raise the objection rather than Mr. Speaker. Although, I am frankly prepared to concede that your memory of the matter, albeit three or four years ago, probably makes you more familiar with what goes on in that ministry than the current minister's knowledge.

MR. SPEAKER: — Order. I am guided by the rules that the Assembly operates under. I ruled the member for Wascana out of order on his question and refer to May's Parliamentary Procedure, Seventeenth Edition, page 454:

Matters awaiting the adjudication of a court of law should not be brought forward in debate. This ban further applies to matters awaiting or under adjudication in a civil court from the time that the case has been set down for trial or otherwise brought before the court as for example by notice of motion for injunction.

With regard to the member's comment that he would accept my view, I am pleased to hear that. I recall a point of order being raised yesterday on an exact contrary position; the member thought that I should have interfered with regard to sub judice. In fact the Attorney General had made some comment in regard to that. I realize that consistency is not always possible but I think we should try to keep it day to day.

MR. E.C. MALONE (Leader of the Liberal Opposition): — Mr. Speaker, on your point of order, I wonder if I could just receive a clarification of it. I would point out to you that the word debate was used in your decision. This is not a debate it was merely a question but be that as it may. Do I take it from your decision that you will prevent us, while this court case is pending, asking any questions of the Minister of Sask Tel or any other government minister about the activities of Sask Tel on an ongoing basis as far as their relationship between Cable TV be it a private licensee or be it CPN?

MR. SPEAKER: — I think the member will agree with me that I permitted quite a number of questions today with regard to Sask Tel . . .

MR. MALONE: — Converters . . .

MR. SPEAKER: — Right. There were a number of questions asked with regard to Sask Tel and its policy. The member made reference to matters under debate. I think it's quite clear in the rulings that have been laid by May and Beauchesne that the ban with regard to matters before the courts applies to questions and motions and so forth and therefore the application is accurate when it is applied to questions that are asked in the House as well, where as it is not applicable if bills are before the House that require discussion.

MR. MALONE: — Mr. Speaker, I just don't want to pursue the issue any more than I need to. It is causing us some difficulty in knowing what the guidelines are to ask questions on cable TV. I wonder if you could be more precise and set the ground rules for us so that we will know on future question periods what questions you are going to permit and which questions you are going to refuse to allow us to proceed with.

MR. SPEAKER: — Well, I realize the member may feel that he is at some disadvantage but I will have to wait until I hear the questions before I can decide whether they are on a matter that is under jurisdiction of the courts at this particular time.

MR. W.J.G. ALLEN (Regina Rosemont): — I rise under rule six. I had intended to bring up this point of privilege earlier, Mr. Speaker, but you have already brought it to the attention of the House.

I would therefore move, seconded by the member for Turtleford, Mr. Johnson,

that this Assembly regrets the action of the member for Regina Wascana in printing and distributing a leaflet containing a picture of that member taken within the Assembly in contravention of the rules of the Assembly, and order the member for Regina Wascana to return all remaining copies of said leaflet to Mr. Speaker forthwith and to apologize to the Assembly.

MR. MALONE: — Mr. Speaker, I just have an explanation as to where we go now. We have a motion before us. Do we need leave to debate it or . . .

MR. SPEAKER: — No. A motion of this nature that comes up on the heels of situations such as occurred today can be dealt with immediately by the Chamber.

MR. MALONE: — The matter has just come up rather quickly I think that you will concede (although I understand that you did have some communication with the member for Wascana). There are several things racing through my mind right now as to the reasons for the motion, as to who provided this information to you, as to what effect that the member is trying to bring about by presenting the motion. I think, Mr. Speaker, that it may be fair to members on all side of the House if we have time to consider the implications of the matter. Accordingly, I beg leave to adjourn debate at this time.

Debate adjourned.

MR. ALLEN: — Well my point of order is probably superfluous. I was simply reading the rule that said that when a prima facie case of privilege has been established it shall be taken into consideration immediately.

I take it that you had established a prima facie case of privilege when you a laid the document on the table, I might have . . .

MR. SPEAKER: — I believe my words were that the picture of the member for Wascana in this legislative session is an election leaflet is not in accordance with the longstanding practices of this Legislature. The appearance of this picture is an embarrassment to me as Speaker because I have given, prior to this time, denied a member of another caucus a request to have his picture taken working at the desk. So in conclusion, I have said not that it was a breach of privilege of the House, but in fact it is not in accordance with the longstanding practices of this Assembly.

So I think the point of order is not valid.

MR. ROMANOW: — Mr. Speaker, on a point of order. What I would like to know is, firstly, what happens with the adjournment? When does this matter come up again? I assume tomorrow. Under what sort of heading?

The second point I would like to raise, Mr. Speaker, is just on a slightly larger basis. On the assumption that a person takes my picture in the gallery (who would want to I don't know). On the assumption that a person takes my picture in the gallery and then publishes it, just the way I stand. Is that not a breach of my personal privilege?

MR. SPEAKER: — The Attorney General has asked two questions. He said when does the matter come up again? It comes up on Public Bills, Adjourned Debates, and I did not quite catch the last question that he raised.

MR. ROMANOW: — I raised the question about whether or not this is a breach of member's privilege or a breach of practice. If someone takes a picture of me with or without my consent is that a breach of practice, or a breach of my privilege as a member? I would argue it is a breach of my privilege as a member. I have not consented; therefore the analogy must apply to all members.

MR. SPEAKER: — Order, order. I think that this thing can actually cut both ways. It is a tradition of the House that members do not smoke in the House when the Speaker is in the chair. Now I do not think any member can show me in the rules where that is written down. That is a practice in the tradition of this House; and so is the practice and tradition about taking pictures from the galleries. It is not allowed, unless there is permission from the Speaker and the Speaker only gives permission acting on behalf of what he believes to be the best interests of the members of the Assembly. What can happen in a situation like this, and I am not saying at this point that the member for Wascana did this, but a member could take a picture in the Chamber, which shows him speaking and members of another party in the background completely absent from their seats. He could publish the picture and then he would be in a position, if he has that type of person, to say that there is nobody sitting in the other opposition party's seats. That was not the case in this instance because I do not think that this particular picture did any harm to other members' privileges; but it is a definite breach of the practices of the House.

MR. MALONE: — I wonder, Mr. Speaker, on a point of order on this matter, whether you could give me the assurance that the first time this matter was raised with all members was when you rose to deliver your judgment today, with the possible exception of a conversation you had with the member for Wascana.

MR. SPEAKER: — No I cannot give the member that assurance because I received a telephone call from a person who is not a member of this Assembly, who brought it to my attention. Up to that time I had not looked at the leaflet and examined it that closely. (Interjections - inaudible) — Order. Perhaps I can complete my statement.

I received a telephone call from an individual who is not a member of the Legislative Assembly, bringing it to my attention. I looked at it and I realized, as I had stated in one of the concluding paragraphs, that this presents an embarrassing situation for me as a Speaker because I have already denied a member of another caucus the opportunity to sit in this Chamber and have his picture taken, working at his desk. So what position is the Speaker in, unless he clears the air and finds out if the Assembly is prepared to permit this? If it is prepared to permit it, then everybody, I guess, can have his picture taken at what he thinks is the appropriate time, without asking the permission of the Speaker. When I received the telephone call I made my decision that something should be done about it and, as I stated in the statement, as soon as possible. I called the member for Wascana and talked to him about it.

MR. MALONE: — Thank you, Mr. Speaker. I wonder if you would indicate to me in your statement whether or not the Rosemont member's motion that has been presented to you is typed or hand-written.

MR. SPEAKER: — Order. I do not think that is necessary. The member will see the motion when it arrives. I am getting copies of it made right now . . . (Interjections - inaudible) . . . Order, order, order!

COMMITTEE OF THE WHOLE

Bill No. 23 - An Act to provide Loans to Saskatchewan Homeowners for the purpose of Promoting Energy Conservation.

Section 1

MR. D.M. HAM (Swift Current): — Mr. Chairman, I am wondering, Mr. Minister, if you could indicate to the House if your department has considered either before considering this act or some time after, if I can ask you that way, a similar study to that which was carried out in British Columbia whereby they carried on a infra-red study on the homes, are you aware of that program?

HON. J.R. MESSER (Minister of Mineral Resources): — Well, Mr. Chairman, I am aware of the program which the member for Swift Current refers to. We did undertake to give some consideration to such a program. It has been carried out in some other parts of Canada as well. Our conclusion was it is a very, very expensive program to carry out. We have used Saskatchewan not only the urban communities but we have a lot of - well not only larger urban communities but a very significant number of smaller urban communities and a significant number of farm homes. And if we were going to try and give equal attention to all of those people the infra-red program would not be a realistic one to provide. We felt that it would be more advantageous to undertake to, through the community college system, provide a course which homeowners could undertake to take advantage of which would, I think, provide them with much more information in regard to how they could best insulate their homes, improve the insulation of their homes thereby contributing in a greater way to the conservation of energy. So it is not that we weren't aware of it but we think for the circumstances that we have in Saskatchewan it is more realistic to try and educate the person on an individual basis.

MR. HAM: — Mr. Chairman, so far as the voluntary aspect is concerned I totally agree but I am concerned that, at least in the urban centres, that we couldn't have perhaps indicated through - did you say extensive or expensive?

MR. MESSER: — Expensive.

MR. HAM: — Expensive. I understand it is not very expensive through aerial photography, so you must not understand. In any event, I am wondering, Mr. Minister, my concern is if there is any analogy here that through the Highway Traffic Board we have a safety lane and it seems to me that many of the people who attend safety lanes are the ones who know that their cars will pass or if they are concerned about them, in most cases, they know they will pass. Those citizens driving vehicles that are probably unsafe won't go close to the safety lane. Under the same instance I am wondering if those owners of homes in the province that have heat loss problems either don't care or are not aware of it and unless it is brought to their attention through a study similar to that aerial photography, infra-red, that we may end up overinsulating some homes and in some cases not insulating homes we should. After all we are after the same goal here and that's conservation of energy. Do you have a comment on that?

MR. MESSER: — Well, Mr. Speaker, I think that only time will tell as to how successful the program is. I think it is a far more extensive program than any other province has undertaken to offer. I believe we are the only province undertaking to provide courses in the community college, trying to have available information to homeowners. I might also say that there will be an advertising program which will make residents aware of the program. I hear the member suggesting that, yes, we'll have those and I think it is only realistic that we should have such an information program to make all citizens aware. Otherwise there is a conflict of interest from the member for Qu'Appelle and the member for Swift Current. I think it is only credible and legitimate that we should undertake to have that. We will also, through the Saskatchewan Power Corporation, have a bill stuffer which will inform the homeowner about the program and how he may undertake to take advantage of it. I think that given an opportunity for those information programs to be put into place that virtually every homeowner will have had, by a number of sources, an opportunity to acquaint himself with the program and question further and/or take advantage of it.

MR. HAM: — Mr. Chairman, and Mr. Minister, I just question whether or not you can really determine how successful your program might be until before or after you use the system of infra-red testing, at least in the urban areas.

I am wondering, Mr. Minister, on another subject now, and correct me if I'm wrong, is it normal, for example, for a procedure or a bill of this nature to be placed before the House after provincial advertising has taken place with respect to the program?

MR. MESSER: — Well, as I understand the member's question, is it normal to undertake an advertising campaign before the bill is finally passed in the House. I am at a bit of a loss as to what he is referring to as an advertising campaign. The program itself has been announced when the legislation was introduced. I think that it was only credible that the people of Saskatchewan should have some information about what we are talking about when we introduced the Home Energy Loan Act. I might say that there was some advertising in relation to the courses that were being held at the Community College. This legislation has nothing really to do with the courses that are being conducted at the Community College. We don't need this legislation or the act in order to conduct those courses, so that we felt that it was only credible to go ahead with the courses as soon as possible so people would be able to begin at an early time to acquaint themselves with the need for further insulation in Saskatchewan homes.

MR. R.E. NELSON (Assiniboia-Gravelbourg): — Mr. Chairman, I wonder if the minister could tell us if a homeowner could qualify for this loan and still qualify for the federal grant of \$350 for the insulation?

MR. MESSER: — The answer to the member's question is yes, but I have to caution him that the federal program is somewhat more restrictive than the provincial program and his home would have to have been constructed (for the federal program) before 1945. If that is the case, yes, he can take advantage of both programs and stack them.

MR. E.F.A. MERCHANT (Regina Wascana): — Mr. Chairman, just let me make absolutely sure. The program will have some advertising, of course, the good old NDP government, they always advertise their programs. Then there will be a little teaching in it and you will lend some money ..there is nothing else in the program is there? Essentially, in the broad strokes?

MR. MESSER: — I think the member is trying to make light of a very significant program

and the members laugh. Obviously they should acquaint themselves with the federal program and the significant deficiencies there when it was first introduced. As far as the province of Saskatchewan was concerned all homes had to be built prior to, I believe, 1921 —that was going to be of some real purpose for Saskatchewan homes. Before 1921, Mr. Chairman. I might also say that that federal program, the money that was granted, was considered income and was taxable, with the exception of our two Liberal held provinces in the Maritimes, but for the rest of Canada we had a different program. So I would not undertake to, as the member for Wascana may want to do, compare this program with the federal program and suggested that this one is by some means inadequate or lacking in incentive or lacking in assistance vis-a-vis the federal program. It makes available \$1,000 interest free over a three year period of time. It provides for some very significant opportunities to homeowners to acquaint themselves with the means of insulating their homes which we say will have some very significant effects on the conservation of energy in Saskatchewan, which will be beneficial to the province and the people here for a long time to come.

MR. MERCHANT: — Mr. Chairman, I'll say I will make light of the program. What the program really is, is typical of the best of the NDP. You are going to have a program that results in about \$130 or \$140 saving to people because they can borrow the \$1,000 from you interest free and you will probably spend more than \$140 administering giving them the money and then getting the money back from them and probably lose some money to deadbeats in the process so that you will be encouraging the deadbeat instead of encouraging everybody with a grant program of some sort. Then, if I know anything about this government after three years of watching you closely you will advertise more than \$140 for every grant you make. No question about that. You come in here and say, well of course we will send a householder to everybody telling them what a wonderful job we are doing with this great program and then you will advertise it in the public media and the electronic media and I think I know why you will be doing all that. You will be doing all that because you hope you can get this program confused with the CHIP program so that you can get people thinking that the easily available money, the money that's available under that federal program will be somehow confused with this money and this program.

Mr. Chairman, it's typical of the standard kind of NDP program. Let's have as much administration as we can get, but get as much advertising as we get and for God's sake let's make sure there isn't very much substance to the program at the same time.

MR. MESSER: — Mr. Chairman, the members of the Liberal caucus, the Liberal opposition for the next short while, perhaps, would be the first to criticize us if we did not undertake to make the program available to the people, or by some means communicate that the program was there for all to take advantage of. It's only realistic that we have to use the media that is available to us to undertake to achieve that. The member complains about that. I look in the papers, the weekly and daily papers, and I think that if anybody is undertaking a lot of advertising in Canada today, it is the federal government. Let me give him one example. It is not only bad enough that people are taking advantage of Unemployment Insurance, (I think they use the term Unemployment Insurance bums, or something like that) but they are spending literally hundreds of thousands of dollars rubbing it into Canadians that this is going on, and they are not really doing anything about it. There are ads in the paper on almost a daily basis in that regard. Now the member may think that is legitimate and I am not going to necessarily argue with him on that point, but surely he cannot say that it is right for the federal government to undertake to advertise their programs, (and I think you can pick up a paper and find at least two or three in it at any given time), but it is not right for the

provincial government who introduces a program which has far more advantages than the federal program, an insulation program which is the best bar any of the rest in Canada, and we are not supposed to undertake to convey that to the Saskatchewan citizens. Well, Mr. Chairman, that is just utter nonsense, and the member knows that!

Section 2 as amended agreed.

Sections 3, 4, 5, 6, 7 agreed.

Section 8

MR. A.N. McMILLAN (Kindersley): — Mr. Chairman, I would like to ask some questions about the section as amended. Firstly, I would like to know what set of standards you intend to apply to people who might be interested in doing the insulation work under this program for residences in Saskatchewan, who is going to determine what the standards will be; what will be the requirements to, what requirements you have to satisfy to get a licence or a restricted licence.

MR. MESSER: — Well, Mr. Chairman, the registrar of licences within the Department of Consumer Affairs will undertake to review licence applications and/or disprove or approve of them. The licences will be given to those who are now involved in insulation of homes in Saskatchewan and meet the standards that the department establishes for those who wish to establish a business who attain those standards or have undertaken to receive a course in insulation installing as well. There is, though, the intent to have a restricted licence for those people who may simply be handy men who are doing small insulation programs, not the sort of blown type insulations where you have to bore holes in the house and blow in the foam type insulation but where there is just an undertaking to put in batt type insulation in smaller urban communities. We think that there should be a different classification in regard to those people so that there is going to be no inhibition in regard to the program covering some of those smaller jurisdictions where perhaps there is not an installer in the area or one that at least is interested in jumping all over the community for just a few installations. I think, the point should be made here, Mr. Chairman, that the licence applies only to the insulation; it does not apply to the other kinds of features that may be taken advantage of in the program, weather stripping or storm doors or thermo pane windows or attic fans or the like of that. I hope that clears the matter up.

MR. McMILLAN: — What the minister is saying then is, he is not under this act establishing a new set of regulations or requirements for insulation installers. You're saying, with the exception of the special category, you're saying as far as you are concerned the only way anyone would qualify for the grant is if their insulation was installed by someone who is currently licensed by the Department of Consumer Affairs. Do you go to the Department of Consumer Affairs and say, 'Now you start licensing these people who might be in the insulation business' I am not quite sure I follow you there. I can see your point about people who maybe on a local basis — there isn't an insulation company or individual who is engaged in that business and rather than try and bring someone in from 100 miles away, have a local carpenter, for example, do the insulation work for you. Under those circumstances I am under the impression you are prepared to have someone qualified as a restricted licence holder. My question is with respect to the insulation that is to be installed under this program. You're saying the only people that can qualify for the loan is if they use someone who is licensed under a normal manner as an insulation installer, is that correct?

MR. MESSER: — If I am understanding the member's observation and question properly, the answer I believe is that we are not going to in any way require that new criteria be met in order to either continue to retain a licence and/or to obtain a licence. We just want to make certain if there are more people who are interested in the installation of insulation and I believe that the program will generate some of that, certainly the concern about rising energy costs and the need to conserve energy has already brought new people into the province. We want to make certain that the criteria that now exists would have to be met by them in order to be licensed in order to take advantage of this act.

MR. McMILLAN: — Am I correct in assuming then that if I want to conduct a business in Saskatchewan as an insulation installer I would have to get a licence with the Department of Consumer Affairs, is that correct?

MR. MESSER: — Yes.

MR. McMILLAN: — So you are saying anyone that installs this insulation in the first instance would have to be licensed with the Department of Consumer Affairs, correct? With the exception, if there is a local area that needs someone like my brother who is a second year apprentice carpenter who wants to do that kind of work in his spare time to make additional money, he can go to whom, you people or Consumer Affairs and get status as a restricted licence?

MR. MESSER: — If he is simply going to do as I pointed out earlier, the weather stripping or the more normal type of work which may include the installation of batt type insulation, conventional type insulation because we don't believe that there are a lot of errors that can be made in applying or installing that type of insulation. He can if he wants get a restricted licence or he can simply go ahead and do those tasks without the licence. But if that individual was going to undertake to install the foam type insulation, then he would, in order to work within the act and the regulations of the act have to obtain from Consumer Affairs a licence as an insulation installer.

Section 8 as amended agreed.

Sections 9 to 15 agreed.

Section 16

MR. McMILLAN: — I'm sorry, but going through the act I see here - the registrar that's referred to in this act refers to someone who the minister may designate for the purpose of licensing or refusing licences. Now are you suggesting that you are going to be appointing someone from your department to act as a registrar to deal with those people who are already licensed by the Department of Consumer Affairs.

MR. MESSER: — It will be the current registrar in the Department of Consumer Affairs.

MR. McMILLAN: — All right, but the bill doesn't preclude you from appointing your own to deal with people who install insulation, etc.

MR. MESSER: — But my intention and I state it here is that we appoint the current registrar within the Department of Consumer Affairs.

MR. HAM: — I assume it would be the Department of Consumer Affairs who would

under (d) determine competency or incompetency?

MR. MESSER: — That would be their responsibility.

MR. McMILLAN: — Why would you bother with it in this act then? Why wouldn't you just put in a simple clause that said all of the requirements that need to be followed under this act shall be those that are found under The Consumer Affairs Act that governs the licensing of people to carry on business — insulation people in Saskatchewan? I mean, why do you have to outline this power for yourself here when you say to us on three different occasions now no, it has nothing to do with us it is simply the Department of Consumer Affairs? You've got two pages of regulations here or law that you are interested in seeing yourself . .

MR. MESSER: — Well, as the situation now is they are only licensed under the Department of Consumer Affairs to do business. They are not specifically licensed to do business and meet certain criteria and with the act here and a lot of people undertaking to take advantage of it we think that there should be some further protection for those people and so there will be an improvement in the licensing structure but it will be administered by the registrar of the Department of Consumer Affairs.

MR. McMILLAN: — Well, I asked the minister a few minutes ago if it was your intention to change the requirements to qualify for a licence in Saskatchewan and you said, no, I've got the Department of Consumer Affairs and yet now you just say to me that your intention is that you may have to tighten up the requirements for licensing. For whatever reasons those are two completely contradictory statements. Can you explain that?

MR. MESSER: — Well, I hope I haven't misled the member in my former remarks. The licensing that is now done by the Department of Consumer Affairs will license a person to do business. That business is quite likely to be far more extensive than just installation of insulation and we think that with this act and certainly the evidence that we have of interest and establishment of businesses which are solely, solely interested in installing insulation would require that they, then, undertake to license just insulation installers so that one should not assume that there is going to be new criteria but there will be some criteria which will be applicable only to an insulation installer and I don't believe that they now are in effect licensing just insulation installers. They may be licensing contractors generally to carry on a business of which a portion of it may be the installation of insulation. We would hope that we can then segregate that and have people who are licensed solely for the purpose of installation.

MR. McMILLAN: — If the minister is concerned about this and I don't suggest you shouldn't be because I understand there have been some problems in Saskatchewan with the quality of work done by the foam-type insulation installers, why wouldn't you simply go to the Department of Consumer Affairs and say that we have a program coming in and one of the aspects of that program will be you don't qualify for it unless the person that does the work for you is considered an eligible licensee under the Department of Consumer Affairs and we would like you to tighten up your regulations a little bit. That's what the Consumer Affairs Department is for.

What you are saying you are doing here is, under this act, establishing a separate branch of the Department of Consumer Affairs to deal specifically with insulation

installers, and I say it is probably a needless duplication of services. Unless the minister wants to have that firm control over licensees in his own hands, rather than entrust it to that department and agency that has been established for years in this province to deal with these problems, the Department of Consumer Affairs. I see no advantage to you having this written into your act, providing you have some confidence in your own Department of Consumer Affairs.

MR. MESSER: — Well, Mr. Chairman, obviously we needed legislation to introduce this program. It was felt that, rather than introduce legislation for the program plus legislation within the Department of Consumer Affairs, we would do it with one bill. I might also add, Mr. Chairman, for the member's information, that all of these matters were thoroughly discussed with the Department of Consumer Affairs and it was mutually agreed that it would be best to undertake to introduce the legislation in this manner. After those discussions, I think the member has to agree that it was mutually agreed to and we are trying to follow a course which we think is going to be best for the actual application of the program.

MR. McMILLAN: — Well, one final comment, Mr. Chairman. I am not at all worried that the minister is liable to abuse the power he gives himself in this act but, as you know, under your Department of Consumer Affairs Act, you could change the licence requirements for insulation installers by regulation through order in council, not necessarily by amendment on the floor of this Legislature. It would be a simple thing for you to do. It would be common practice for the Department of Consumer Affairs to undertake a tightening up of their restrictions by regulation, rather than by legislation. I do not blame you for not having the confidence in your Minister of Consumer Affairs to undertake a workable oversight on the people who do this business in the province; but I must say I cannot really understand why you would feel it necessary to write yourselves the authority to handle the licensing of these people when in fact that is the job of the Consumer Affairs Department in Saskatchewan and is a change which could have been easily facilitated in their work by a change in their regulation.

Section 16 agreed.

Section 17

MR. McMILLAN: — Mr. Chairman, I might ask again here, when a licensee wants to request a hearing, does he make that request to the minister who governs this act or to the Minister of Consumer Affairs who handles the licensing, generally, of people in that field of endeavour in Saskatchewan.

MR. MESSER: — To the registrar in the Department of Consumer Affairs.

Section 17 agreed.

Section 18

MR. McMILLAN: — Well, Mr. Chairman, that is only in the event, of course, that the minister appoints the registrar of the Department of Consumer Affairs to sit as a registrar, is that not a fact?

MR. MESSER: — I stated, Mr. Chairman, that it is fully the intention to appoint the registrar within the Department of Consumer Affairs as the responsible person for this undertaking.

Section 18 agreed.

Section 19

MR. McMILLAN: — Mr. Speaker, I would like to know if the minister is aware, under the Department of Consumer Affairs, whether or not, firstly, there is a specific licence for undertaking the insulation business and, secondly, if there is, which I assume the minister must have checked out before he wrote these amendments or sections into his own act, what the expiry date of that licence is.

MR. MESSER: — Well again, Mr. Chairman, there is not, at this particular point in time, a specific licence issued by the Department of Consumer Affairs. As I pointed out earlier, there may be licensing for a more general undertaking, maybe a licensing under The Direct Sellers' Act, which would cover some of this. This will bring about a licensing of insulation specifically. I do not know what the expire date may be for those other licences which may come under The Direct Sellers' Act.

MR. McMILLAN: — In summation, let me point out that I asked the minister, ten minutes ago, if in fact sections of the act would not establish a new set of requirements or a further restriction on the operation of insulation people in the province. You said no it would not; it was a mere formality. Now you tell me that you are not even aware, firstly, if there is an insulation licence in Saskatchewan — probably not; it would be a general licence. Here, you have given yourself the power to force people to be licensed specifically for insulation and then give yourself the power, obviously, to run them under whatever circumstances you feel is necessary up to general expiry after five years. I cannot understand why the minister would try to inform us that there was really no change involved in either the Department of Consumer Affairs or with respect to the provision for insulation services in Saskatchewan.

MR. MESSER: — Mr. Chairman, with all due respect to the misleading comments of the member, anybody can undertake to install insulation in Saskatchewan. He doesn't have to have a licence under this act, but if he wants to take advantage of the benefits that the act provides, then the act requires that person to have a licence. I told the member that there isn't a significant departure from what the situation is now and there is not as far as new terms and conditions are, but they will be able to take those terms and conditions and exclusively license an insulation installer rather than a more general licence and I think that that's only practical because there are going to be a number of businesses, or we assume there will be a number of businesses, certainly evidence leads us to believe that now, who will only be interested in the installing of insulation.

MR. McMILLAN: — Well the minister is aware that not everyone can carry on an insulation business in Saskatchewan because anyone who wants to carry on business in Saskatchewan, whether it be a partnership or an incorporation, has to register with the business office that he will be carrying on business in Saskatchewan. So that's not the case.

My question is, if I want to carry on business in Saskatchewan as an insulation installer, I have to go to you people, I don't go under normal circumstances then to the business office in Saskatchewan? Or is that a duplicate form I have to fill out or register, or do I go to the Department of Consumer Affairs to get a licence? My point to you is, what are these provisions doing in this act when normally those provisions would be found under requirements in The Consumer Affairs Act and a registration of a business

company or a partnership or whatever. You said it was no matter, that you felt all these things were looked after in the Department of Consumer Affairs. Now I am saying to you, you have given yourself the power to completely run the installation of insulation in Saskatchewan. Anyone who wants to carry on that business, whether they do work under this program or not, has to be registered in the province. Because they are registered the Department of Consumer Affairs oversees their operation as business people in Saskatchewan and if you felt, as the minister with responsibility for the conservation of energy in this province, that insulation installers were not doing a job in the best interests of conservation and certainly it is your responsibility to go to the Department of Consumer Affairs and urge them to set up a set of requirements or standards that these insulation installers must meet. I can't understand why you have taken this route and dumped all of that responsibility on yourself or for that person that you appoint. I don't see the need for this duplication in legislation.

MR. MESSER: — The member may not see it, Mr. Chairman, but I think that he is in error in saying that you have to be licensed to undertake to carry out insulation installation in Saskatchewan. You may have a general licence but this act requires that the person specifically be identified as licensed as an insulation installer. So that there is some added protection for those people who will taking advantage of the program. We felt that because there has been some bad experience in regard to the installation of insulation, not only in the jurisdiction here in Saskatchewan, but in other areas, it should be highlighted for those who want to take advantage of the program that this person is specifically licensed to carry out that duty and, therefore, we will not in any way inhibit their ability to take advantage of the benefits of this act. If it is a more general licence I think there is some fear that people may be able to mislead those who want to take advantage of this act and that through the statements of the person who has this general licence as to his competency of installation of insulation, they may get a poor job. We want to tighten that up and be more specific with it. Through the discussions that have taken place over the last several months it was agreed that we should undertake to introduce all of those requirements in this act rather than undertake to amend The Department of Consumer Affairs Act as well.

So now the member may not like that procedure, but that's the procedure that we have chosen to follow and that's the procedure that the officials of the two departments think is most appropriate.

MR. McMILLAN: — Mr. Chairman, one final question. Is it not a fact then that everyone in Saskatchewan, regardless of the business he is in today, if he wants to undertake to install insulation under this program must have a licence under this act, and that would mean that everyone, whether they are currently in the insulation business or not, must come in and get a new licence if they are to do work for people that want this act. Is that not correct?

MR. MESSER: — Mr. Chairman, the answer is, if those people who are now licensed, wish to take advantage of the benefits of this program and install insulation under this program, yes. They will have to acquire a new licence through the Department of Consumer Affairs.

MR. McMILLAN: — No one is currently licenced under this act, so that everyone who wants to participate as a contractor or as a private carpenter, every carpenter in Saskatchewan who wants to facilitate matters for his customers under the insulation program, will have to apply for and get a licence? Every insulation contractor in Saskatchewan? No one today has a licence under this act and everyone tomorrow and

from then on that wants to do work for people with this program, will have to license. Is that not a fact?

MR. MESSER: — No, it is wrong. I am telling the member that for the standard type batt insulation, there is not going to be a requirement that they need a licence. It is the foam type insulation, where there is evidence of problems, for which we want to license that individual. I think it is highly unlikely that you are going to have a carpenter out with the equipment installing the foam type of insulation. It is going to be an entity somewhat larger than that. Those are the people that we want to identify, define and licence in order to carry out the benefits of this act.

MR. McMILLAN: — Then, what the minister is saying is that the entire section of this act that deals with licencees, is directed specifically at those people who install foam type insulation, and that the minister obviously feels there is some problem with respect to the installation of the foam type insulation. I would like to know what evidence he has, or what evidence has been given to him, that would indicate that the work that is being done today by those people installing foam type insulation, is unsatisfactory.

MR. MESSER: — Well, Mr. Chairman, there have been I think, a number of concerns in certain jurisdictions in regard to the application of foam type insulation, where it has not been done properly. It is difficult for a homeowner when he has a home, wanting to take advantage of that kind of insulation, to really check or know once the contractor says the job has been completed, that it has been completed satisfactorily. There have been instances where a different kind of insulation has been installed than what the consumer thought he was getting; there have been instances where hot and cold air radiators or vents in the home have been filled up with the insulation because of, I guess, inadequate personnel in the program; there have been large areas of the home that have not, when the job was finished, actually been installed with insulation. It is not like building a new home where you can see where the insulation is, as with the batt type insulation. So that we think in order to give some protection to those homeowners who cannot on their own, undertake to identify whether they have gotten a thorough, adequate and competent job, that these people would be licensed and the homeowner would have some means of recourse if it is not appropriate.

MR. McMILLAN: — Well two questions. Firstly, what will be the standards for foam type insulators? What standards will they have to meet with their product and the method by which they conduct their business? Obviously, the minister is aware that there are general requirements under the Consumer Affairs Act which prevent anyone from contracting a service for you and then providing an inferior service. Now I want to know, what specific problems you are aware of that the consumer has to be protected against, and what set of standards you are prepared to apply, with respect to foam type insulation, so that these people who are in the business, if in fact there are people who are not going to meet your requirements, will at least have the opportunity change their approach to foam type insulation?

MR. MESSER: — The standards will be established and enforced by the Department of Consumer Affairs. The product would have to meet CMHC standards. As far as the competency of the individual or the company making a request for a licence, if they had met criteria in other jurisdictions, and obtained licences there which were satisfactory to the department here, then it would undertake I assume, to issue them a licence. If they had undertaken to take a course and acquired the requirements as an insulation installer to the satisfaction of the registrar of the Department of Consumer Affairs, then I would assume that the department would undertake to licence that

individual.

MR. McMILLAN: — Are you saying then, that you are giving yourself the authority to establish the standards, not the Department of Consumer Affairs? You had better be clear about that. Is it your intention then through your office or whoever you appoint as your registrar, to make it mandatory that anyone who installs foam type insulation must have taken a recognized course on the installation of that foam type insulation.

MR. MESSER: — No, not necessarily because I think there are some people who already have the expertise and could satisfy the registrar that they had the ability to install this insulation without concern so that it won't be in every instance require the participants or the installers to take the course.

MR. McMILLAN: — Do you currently have a list of people from whom Consumer Affairs Department has received complaints with respect to foam type insulation that you are prepared to put your set of standards in front of. Obviously you had some information which prompted you to give this authority to yourself, you wouldn't even entrust it to the Department of Consumer Affairs. You state yourself that the standards that will be set will be established by the Department of Consumer Affairs in conjunction with the standards set out by CMHC. Do you have a list. What has been the indication that would prompt you to put this into your own act?

MR. MESSER: — We don't have a list here. It may be that Consumer Affairs does. Certainly in the discussions my officials noted that there was a significant registering of concerns in regard to inadequate installation of insulation and that, therefore, we should have some means of giving protection to the consumer so that that would be tightened up when the program was introduced. I have in front of me press releases from provinces such as Prince Edward Island who have indicated that they have had similar problems and undertake to correct those by a licensing measure. I have press releases from Manitoba where it is suggested that government licensing and inspections are the only solutions to fly-by-night operators in the home insulation business. I think there are other jurisdictions in Canada that can also bring evidence where there have been problems with the installation of that type of insulation. We think this is the most efficient means of being able to contend with that and give some level of satisfaction to consumers that they won't be as some of these press releases use 'built by fly-by-nighters.'

MR. McMILLAN: — What you are saying then, in summation is that if a person wants to be licensed to install foam type insulation he has to go through your act to your registrar to apply for a licence and that licence will be given him, not according to any specific set of standards but on an ad hoc shotgun type basis come as you are. If we think the requirements that you have established for yourself now, your experience in the business, maybe it went back 20 years in the family, that's fine, on that basis we might give you a licence. If you come in and took a course somewhere else — there are I suspect few if any established courses for the installation of foam type insulation in Canada. The next guy that comes in might not meet your requirements, they could be entirely different. It is going to be entirely up to the discretion as I understand of your registrar. If you have got a set of standards, would you be prepared to table them for us now, the minimum requirements?

MR. MESSER: — No, the registrar will have standards and they would be consistently followed by the registrar. Those standards will be established by discussions ongoing between the Saskatchewan Power Corporation because of their administration of the program. They may find inadequacies, may require changes. Once the regulations are

established they will be followed consistently by the registrar. It is not going to be an ad hoc comme ci, comme ca situation as the member alludes to.

MR. J.G. LANE (Qu'Appelle): — Mr. Chairman, Mr. Minister, summing up the problem in a nutshell, what you have done is that you have set up a registration system which is either going to duplicate the system that exists in the Department of Consumer Affairs, in which case it was unnecessary. Or, you are going to set up a confusing bureaucracy or a confusing administration system, confusing to the general public. The general public has been indoctrinated or attempts have been made to indoctrinate it by the government opposite. If they have a problem dealing with Consumer Affairs, that they go to the Department of Consumer Affairs. That's how you have tried to convince the people that they do have a voice and they do have an outlet. You have chosen it in the Department of Consumer Affairs. Now you set up in the Department of Mineral Resources — now I don't know where the Department of Mineral Resources' offices are today. I am sure the general public won't know. They could change again. The fact is Consumer Affairs is set up for the very purpose. There is a way if the minister would simply commit today to designating the registrar, if you go to section 2, definition of registrar as the member of the public service designated by the minister as the registrar for the purposes, simply designate one of the officials in the Department of Consumer Affairs. That's all you simply have to do and the problem is solved. Certainly if there is any liaison at all between your branch and the Department of Consumer Affairs you people will establish the criteria for registration. I think that is a simple way around the problem.

MR. MESSER: — I believe the member was absent, perhaps he wasn't listening, but I already committed to the Committee that it was our intention and that I would state that here, that the registrar of the Department of Consumer Affairs would, in fact, be the person that would carry this out.

Section 19 agreed.

Sections 20 to 22 agreed.

Section 23

MR. HAM: — Mr. Chairman, Mr. Minister, this bothers me somewhat. I am a little concerned. Why don't you make the granting of a loan subject to the installer having a licence rather than going about it the other way? I assume by this section a hypothetical situation. If I had XYZ company install insulation in my home and then applied to you for a loan and found out subsequently XYZ didn't have a licence, I wouldn't get the loan, is that true?

MR. MESSER: — If I understand the member's example to be one of a homeowner undertaking to take advantage of the program, securing an XYZ contractor who said he was properly licensed and who installed the insulation, the consumer subsequently

finding out that person was not properly licensed, in that instance we would interpret the consumer having been defrauded by the unlicensed installer and he would not then have to pay the money. We would undertake to pursue, I guess by whatever means available to us, or to prosecute the person who defrauded this potential consumer. Does that explain your situation?

MR. HAM: — No, not entirely. You are saying then if the money had been granted first or loaned first, I should say, then the procedure was carried out, that constitutes the fraud. I am saying why not make it subject to the licence of the installer, then there is no possibility of fraud.

MR. MESSER: — Well we are trying to but there may be instances where a consumer may, in fact, be misled by an installer. That is why we want to emphasize the need that these people should check to see that these people have a licence. If they do, then they should have no real concerns. But if for some reason they have been defrauded it is not our intention to hold the consumer liable for payments of money to the corporation.

MR. HAM: — I understand that, Mr. Minister. I am just wondering though if, for example, in your application for a loan by a homeowner for whatever the amount may be for installation of the insulation, would it not be possible in that application to have licence number so and so of such and such a company to ensure that there would be no defrauding.

MR. MESSER: — That is intended to be included in the application. There is still the possibility that somebody might use somebody else's licence number or name or whatever; we can't guarantee against that. The homeowner should undertake to make certain that the application is properly filled out and it should contain the holder's number and the rest of that which would give him some confidence.

MR. McMILLAN: — A question to the minister. I am sure he is probably familiar with the situation and I am not; are the powers outlined for an investigator acting on behalf of the registrar, roughly the same in that section 22, if we can go back one, as those granted to any investigator operating under the authority of The Consumer Affairs Act?

MR. MESSER: — I wonder if the member could repeat the question please?

MR. McMILLAN: — Well, you have given wide sweeping powers here to anyone investigating a contractor or licensee under the authority of the registrar and I wonder if the powers outlined here duplicate those powers given to investigators under The Consumer Affairs Act. For example, they can demand the production of and inspect all or any of the books, documents, papers, correspondence, and records of any person in respect of whom the investigation is being made. They have the power to seize those records. My question is, is this power generally corresponding with that which is granted under The Consumer Affairs Act or is it in addition to?

MR. MESSER: — Yes.

Section 23 agreed.

Section 24 as amended agreed.

Section 25 to 30 agreed.

Section 31 deleted agreed.

Motion agreed to and bill read a third time.

Bill No. 11 - An Act to amend The Land Titles Act

Sections 1 and 2 as amended agreed.

Section 3 agreed.

Sections 4 to 10 as amended agreed.

Section 11

MR. LANE (Qu'Ap): — Is there any reason why you didn't have a form prepared and inserted to make it for ease of reference?

MR. ROMANOW: — Mr. Chairman, I am advised by my officials here - by the way I would like to introduce Mr. Truscott who is the Master of Titles, I think everybody knows, and Mr. Bruce Baugh from the Department of the Attorney General. I am advised that the form will be coming under The Farm Ownership Act. We are dealing here with The Land Titles Act. The form will be developed or is being developed pursuant to The Farm Ownership Act and by regulation under The Farm Ownership Act that will be put forward at that time. That is the reason why we couldn't appendix it here.

MR. LANE (Qu'Ap): — My point, quite simply is that it deals with the operation of The Land Titles Act as well and we are attempting to put things in one package more or less and at least for ease of reference — you know the solicitors can find it where ever they want but people who want to do their own transfers or real estate companies or whatever will miss it the first time around unless there is some way that it is put in the act.

MR. ROMANOW: — I think the hon. member makes a good point because this is a kind of an operating instrument for transfers and the like. I'm sorry that we can't do it now because the form isn't ready but I think this is something which we will have to undertake to incorporate in some subsequent amendment or a consolidation of The Land Titles Act.

MR. LANE (Qu'Ap): — I am just wondering if we could leave that and in such form as designated or put the form — what would it be? Whatever designation you want to put; just insert it whenever it is ready if the farm ownership can get it all done. I would suggest this rather than come back because there are going to be problems in the interim . . .

(audible music from rotunda)

MR. ROMANOW: — I knew my speeches were like music to the ears of the opposition but this is even above and beyond my expectations, Mr. Chairman. I want to tell you that has got to be something to beat those expectations.

Mr. Chairman, I am not trying to make life difficult for the member because I think he makes a good point but I cannot give any kind of an assurance as to when these forms are going to be ready, or the form of the forms, and I am not quite clear in my mind how

we could accommodate what the member is trying to get at. He is trying to say, look, let us pass the bill but let us leave something in there which will allow the form to sneak in so that, not to sneak in but to get in there so that it is covered at one time. I think we can't do that because I don't know when the form will be proclaimed and devised by the Farm Ownership Board.

I think that the best assurance I can give him today is that I would be prepared to incorporate this in another amendment to Land Titles which I am sure will come up at the next session again because it is a bill which is always subject to amendment, and put that form in there. It will be a bit of an inconvenience for several months but I think it will still be better and I think on that basis we should proceed.

Section 11, 12 agreed.

Section 13

MR. CAMERON: — I would just like to ask the Attorney General a couple of questions. I had raised with you two questions when we went through the previous reading of the bill. One was with respect to the alteration of the definition of 'minerals'. Do you remember the point that I made to you which you said you would look into?

MR. ROMANOW: — (inaudible)

MR. CAMERON: — I said that when we last looked at this bill, I asked you to take a look at two things. One was the redefinition of the word, 'mineral' — mines and minerals under the act because I was concerned as some were raising with me a concern that that might have the effect of retroactively denying people of titles because in the past there was a separation between the word, 'mine' and the word, 'minerals'. That is the first thing that I raised with you.

The second was with respect to notices of change of address regarding caveats. You recall the position at the moment is that when you file a caveat you give an address on the caveat, then if you move and change your address, I don't know that there is a provision in the event of more than one caveat being involved for you to file with the registrar of the Land Titles Office a change of address with respect to all caveats.

You recall the point is this specifically. Oil companies in particular will caveat a whole series of lands and so will other companies involved in the mining business and other business of that kind. When their address gets changed, they have to file a notice of change of address in respect of each of the caveats. I think I asked you to examine whether we couldn't bring an amendment to the bill with these amendments, to provide for one notice of change of address which would cover all the caveats that that person has registered in the Land Titles office. Could you just tell me what has happened to those two questions that I have raised with you.

MR. ROMANOW: — Well, Mr. Chairman, I do remember the points that the hon. member has raised, but what I do not remember is what advice I got from the officials. I have got it from Mr. Truscott here today, who says, with respect to both points first, it is his judgment that the present amendment with respect to minerals meaning, mines and minerals, he cannot (I suppose it is conceivable) but he cannot visualize a situation where a person would lose some rights to minerals or some right under law or some rights that individual has by virtue of this change. The way the present act is worded, the present definition of minerals and mines is included under the all encompassing definition of land. Land or lands mean, and it sets out a whole number of things, estate etcetera, etcetera and ends up 'Trees and timber thereon and mines, minerals and

quarries thereon'. What we are doing with this definition is simply saying that mines, as set out here, includes minerals and minerals as set out here, includes mines — to cover all. We can't visualize, perhaps you were missing the point, we can't visualize how that would change — since we are not striking anything out of the present definition. All we are simply doing is that both equals both and it seems to me in a sense almost a guarantee.

On the second point, Mr. Truscott feels that we do not need a statutory amendment. He would simply issue a directive in these kinds of cases, where there is a multiplicity of caveats and we would do it under an internal office procedure to try and simplify the necessity of going through the legal business of giving notifications over again. So I think on that basis, I'd be inclined not to change the bill at this particular time.

MR. CAMERON: — O.K. Let me deal with the second matter first. This is a thing that has been around for some time and there have been submissions made to the Land Titles office so as to facilitate their internal procedure. That is, to change their internal procedures to facilitate the filing of one notice of change of address and having it applicable to all caveats filed by that person. What I would like to do is to get from you some assurance that that will be done at long last. You see, suppose you have 15 caveats filed and you changed your address. Now, you want to file a change of address, you have to pay the fee in respect to each one of the caveats. So you have to pay five times fifteen or whatever the fee is, and it is \$75 or \$10 — I have forgotten the fee. If you happen to have 1,000 the expense becomes prohibitive. What happens in consequence, people like the oil companies (and I am familiar with this one personally) they then find it so expensive to file a notice of change of address, they don't do it. Now, that is very well from the oil companies' point of view, but it is not so very good from the individual's point of view, who may want to communicate with the oil company, which has a caveat on his land — or who wants to give him a notice of something; because the notice will go to the old address and the old address may be 20 or 25 years old, you see.

Now, I have always thought it was possible to set up, in the Land Titles office, a registry of addresses with respect to caveats, where one could simply give to the registrar of a Land Titles office a notice of change of address and that would be recorded. So that any communication thereafter with the caveator would be sent to the new address. But I think it is a problem under the act as well because I think the way the act is framed, you can only give the notice to the address appearing in the caveat. You can't give a notice at a different address or the notice isn't valid. I think you would require a change of the act.

MR. ROMANOW: — Well, Mr. Chairman, I think I can . . . I have talked to Mr. Truscott here . . . I recognize the member has a valid point. Mr. Truscott feels that he can work out a system without legislation inter-officewise. He does not think that there is a bar to the legislation. If there is a bar to the legislation I will undertake that when we open this act up again, we will solve that problem.

MR. CAMERON: — O.K., that's good. On that other question . . . you remember my concern was this, that earlier on, earlier years, there were titles that were divided as between mines on the one hand and minerals on the other, always recognizing that there is a distinction between minerals and mines. I think that there are titles in existence with respect only to minerals in some instances and perhaps in others with reference only to mines. I was concerned when I first looked at this as to whether in the due definition here we weren't adversely retroactively affecting some of those old titles that I think still remain in existence. Now it may be if this is a definition for a different

purpose, it may be it doesn't affect it. That's what I was directing my earlier comment to.

MR. ROMANOW: — Well, Mr. Chairman, I am not sure that I can add very much more to the earlier answer and I hope the member can understand my reply in this, or will at least accept it, if he does understand it. The answer that I am given is that first of all under The Mineral Taxation Act there was a cancellation of minerals under mines and minerals. That was an amendment passed when . . . I don't know . . . quite a long time ago. Then Mr. Truscott issued a directive with respect to the cancellation of minerals. We only know of two cases where there is a title alive as to mines. There may be some others. Let us not take away the member's observation. We think that all that this definition of 1A does is it does nothing with respect to rights. It does not change the present cancellations of the various statutes or the various directives and if indeed there is a confusion there is still a remedy by going to court, which is available. Now that's perhaps a cavalier attitude, you know, when you got to court if you've done something wrong.

My answer, I guess in summing up, is that in practical terms we think that there are very few such instances which are alive. I could be wrong there. Secondly, there is no real substantive change as to the rights of the parties involved by this which is just an additional power of mines equals minerals; minerals equals mines. Thirdly, if there should be, we could go to court.

I don't know if I have explained it satisfactorily to the member, but I am satisfied and Mr. Truscott is satisfied that we have no major problem here in that sense.

Section 13 as amended agreed.

Section 14 as amended agreed.

Section 15 as amended agreed.

Section 16 agreed.

Motion agreed to and bill read a third time.

BILL NO. 13 — An Act to amend The Surface Rights Acquisition and Compensation Act, 1968.

Section 1

MR. BAILEY: — Mr. Chairman, some time ago I directed a question to the Attorney General and I believe at that time he said this was the time to ask the question as well he could have an answer for me. Just to refresh the Attorney General, my question to him at that time was rather a difficult one for the people of Saskatchewan in that there are places in the province where the rights of way for the gas lines and oil lines and so on and these properties are held by companies or leased out to the farmers from companies who do not have their head office in Saskatchewan. Now just east of where I happen to live, and some in the other constituency west of me, this is the situation. You

have a small development in oil or a small development in gas and these are generally small companies. And in some cases the agreement that this right of way they will pay, say \$400 a year and the company changes its name or something happens and we have a number of farmers who are sitting out there who have up to \$3,000 coming and they have no way of getting at the situation. Now I appreciate the department was able to get for me the address of one of these companies. But the question I want to ask the Attorney General, is there not some way through his department that we can, in fact, protect the Saskatchewan farmer, the Saskatchewan landholder from these abusive tactics that sometimes prevail in the province so that these people can have someplace to go or some way in which they can be receive their remuneration for which their name is on the agreement?

MR. ROMANOW: — Mr. Chairman, I do remember the hon. member raising the question which I think is a good question and it raises a problem. I would point out to the member that under section 25 of the bill, there is an obligation for the operator to give in writing a change of address or notice of any changes in the circumstances to the owner. But that doesn't answer the member's problem because the Surface Rights Arbitration Board, by the way I have here beside me, Mr. Bob Bews, who is the chairman of the board. The Surface Arbitration Board may not know of this, and if it did know about it would need a police force in some sense and the farmer very often doesn't know about it. We don't know the magnitude of it. Undoubtedly there are occasions of difficulty which exist here. The only answer I can give the hon. member is that we are trying to come up with a solution that is something which has been on the plate, I gather off and on, from the board's consideration for quite some time. And I don't have any easy House Amendment or any easy solution without some consequent negative factors to it as well. So it is a difficulty and we will just simply have to undertake to the hon. member that to keep this on the plate and perhaps when the act is next opened up we will have a solution for it. And if the problem is so bad that we need to take drastic remedy that is what we will do.

MR. BAILEY: — Mr. Chairman, I can appreciate the response from the Attorney General and I can also understand the difficulty I have been trying for some of my constituents for some time and I still in over a period of two years we have been getting quite a run-around. I want to ask this question just for a matter of personal interest to your department. When a company comes in, obviously, if they are laying trenches, laying pipe, whatever, in the province, you must be aware of what they are doing. They must register somehow with the Service Rights Association. Would it be possible, and perhaps this is my suggestion, to the Attorney General, would it be possible at that time, when they obtain the rights to process or pipe or whatever, whether it be gas or oil they must have a licence from the province, would it not at that particular time be easier to make it encumbent upon them at that time it would bring legislation so that the events which I am talking about just simply could not happen. That is, that this bill in fact, could pursue the interest of Saskatchewan people when these companies go delinquent on them? I wonder if that is not possible.

MR. ROMANOW: — I think this is again an idea which needs to be pursued. Keep in mind, of course, the relationship, the Service Rights Arbitration is in a sense a quasi-judicial independent, semi-independent or independent tribunal that fits in between the Department of Mineral Resources and the operator and the owners. This is something which perhaps the Department of Mineral Resources could do. This is what you are speaking to primarily at the time of the granting of privileges to mine in effect the resource. But it would need a degree of integration with the Surface Rights

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Arbitration Board. Not impossible. It's just again the trade-off of putting yet a requirement on some of these small oil companies. Some of the legitimate ones would say, oh my goodness, I have another form to fill out. So it is a trade-off situation and as I say we are trying to assess as to how bad the situation problem is and sooner or later a decision has got to be taken one way or the other.

I think this is a good idea, but I don't want to say you should say no to it.

Section 1 agreed.

Section 2 amended agreed.

Section 3:9 amended agreed.

Section 4:10 amended agreed.

Section 5:26A amended agreed.

Section 6:48 amended agreed.

Section 7 agreed.

Section 8: renumbered 7 agreed.

Section 9: renumbered 8 agreed.

Motion agreed to and bill read a third time.

BILL NO. 1 — An Act to amend The Infants Act.

Section 1 as amended agreed.

Sections 2 to 5 agreed.

Section 6:22 amended agreed.

Section 7:47 amended agreed.

Section 8 agreed.

MR. ROMANOW: — Mr. Chairman, before I move the committee adopt the bill I would just simply like to introduce the Deputy Attorney General who is sitting beside me, Doctor Dick Gosse.

Motion agreed to and bill read a third time.

WELCOME TO STUDENTS

MR. W.G. ALLEN (Regina Rosemont): — Mr. Chairman, I would like to introduce a group of students at this time. It is a great deal of pleasure for me to introduce to the House this afternoon a group of students from Oak Grove Lutheran High School in Fargo, North Dakota. This is the concert choir from Oak Grove High School. They are accompanied today by Arvid Berg, the director of music, Malvina Moe, a nurse, Pastor

Dale Vitalis, and Tim Reimer, their bus driver.

I do not know if any of the members of the Legislature had an opportunity to hear this group sing outside, but as I was telling them, it is the sweetest music I have heard around here in a long time.

SOME HON. MEMBERS: — Hear, hear!

MR. ALLEN: — They are performing, I understand, tonight in concert at Christ Lutheran Church in Rosemont constituency. I am sure they would want to invite any member or his family who would be able to go tonight. All members would like to join with me in wishing them a happy stay in our city and a safe journey home.

HON. MEMBERS: — Hear, hear!

(Committee of the Whole Continued)

BILL NO. 25 - An Act to Amend The Queen's Bench Act

Sections 1 and 2 agreed.

Motion agreed to and bill read a third time.

BILL NO. 9 - An Act to Amend The Rural Municipality Act, 1972.

Section 1 agreed.

Sections 2, 3 and 4 as amended agreed.

Sections 5 and 6 agreed.

Sections 7 to 10 as amended agreed.

Section 11 agreed.

Motion agreed to and bill read a third time.

BILL NO. 3 - An Act to Amend The Department of the Environment Act, 1972.

Section 1 agreed.

Section 2:11

MR. LANE (Qu'Ap): — Mr. Chairman, Mr. Minister, surely we are entitled to more than a provision which allows the minister at any time he wants to make grants to anybody he wants for the purpose of, and enhancing and protecting the quality of the environment.

The only rider on the whole provision is the fact that the grant is limited to \$10,000. You define, for me, what enhancing and protecting the quality of the environment is. Obviously it could be painting someone's house if you wanted to get absolutely ludicrous about extending your definition. It can go to home repairs of the environment in the neighbourhood doesn't look too good, or it could be improving the environment in a house, by giving the member for Saskatoon Centre a one-way ticket to the farthest

point on the globe, I suppose. We could probably get unanimous . . . I am sure there is a little noise pollution there, too, Mr. Minister, that could be cleared up rather rapidly if the program was in effect.

But, surely, Mr. Minister, we are entitled, and I am sure you will agree, that an open-ended provision that the minister can give any amount of money, up to \$10,000 to anybody he wants for protecting the quality of the environment, is not adequate if we are talking about responsible government spending. I am sure that you have the criteria established and are prepared to table the criteria at this particular time. Would you do so?

MR. BYERS: — Mr. Chairman, the present Department of the Environment Act does not authorize the Department of the Environment to make grants without approval of the Treasury Board and the government, without prior approval of the Treasury Board and the government.

We are entering an era when the environmental impact assessment process is becoming more and more refined. We are in an era when citizen groups wish to undertake environmental projects and in the last year, in particular, we have found that a large number of groups have requested the government for financial assistance to prepare submission to boards of inquiries, such as the Cluff Lake Board of Inquiry and the like.

Other jurisdictions are wrestling with this question of, how does the government provide financial assistance to citizen groups taking up an environmental cause? Just as one example. Therefore, in the past year, the government has provided financial assistance to groups subject to very rigid guidelines. And in the case of groups that qualified for financial assistance to make presentation to the Cluff Lake Board of Inquiry, the minister did not rule on the eligibility of any particular group.

The government established an independent board to administer the criteria and thereby determine which groups would be eligible. We think that system has worked very well and that it has enabled a large number of citizen groups to make or tell their story, or put their case, however you like to say it, to the board of inquiry.

There is provision further on in this bill that there will be regulations established for the payment of these grants. However, these are not fully prepared at this time, but we think the principle of being able to provide grants to groups if mainly in the area of groups wishing to prepare submissions to boards of inquiry, that are examining environmental impact assessments, is in keeping with the desire of citizen groups to present their case when they may lack the necessary funds to present a case adequately.

Section 2 agreed.

Section 3

MR. LANE (Qu'Ap): — Well what you say is fair comment and saying it three times is three times as fair but that's not what the particular section says. The section is much more broad than that and if we are going to accept your argument, are you prepared to come up with an amendment that those grants are only for groups to appear before

environmental impact studies or to contribute to environmental impact studies and for no other purposes?

MR. BYERS: — No, Mr. Chairman, I think that would not be a responsible position to take because I think that it is not possible to predict the kinds of situations that might emerge. I draw to the attention of the hon. member that under section 11 it is a general power for the purpose of enhancing and protecting the quality of the environment the minister may under the present department act; there is a whole list of powers that he may do or that he may exercise and this will merely add one to the list.

MR. LANE (Qu'Ap): — It contradicts your first of three answers a couple of minutes ago, when you said that the environmental impact studies are becoming more formalized and people are becoming more aware of procedures and more definitive. I forget the exact phrase you used but you indicated then that that was the case. Now you are saying that that's not the reason that you are giving the \$10,000 to whoever meets the political criteria and I think we're coming logically to that conclusion, that this thing is just going to be a slash fund. You've given us conflicting answers. We all agree that if it is for people to contribute to environmental impact studies that that's precisely where it should go and we could all agree with that if you would put in an amendment to that effect, we would agree with that. But you have refused to do it. The fact is you are passing a section which allows you to give \$10,000 to anybody who happens to come along for the purpose of enhancing and protecting the quality of the environment, phrases which are nice flowery phrases, never defined by anyone in the past and not defined in this act. And I say to you that really what you are asking for is an abuse of the process of this House.

MR. BYERS: — Mr. Speaker, perhaps the hon. member doesn't understand the full intent of this provision. This is not in this provision seeking approval for - obtaining permission of the Legislative Assembly to give the Minister of the Environment access to an unlimited amount of money. The procedure will be (1) that the funds - and if the hon. member will pay attention perhaps it will save three unnecessary questions, I know it's nearing supertime - but first of all the funds for this purpose will have to be approved by the Legislature and then the minister will have authority to dispense it.

MR. LANE (Qu'Ap): — That's absolutely wrong, Mr. Minister, the fact is that the funds for this, the general funds of course, any departmental expenditure obviously will have to be approved. But that does not - you come in and you ask for \$2 million with a \$10,000 limit to individuals, that \$2 million can be spread around and dropped around in any way your little heart desires and I say to you that what you should do if you are going to come in with this blanket proposal, and I asked you at the outset to give to us the criteria for application for that grant. This is absolutely ludicrous that you would come in and ask for approval when out of your own office you can give up to \$10,000 to anyone for the purpose of enhancing and protecting the quality of the environment. That's not proper.

MR. BYERS: — Well, Mr. Chairman, if I may go ahead to section 5(e-B), the bill states that the terms and conditions of grants made under this section 13 will be determined by regulations and at this time those regulations are not referred to.

MR. LANE (Qu'Ap): — Well, you haven't been able to give us an answer really why you need it. You have indicated that this was for people to appear in environmental impact studies but they have already been able to get funding in the past so we don't need it for that purpose. Do we even need it? I suggest to you that perhaps we don't because you have

not been able to give us a reason for it other than the fact that election year is approaching.

Section 3 agreed.

Section 4

MR. D.M. HAM (Swift Current): — Mr. Minister, I have difficulty accepting section 4 as it is now laid out. The Lieutenant-Governor in Council, the minister or the deputy, or any one of three people can authorize \$10,000 and up. You stated earlier that you had the power specifically or indicated it was you who had the power to designate the \$10,000. In this instance it is saying that you, the Lieutenant-Governor in Council or your deputy has the power to grant that money.

MR. BYERS: — You are referring to section 4. At present there are a great number of types of licences and permits that are signed by the minister or the deputy; hundreds of them in the course of a year. The purpose of section 4 is to give to other officials in the department authority to sign certain types of approvals. If I could give you a couple of examples: to authorize inspections during instruction as proposed; for example, to delegate that authority to the director of a branch or a branch official; the issuing of certain licences that now rest with the minister to give that to the director or branch official, for example, the construction of a sewage lagoon. The authority for something like that could very well be granted to the head of the Water Pollution Control Branch.

MR. HAM: — Mr. Minister, you are saying under section 12(a) that in fact your deputy minister is not in the position to grant \$10,000 to a group?

MR. BYERS: — Under The Interpretation Act the deputy minister is authorized to exercise those powers with respect to issuing licences and the like that the minister has. This section seeks approval by order in council to authorize the deputy minister to delegate certain licensing responsibilities, the issuing of certain types of permits and certain powers that are now vested with the deputy to another branch head or another official within the department.

MR. HAM: — Does that mean that he doesn't have the power to grant money then, is that what you are saying?

MR. BYERS: — Not now.

MR. HAM: — But he will have?

MR. BYERS: — He will have when you vote on this, yes.

MR. HAM: — In other words, he can grant \$10,000 or more subject to the approval of the Lieutenant-Governor in Council? Is that correct?

MR. BYERS: — No, they would have to be given under the specific terms of the regulations that will be developed. And they are not developed yet.

MR. HAM: — When do you expect to develop them?

MR. BYERS: — At the earliest possible date.

MR. HAM: — Mr. Chairman, Mr. Minister, would you not admit that is just sort of a blanket bank account for the deputy? He can grant money to anybody he wishes provided under the regulations they qualify without even passing by you?

MR. BYERS: — . . . the Interpretation Act which is not this act, and which I don't understand very well. The deputy really has the authority to do anything that the minister can do. For example, the deputy minister can sign contracts in the Department of Highways. Use that as an illustration. The deputy minister under the present act does not have the authority to delegate signing authority to other staff persons and I can give you a long list of examples here where it is deemed appropriate to the authorities that the authority that the deputy now has . . . at present the deputy or the minister is required to sign all these approvals. For example, a license to do preliminary work must now be approved by the deputy or the minister, very preliminary work. That's the type of thing that could be given say to the Director of Surface Water Division. A simple inspection . . . well the present responsibility is with the Chief Engineer there but let's take one like a dispute as to the quantity of water or the right to use, is now with the minister. It is proposed to give that to the director of a branch. There are hundreds and hundreds of these licences and permits, very, very routine types of things that go through Environment in a year. There are 9,000 some hundred licensed water projects alone in the province. Just use that as one example, much less . . . and then you've got all the water treatment plants and the water systems and the sewage lagoons and on and on and on. Some of these are very routine things. It is not deemed necessary to consume the minister's and the deputy minister's time signing all these permits and licenses that are virtually automatic. We simply want to relieve the administrative work of the deputy and transfer that responsibility to the appropriate staff person in the department. However, we will set up, we will pass regulations that will spell out those things that can be transferred, wherein the responsibility can be transferred.

MR. HAM: — Mr. Minister, I can understand that you have to have delegation within your department to grant and issue licenses, but to me it looks like a credit card is being granted to your officials within this department who spend freely subject to allow regulations whenever they come to it.

MR. R. KATZMAN (Rosthern): — A question here . . . anybody, an order for example . . . let's go into a little bit of a session that you and I have had over the Bayda inquiry and how the allotment of money and so forth was done. What this means now, that the \$10,000 can be issued to an environment group that want to make proposals without the minister's signature, but by this 12A clause. Is that correct?

MR. BYERS: — That will not be true unless the regulations provide for the type of situation you describe.

MR. KATZMAN: — So if there is an inquiry into any type of environment that is going on in the province, then you can give authority, this will give the authority to somebody, the deputy minister or lower, to issue a cheque up to \$10,000 or more by this. Is that correct? If it is covered by the regulations?

MR. BYERS: — Well, that is really not the intent of this amendment. Keep in mind that officials now have authority to enter into contracts for tens or hundreds of thousands of dollars, for instance in the engaging of consultant engineers. But it is really not intended to give authority to the officials to make grants.

MR. KATZMAN: — Could you give the House the assurance as the minister that in the

drawing of the regulations that will be covered so that they will not be issuing?

MR. BYERS: — Well it is not our intent to do that.

MR. KATZMAN: — It may not be your intent, but if you have it on the record that you will, within your power, make sure that it doesn't happen I will accept that.

MR. BYERS: — I have said that it is not our intent to do that and I assume that's on the record.

MR. KATZMAN: — Well I am just wondering here, and I may have to go to the fifth one, not the fourth one .. when somebody is inspecting a . . . Mr. Chairman, I will do it under section 5 in case I am wrong. I will ask permission to back up then.

Section 4 agreed.

Section 5

MR. KATZMAN: — Mr. Chairman, on section 5 I notice you say, 'petroleum products, discharged into the environment that result or may result in pollution of the environment'. We are all seeing a lot of information on the news media right now about gas running in the sewers in Quebec. Is this the type of thing that gives you some protection on?

MR. BYERS: — It can, yes. We don't have much of a problem in that field. That particular field hasn't been a problem really.

MR. KATZMAN: — That has not been a problem in Saskatchewan?

MR. BYERS: — Some, but not much.

MR. ROMANOW: — I just wonder if we're going to be long on this? Maybe we can finish it off now. I'd like to move the committee rise to report progress after this bill and go right into Committee of Finance at 7 o'clock. I'd hate to have the officials come back.

MR. KATZMAN: — May I make one comment to the minister and then he can make his decision as to what he wants to do? You know the problem that was developed from a gas leak and I'd like to go into that one.

MR. BYERS: — Regulations are to develop regulations to cope with that kind of a problem.

MR. KATZMAN: — Mr. Minister, my concern is that in the city of Saskatoon, there was a gas leak. The extent of it was considered to be 100 tons of TNT and it was located in the centre of the city. It was well kept quiet. It was released and of course, my concern is when this type of thing happens, I'm looking for protection for the innocent person who may have to accept a very large financial responsibility as is what has happened in Saskatoon and that person was not the guilty party. I'm wondering if the environment in this area will protect that person and have the person that's responsible, responsible for liability to the third party that has the losses.

MR. BYERS: — First requested in this act, will in situations like you referred to the onus will be on the offender to report the situation to the Department of the Environment.

Then, as the next step this act will give the Department of the Environment authority to make regulations that must be followed in the clean-up operations.

MR. KATZMAN: — O.K., that's the key word. On the clean up, who's responsible to pay?

MR. BYERS: — The offender pays.

Section 5 agreed.

Motion agreed to and bill read a third time.

The Assembly recessed until 7 o'clock p.m.