April 24, 1978.

The Assembly met at 2:00 o'clock p.m.
On the Orders of the Day

WELCOME TO STUDENTS

MR. SPEAKER: — It is my pleasure today to introduce a group of students from Saskatoon-Westmount constituency. They are from St. Gerard School and they are situated I believe, in the Speaker's Gallery. There are 35 of them; they are Grade Eight students and they are accompanied today the Legislature by Delores Haberman and Andy Fontaine.

I know all members will join with me in welcoming these students from St. Gerard and Saskatoon Westmount and we wish them a safe journey back to Saskatoon.

HON. MEMBERS: — Hear, hear!

HON. E. WHELAN (Regina North West): — Mr. Speaker, through you I would like to introduce to all members, 72 Grade Eight students from Ste. Mary School in Regina North West. They are seated in the west gallery with their principal, Harold Ferner, and another teachers, Mr. Schuba.

My children attended this school and Mr. Ferner has always taken time to give his students extra instruction. Their visit to the Legislature is typical. I plan to meet the group for a discussion and a group photograph later on today. We hope their stay with us this afternoon is pleasant and educational.

HON. MEMBERS: — Hear, hear!

MR. P.P. MOSTOWAY (Saskatoon Centre):— Mr. Speaker, on behalf of the Hon. Herman Rolfes, MLA for Buena Vista in Saskatoon, I would like to welcome to this House, 44 Grade Eight students from Hugh Cairns School in Saskatoon. They are accompanied by two teachers, Mrs. Bono and Mr. Balon.

I understand that they visited the RCMP Depot earlier today or will, also the Museum of Natural History. I hope that they find their experience in this House rewarding.

Now, Mr. Rolfes is tied up at present. He should be back shortly but should he not be back, one of the Saskatoon MLAs will be going down to meet with them a little later on. I ask you to bid them a good welcome.

HON. MEMBERS: — Hear, hear!

QUESTIONS

ALLEGATIONS BY SASKATCHEWAN MEDICAL ASSOCIATION

MR. C.P. MacDONALD (Indian Head-Wolseley): — Mr. Minister, I would like to direct a question to the Premier in the absence of the Minister of Health. I am sure that the

Premier is aware that over the weekend the Saskatchewan Medical Association levelled some very serious allegations in relationship between the medical profession and the Saskatchewan Medical Care Commission. They referred specifically to the fact that they were no longer co-operating with the Medical Review Committee and that the bureaucrats in the Medical Care Commission were now checking and investigating to adopt the practice of the medical practitioners in Saskatchewan themselves. Could the Premier indicate how long this practice has been going on and when they ceased to co-operate with the medical practitioners in Saskatchewan in this regard?

HON. A.E. BLAKENEY (Premier): — Mr. Speaker, I not aware of the allegations made by the hon. member and I would prefer to await correspondence that doubtless the Saskatchewan Medical Association will send to the Minister of Health if they have serious concerns to raise because I would like to respond to the particular issues which they raise rather than second or third hand reports and I know the hon. member will understand the wisdom of that course of action.

MR. MacDONALD: **—** Supplementary, Mr. Speaker. I wonder, the Premier then when he does take this question as notice and discusses it with the Minister of Health, would indicate when . . . as you know, a few years ago the Medical Review Commission was established by the medical profession in Saskatchewan in co-operation with the government, when the Medical Care Commission initiated steps to investigate the practise of doctors in Saskatchewan on their own and second, can he also indicate to me why the Department of Health or the government of Saskatchewan which initiated the socio-demographic profile of people prescribed mood modifiers and the medical profession indicate that the government of Saskatchewan released this to the public of Saskatchewan and to the news media before they had an opportunity to even examine it or to comment on it and, of course, has contributed very substantially to the deterioration in the relationship. Could Premier also find out why this course of action was followed by the Department of Health and the Minister of Health in regard to this particular study, which certainly involved and was in substance an accusation against the doctors and their prescribing of drugs themselves? Could the Premier do that?

MR. BLAKENEY: — Mr. Speaker, a couple of points. First, I did not take the first question as notice, but indicated that I would like to find out whether the Saskatchewan Medical Association was going to get in touch with the government whether they believe that the issues were requiring that sort of communication. Secondly, with respect to the second question the hon. member raises, my recollection is that the report he refers to was commissioned and issued by the Alcoholism Commission of Saskatchewan which is quasi independent. I will ask the Minister of Health to inquire of the Alcoholism Commission why they commissioned that report and why they made its findings public and whether or not they discussed them with the members of the medical profession.

MR. SPEAKER: — Order. I think I will go on to the next question.

BILLING PATIENTS FOR MEDICAL SERVICE

MR. R.L. COLLVER (Leader of the Opposition): — Mr. Speaker, my question also relates to the weekend meeting of the Saskatchewan Medical Association. The Premier will undoubtedly be aware that the Saskatchewan Medical Association has withdrawn from its support of the MCIC review commission in an attempt to bring these matters to a head. I am sure he has read that same report. My question to the Premier is

this, what will the government of Saskatchewan do when the individual doctors, as a result of this move over the next few weeks and months, decide to bill the patients privately and go back through the MCIC which will totally disrupt the administration of MCIC?

MR. BLAKENEY: — Firstly, I have not read the report that the hon. member refers to. The meeting concluded yesterday and I have not had an opportunity to read today's paper so I have not read the report.

Secondly, the second question, clearly, is highly speculative as to what happens when, and I would say if, medical practitioners decide to bill patients privately. That clearly is an ambiguous question since it can either mean that they are going to bill them privately outside the Medical Care Insurance Plan as The Medical Care Insurance Act provides for or alternatively, that they are going to use mode 3, i.e., bill the patients privately and have them seek reimbursement.

Mode 3 has been used relatively extensively in the past. It was a high as 20 per cent in my recollection at one time and is down to 5 or 6 per cent now. Presumably, when it was 20 per cent it was dealt with effectively and we will see whether or not the difficulties, which the hon. member predicts, happen. I suspect it will be like many of his predictions and will not happen.

MR. COLLVER: — A supplementary question, Mr. Speaker. A final, did you say, Mr. Speaker? Since the Premier is aware that only approximately 5 per cent of the doctors bill mode 3 at this point in time, and since the Premier is also aware, I am sure, of the tremendous administrative burden that would be placed on MCIC by mode 3 billings by the majority of the physicians in the province of Saskatchewan, does your government have any contingency plans in the light of the apparent breakdown between the Saskatchewan Medical Association and the Medical Care Insurance Commission reported today in the newspaper for the administration of large numbers of doctors switching to mode 3 billing?

MR. BLAKENEY: — Mr. Speaker, the contingency which the hon. member postulates would require a very large number of doctors withdrawing from MSI and GMS (Medical Services Incorporated and Group Medical Services) because the law is clear that where a doctor is a member of GMS and MSI and where the patient is a member there cannot be any extra billing as the phrase is sometimes used. Mode 3 cannot be used in that instance. Accordingly, I think it unlikely that we will have the wave of mode 3 billing that the hon. member predicts. I think it will not happen and since even at times when relations between the medical profession and the government of Saskatchewan have been strained, as they are not now, mode 3 billing was never extensive and I really do not expect it to be extensive in the future as it has not been in the past.

MR. MacDONALD: — Supplementary question . . .

MR. SPEAKER: — Order. I'll take a new question.

MERCURY CONTAMINATION

MR. A.N. McMILLAN: — Mr. Speaker, I would like to direct a question to the Minister of the Environment. A few days ago Environment Canada released a report which outlined a potential mercury contamination problem in Saskatchewan and it pointed it out 22 separate bodies of water which they felt may have dangerously high mercury levels in them. If the report pointed out anything it was that further study was needed on this

question of mercury contamination. I would like to ask the Minister of the Environment if he will give consideration to implementing further study by the Department of the Environment in Saskatchewan to determine the seriousness of the mercury contamination level in our water bodies in Saskatchewan?

HON. N.E. BYERS (Minister of Environment)**:** — Mr. Speaker, the question of mercury contamination in the water bodies of the province has been an ongoing study by the federal Environment Canada. Certainly Environment Saskatchewan and the Department of Tourism and other departments of the government have co-operated, I think, fully with the federal government in any such examinations and we are prepared to continue that co-operation.

MR. McMILLAN: — Supplementary, Mr. Speaker. As the minister is well aware one of the main pollutants in the North and South Saskatchewan River with respect to a mercury supplied area in the municipal landfill, such located that seepage from that puts mercury into our North and South Saskatchewan River. Would the minister undertake on behalf of his department to give this House the assurance that some work will be done into investigating the seriousness of this problem and the potential rectification of that problem should it prove to be serious?

MR. BYERS: — Well, Mr. Speaker, as I previously indicated to the hon. member, there are ongoing examinations of the sources of mercury pollution. I will assure the hon. member that the Department of the Environment officials and others, Health, and there are others involved as well, will offer a co-operation possible to see this happens.

MR. McMILLAN: — Final supplementary, Mr. Speaker, would the minister not admit that the Department of the Environment in Saskatchewan today is doing virtually nothing to determine the seriousness of the mercury contamination problem in Saskatchewan? You are leaving it up to the federal Department of the Environment who has no direct interest in the Saskatchewan problem. Further you are doing nothing in consultation with the municipal governments or others to rectify the problem of mercury contamination as a result of seepage from local land fills into the North and South Saskatchewan River. Would the minister not agree that that is a fact?

MR. BYERS: — Well, Mr. Speaker, I reject out of hand the assumption of the hon. member that nothing is being done in this respect, and I am very surprised that he is not aware of some of the initiatives of federal-provincial co-operation in this field.

REVIEW OF CANCER CARE

MR. E.A. BERNTSON (Souris-Cannington): — Question to the Premier in the absence of the Minister of Health. I am sorry the Minister of Health is not in his seat because he is expected to stay abreast of matters relating to health and therefore better able to answer these questions. But a week ago Friday, the Minister of Health indicated that he had appointed a Dr. Watson to review the cancer care program in Saskatchewan — this review to start in early May. What is the government doing to insure that the high standard of cancer care in Saskatchewan continues in the interim?

MR. BLAKENEY: — Mr. Speaker, we are allowing the Cancer Commission to carry on as they have for 10 or, 15 or 20 years, that is what we are doing to insure that the high standard of cancer care continues. It has been a banner program in all of Canada and it continues to be a banner program in all of Canada. I doubt very much if we have any concerns about a high level of service being rendered. This is not to suggest it cannot be improved and we are asking Dr. Watson to tell us whether there are ways in which we could have a still better program.

SOME HON. MEMBERS: — Hear, hear!

MR. BERNTSON: — Supplementary question, Mr. Speaker. I am sure that the Premier has had discussions with the Minister of Health on this matter. Is the Premier satisfied that the Blair Memorial Clinic is adequately and properly staffed, and if not, what steps is your government taking to rectify this problem?

MR. BLAKENEY: — Mr. Speaker, I am not fully aware of all the staff situations at the Blair Memorial Clinic. I have no reason to believe that there are serious staff problems there. There have been some changes in personnel, as the Minister of Health outlined to the House a couple of days ago. I have no reason to believe that steps have been taken or are not in the course of being taken, to provide additional personnel. Accordingly, I have no long-term concerns about the staffing situation at the Allan Blair Memorial Clinic.

MR. BERNTSON: — Final supplementary, Mr. Speaker. In light of recent events in and around the medical profession that I am sure the minister has been made aware of, would the Premier indicate whether he has in fact, confidence in the present cancer commission?

MR. MOSTOWAY:— They don't have the divine right to rule, that's for sure.

MR. BLAKENEY: — The answer shortly put is, Yes. I have confidence in the existing Cancer Commission. This is not to suggest, as I am sure they would not suggest, that there cannot be improvements in the program. I am confident, (a) that the program is a good one, (b) that the commission is doing a good job, and (c) that they and the government of Saskatchewan are pursuing ways to do an even better job.

MR. E.F.A. MERCHANT (Regina Wascana): — Mr. Speaker, I would like to direct a question to the Premier. If, as you state, that there are no problems at the Cancer Commission, why now is there an inquiry being launched when a week or so ago no inquiry was planned and will this inquiry be an open inquiry or is it to be a behind-the-doors inquiry?

MR. BLAKENEY: — Mr. Speaker, with respect to the second question I can only take notice. I don't know what the terms of reference are that have been discussed with Dr. Watson and I would not wish to hazard a guess without having the minister who or whose staff made the arrangements.

With respect to the first question, the logic of that question would suggest that there never could be an inquiry unless there were difficulties. This has not been the style of the Department of Public Health. They have had continuing inquiries on a good number of programs. They are having one with respect to the hospital plan, not because we think there are many major problems with respect to the hospital plan but rather we think there are ways in which we can do still better. That is true with respect to the Cancer Commission and I know that the minister and his staff will look forward to any comments and recommendations which Dr. Watson may have to offer.

CONSUMER AFFAIRS — SMALL CLAIMS COURT

MISS L.B. CLIFFORD (Wilkie): — This is a question to the Minister of Consumer Affairs. The Saskatchewan branch of the Consumers Association of Canada suggested five

recommendations that would help them through the small claims court. Today we are going to look at one of these recommendations in Bill 42. Will the minister give his guarantee that his department will give top priority to these recommendations so that if any amendments are needed in the act we can get them implemented during this session?

HON. E.C. WHELAN (Minister of Consumer Affairs): — Mr. Speaker, in answer to the hon. member, as yet I have not seen the recommendations. I haven't had a chance to look at them. But I want to say this that we have paid a subsidy each year to the Consumers Association of Canada. We put a great deal of value on their recommendations, we will be looking at them carefully. As soon as I have had a chance to discuss them with my staff, I'll be able to answer the question more completely.

MISS CLIFFORD: — Supplementary, Mr. Speaker. Will the minister guarantee that he will get together with the Attorney General, who is presenting this bill to amend The Small Claims Enforcement Act, as soon as possible so that if any amendments are needed we can do them this session before this bill is put through the third reading?

MR. WHELAN: — I promise the hon. member that I will discuss the matter with the Attorney General.

CONTINUING EDUCATION

MR. R. H. BAILEY (Rosetown-Elrose): — Mr. Speaker, I would like to direct a question to the Minister of Education. A question concerned with his other department, continuing education. The community college classes, as I understand it, and their activity within the country have been a very beneficial thing for the most part to the people of Saskatchewan but I understand from the brochure that I have from the Saskatoon Community College here that once again this year you are offering a class which last year drew no participants and again this year in June that you are offering a class in Marxism. I am wondering if the minister is aware that there is a demand for that class and what group of people are demanding it this year, when you offered the class last year and there was no activity in the class at all?

HON. D.L. FARIS (Minister of Education): — Mr. Speaker, I am surprised that a member with his experience and education should not be aware that in dealing with community colleges the kind of decision making in regard to what class is a decentralized operation. The programming is up to the boards of those colleges. For instance, that board has such respected educators as Fred Gathercole on it and if they feel the people in their community are interested in that sort of course, if there is some indication, they have the right to respond to it. They receive no direction or control from our department.

MR. BAILEY: — Supplementary question, Mr. Speaker. I notice, Mr. Minister, that within the rural areas that a number of classes have taken place on a week long basis dealing with the evils of the corporations as part of our business structure and I have been looking through all the various pamphlets to see that you haven't conducted a week long class in the preservation of the private system or whatever. I am not denying the fact that you appoint the boards but to bring about some equality of understanding of education within the realms of the small "p" politics in the way of business in rural Saskatchewan.

MR. FARIS: — Mr. Speaker, this question reflects a question asked earlier in the year concerning the use of certain movies in courses out in the country. I can say to the member that I inquired into those courses, one of which was held in the member's constituency in Beechy, attended by 60 of his constituents. That course was offered upon the request of his constituents for that kind of course. If people are interested in the role of multinationals in regard to the food industry, I as minister do not intend to attempt to muzzle them.

RAT CONTROL PROGRAM

MR. J. WIEBE (Morse): — Mr. Speaker, a question to the Minister of Agriculture. Saskatchewan, in effect, has had a non-existent rat control policy in this province. As a result of this non-existent policy, millions of dollars have been lost in stored farm products as well as farm buildings, as well as creating a lot of concern amongst health authorities throughout the province. Saskatchewan in the past has been first in many fields. In this case, it is certainly last. When can we expect the government of Saskatchewan, your department to stop dragging its feet and attack a problem which is becoming serious in this province and announce a meaningful and comprehensive rat control program for Saskatchewan?

HON. E. KAEDING (Minister of Agriculture): — Mr. Speaker, the member may not be aware that there is now a fairly active program under way in the province with regard to rat control. I just attended a series of about four or five meetings of RM district boards. In each one of those meetings the Ag Rep was announcing a program and was identifying the kinds of work that had to be done by the regional fieldman and the kinds of things we expected farmers to do for themselves. This program is developed so that we have a fieldman who will attempt to set up the structure but the farmers themselves do the work, the local elevator companies and the town councils. I think that is the best way to run that kind of a program. That is under way now.

MR. WIEBE: — Supplementary question. As a result of this government's inactivity as explained by the minister, our local elevator companies and concerned farmers have attempted to deal with the problem themselves and, basically, it is a provincial problem. The only way that the problem can be eradicated and dealt with accurately is that we do have a province-wide program similar to the province of Alberta, in which we can, in effect, claim a rat free province. The only way that this is going to come about is that the provincial government and the provincial Department of Agriculture itself become involved in a province-wide program, not only in terms of providing funds, but in terms of providing education and promotional public works or public relations material to enable us to tackle it and to enable the farmers and our elevator companies to tackle it on broad base and not just hit and miss as it has been in the past.

MR. KAEDING: **—** Mr. Speaker, in reply to that I think I should point out, again, that the regional fieldman policy is in place and the RMs have the opportunity to hire a regional fieldman to do just that. We set up the Warble Control Program under the same mechanism and the Warble Control Program is now effective across the province. The same mechanism is being used with rat control policy and it appears as though the municipalities are taking every advantage of it. I know that in my part of the province the municipalities have got together on a regional basis to attack the rat problem there. I think that will be done across the province.

ANSWER TO QUESTIONS RE RESIDENTIAL REHABILITATION ASSISTANCE PROGRAM IN NORTHERN

SASKATCHEWAN

HON. G.R. BOWERMAN (Minister of Northern Saskatchewan): — Mr. Speaker, the hon. member for Prince Albert-Duck Lake has asked a series of questions regarding the Residential Rehabilitation Assistance Program in northern Saskatchewan.

I took the member's question as notice and now I have this to report to the member and to the members of the House.

The procedure for RRAP assistance has six basic steps.

1. The northern resident makes an application through the department to CHMC.

2. The department sends an inspector to appraise the work to be done and reports that project to the CHMC.

3. CHMC approves or rejects the project.

4. If the project is approved, the applicant may negotiate the repair contract to be done, either by himself, by a private contractor or by the department's project management staff.

5. The department staff makes final inspection of the project and recommends approval or rejection for payment by CHMC.

6. If the final payment is approved CHMC issues a cheque jointly to the private contractor and the homeowner, to the Department of Northern Saskatchewan and the homeowner, or if the homeowner does it himself, a cheque is issued to the homeowner only.

Mr. Speaker, since the inception of the program there have been 252 applicants, totalling about $1.5 million worth of work done by the DNS project management crew. All work has been guaranteed with the apparent satisfaction of all applicants applying for DNS project management crews. There have been 81 projects undertaken by three or four contractors in the communities of Stanley Mission, Sandy Bay and Cumberland House, that are currently the subject of an investigation by the RCMP and the Attorney General's department. I have not received a final report from the Attorney General or the RCMP in this regard and I am therefore unable to comment further on actions which may or may not be taken, or those involved with those private contracts.

MR. G.N. WIPF (Prince Albert-Duck Lake): — A supplementary then, Mr. Speaker. I don't expect you to comment, Mr. Minister, on the investigation by the Attorney General's department but I have asked before and I ask you again, what is DNS doing at the present time, Project Management for instance, what is it doing to get the contractors back to work on work that has been left undone for over a year now? Is there any initiative by DNS themselves or Project Management to go in and finish these people's homes that have been left unfinished for a year or so?

MR. BOWERMAN: — Mr. Speaker, it is not the responsibility of the Department of Northern Saskatchewan to go in and finish a project where the home owner undertook a contract with a private individual or private company to do the work. The department does not see its responsibility to get back in and finish that project, particularly when that project may be the subject of an investigation by the officials.

MR. J.G. LANE (Qu'Appelle): — To the Minister responsible for DNS, do you not feel that the government has a responsibility, if in fact, departmental officials have encouraged particular northern residents to go to a particular contract?

MR. BOWERMAN: — Mr. Speaker, I did indicate that with respect to those contracts which were negotiated by the home owners with a private contractor, in many of the cases so approved it was done with the approval of the local community authority, the local elected council in those communities and it would not be advisable, in my opinion at least, Mr. Speaker, for the department to make further comment with respect to those particular contracts which are of a private nature and may be the subject of an investigation.

RULING BY MR. SPEAKER

OUTLINE OF PRACTICES AND RULES OF THE ASSEMBLY

MR. SPEAKER: — Before orders of the day on Friday last, several events took place which were contrary to the practices and rules of this Assembly.

I would like to outline for all members, the applicable practices and rules so that we will not have a repeat of Friday's disorder.

First, the hon. member for Nipawin rose before orders of the day in order to table a document. A member may table a document at any time during the sitting by simply sending it to the table, or he can refer to the tabling during his speech in a debate but it is not a practice of this Assembly to permit a member to rise on orders of the day and say a few words upon the tabling of a document.

Second, several members rose on so-called points of order on Friday with the purpose of questioning the Chair on rulings or actions taken. All members are aware that a ruling cannot be debated and that to raise a point of order in order to debate a previous ruling is also out of order.

The Speaker cannot be questioned as to his actions nor can the Speaker's advice be sought on hypothetical points of order. I refer all hon. members to Beauchesne's Parliamentary Rules and Forms, fourth edition, citation 71, sub (1), sub (2), and sub (3) on pages 60 and 61.

The point was raised last week that the Chair has intervened in a situation by a ruling on a point of order before the point was raised in the Assembly. It is the duty of the Chair to bring to the attention of the Assembly, breaches of order or practice, either before or after a point has been raised. I refer all hon. members again to Beauchesne's Parliamentary Rules and Forms, fourth edition, citation 70, sub section 6, on pages 60 which states.

> He is bound to call attention immediately to an irregularity in debate or procedure and not wait for the interposition of a member.

One further point to be made is that I have noticed that some members appear to be abusing their right to raise a point of order by using it as a means of debating a ruling with the Chair, I refer you again to Beauchesne's Parliamentary Rules and Forms, p. 60 which reads:

> Points of order are justified when there is some flagrant misuse of the rules, but they are unfortunate necessities which should not be regarded as usual phases of procedure and ought not to develop into long arguments with the Speaker who, being in a quasi-judicial position, should not be drawn into controversial discussions.

A point of order should only be raised when a rule or established practice of the Assembly has been breached and in so raising a point of order, a member must identify the rule in question.

I am sure that all hon. members will agree that the rules were developed and written over the years by members for their own guidance. It is the role of the Chair to interpret the rules and practices of the Assembly as fairly as possible. If the rules of the Assembly are continually being breached by members, this will only lower the respect due to this Assembly and all of its members. I therefore urge all members to first follow the rules as conscientiously as possible and secondly, not involve the Chair in a debate over procedure on the floor of the assembly.

MR. R.A. LARTER (Estevan): — On the point of order, the supplementary I was turned down on the member from Morse here xeroxed one of our questions from last year and it was still a very important question, urgency on the rat question, and I had a very important point to make with the minister, and this is my point of order. I was wondering why I got cut off on supplementary.

MR. SPEAKER: — I don't have the member listed as asking a supplementary. What supplementary was it, to what question? I felt that I would just move on to another question. I wasn't really that impressed with the urgency of the matter, and I just moved on to another question rather than allow the member any more.

MR. LANE (Qu'Ap): — Mr. Speaker, rural members were more than concerned with the particular problem.

MR. SPEAKER: — I think that the member is questioning the Speaker's judgement on whether the matter is urgent or not and I allowed a question and a supplementary and I am sure that the member for Qu'Appelle could have asked that instead of the DNS responsibility that he asked at the last. He could have asked a question on rat control and I would have accepted it from the member for Qu'Appelle.

MR. MacDONALD: **—** On a point of order and I don't like to repeat this point of order about cutting off supplementaries. There was one very significant thing, in my judgement, that occurred on the weekend and that was the situation of the Saskatchewan Medical Association meeting. You cut me off. I tried to establish two points in order to make a third and both of us were cut off on what I think was the most important matter brought up today and may I ask the Speaker, is there any particular reason why?

MR. SPEAKER: — Yes, it appeared to me that we were groping around for an answer and there didn't seem to be an answer apparent and I thought I'd go on to another question. It appeared that what had occurred had just occurred and there were no answers forthcoming and there were two questions and two supplementaries allowed on it. The members would have been permitted in later if they still thought they should

have asked more questions on it. I know the member tried and unfortunately I have to spread the questions around. Rat control apparently is important too.

SECOND READINGS

HON. W.E. SMISHEK (Minister of Finance) moved second reading of Bill No. 32 — **An Act to amend The Income Tax Act.**

He said: Mr. Speaker, it gives me a great deal of pleasure in moving second reading of Bill No. 32. These amendments to the The Income Tax Act form a significant part of the cost of living protection package from Saskatchewan residents which I announced in the Budget Speech. This package when considered along with the temporary reduction in the Education and Health Tax will provide benefits totalling some $136 million for residents of Saskatchewan or equivalent to $145 for every man, woman and child in this province.

In addition, this bill contains a special provision for small businesses to encourage them in their operations to help those that wish to expand.

Mr. Speaker, let me turn first to the sections of the bill which deal with the personal income tax. Over the past three years Saskatchewan's personal income tax system has developed into the most progressive in Canada. Through the addition of the tax cut to our basic provincial tax, Saskatchewan taxpayers in the lower income levels are paying the lowest income taxes in Canada. This is a fact which the members opposite like to ignore. Our critics prefer to focus on the provincial percentage rate of the income tax relative to other provincial rates and to ignore the impact of the across-the-board tax cut which forms an integral part of our tax system and which is unmatched in most other provinces.

In 1978, provincial incomes taxes are being reduced. This reduction will be in addition to the automatic cost-of-living reduction which is effected through the indexing provisions of our tax system. On an annual basis the personal income tax reductions which are included in this bill will provide a total saving of $34 million for the residents of Saskatchewan. Combined with the $18 million in additional savings brought about by the indexing of the tax system, Saskatchewan residents will pay $52 million less in provincial income tax during 1978.

Referring to the bill, these tax reductions are implemented through amendments specified in sections 2, 3 and 4. Section 2 of the bill will set out our 1978 provincial income tax at 53 per cent of basic federal tax. This is a 5.5 reduction in the rate and leaves Saskatchewan with the sixth lowest income tax rate in Canada. The members in the opposition have been saying that have the sixth lowest provincial income tax rate is not good enough. They conclude that because we have the sixth lowest rate. Saskatchewan taxpayers are paying the fifth highest income taxes in the country. Mr. Speaker, this is wrong. The members opposite know that what they are saying is wrong and misleading. Yet they persist. They refuse to acknowledge that Saskatchewan is one of few provinces in Canada to supplement its tax system with additional tax cuts and a surtax which together increase the progressiveness of our tax structure. By ignoring these parts of Saskatchewan's income tax system, opposition members are showing once again how irresponsible they can be.

Mr. Speaker, the opposition should look closely at section 3 and 4 of the bill before us. Section 3 amends the provisions of the general tax cut which this government

introduced in 1975. For 1978 the general tax cut will be increased from $120 to $160 per taxpayer. A dependent child tax cut will be added and this will amount to $30 for each dependent child under the age of 18 years to a maximum of $180. This deduction is extended to eligible children, grandchildren, nephews and nieces who are wholly dependent on the taxpayer.

In order to preserve the fairness of these enriched tax cuts within the context of the total provincial income tax system, the general and dependent child tax cuts will be reduced as income rises. This will be accomplished by reducing the combined tax cuts by an amount equal to 15 per cent of the amount by which the taxpayer's provincial tax exceeds his maximum tax cut. Together the general tax reduction and the restructured tax cuts will provide savings for every taxpayer in Saskatchewan.

An additional 22,000 taxpayers will be removed from provincial tax rolls.

For an individual claiming a spouse and two children under 16 years as dependents, no provincial taxes will be payable up to a gross income of $9,090 per year. The same married individual earning $10,000 will have his provincial taxes reduced from $259 to $97, a tax saving of $162. At an income of $25,000 the saving will be $256. The third component of our tax system is the surtax which was introduced in 1976.

Section 4 of the bill will extend the surtax in 1978 and subsequent tax years.

The level of the provincial tax which must be reached before the surtax starts to apply will be raised from $2,000 to $4,000 thereby providing a further tax reduction. This means that only those taxable incomes exceeding $30,330 in 1978 will be subject to the surtax.

Mr. Speaker, let me repeat, because this is not the total income, this is the taxable income on which the surtax applies — $30,330 in 1978.

Mr. Speaker, these are the provisions of our 1978 provincial personal income tax system.

— a 53 per cent provincial tax rate;

— a general $160 tax cut plus an additional tax cut of $30 per dependent child which together is subject to a reduction factor as income rises; and

— a surtax on taxable income exceeding $30,330.

Let me now put these together and examine where the Saskatchewan tax system lies relative to the other provinces, Mr. Speaker. Because most of the other provinces in Canada levy their personal income tax in accordance with a single rate and no other general income tax adjustments, a more realistic interprovincial comparison of the tax systems would require the conversion, Mr. Speaker, of the Saskatchewan tax cut and surtax into income tax points. Such a conversion for 1978 results in an average equivalent of four income tax points for the two provincial tax adjustments. Deducting this from our provincial rate yields an average, or Saskatchewan rate, of 49 per cent. Forty-nine per cent Mr. Speaker. That makes Saskatchewan's average tax rate the fourth lowest in the country, Mr. Speaker. But that' s still not the full story.

The average rate does not reflect the difference in the progressivity of various

provincial income tax structures. As I said earlier, Saskatchewan income tax system is the most progressive in Canada.

SOME HON. MEMBERS: — Hear, hear!

MR. SMISHEK: — This means, Mr. Speaker, that in the lower income levels, Saskatchewan residents pay the lowest income taxes in Canada. To illustrate, let's look at the provincial income tax that would be paid by an individual supporting a spouse and two children under 16 years of age and earning $10,000 a year.

In British Columbia, this taxpayer would have to pay $264 in provincial income taxes in 1978. In Manitoba, he would pay $309 and in Ontario, $252. In Newfoundland, another province where the Tories are in power, this taxpayer would pay $332, Mr. Speaker. Then there's Alberta. Provincial income taxes for our taxpayer in this province would total $111. But what about Saskatchewan? What about the province where the income taxes, according to the members opposite, are the highest? Mr. Speaker, in Saskatchewan, this same taxpayer would pay only $97. Ninety-seven in Saskatchewan compared to $111 in Alberta, $309 in Manitoba, $252 in Ontario, $264 in British Columbia and $332 in Newfoundland.

Mr. Speaker, for this taxpayer, Saskatchewan income taxes are the lowest in the country. And even this comparison does not tell the full story, Mr. Speaker.

Saskatchewan residents enjoy the benefits of high quality health care without the regressive burden of medical care and hospital care premiums. In Alberta, the province which the Tory opposition use as the taxpayers' dream, families will be forced to pay premiums of $183.60 a year. In British Columbia, annual premiums for a family are $225. In Ontario, families are forced to pay a staggering $528 per year. If we add the premiums to the personal income tax as paid by our model taxpayer earning $10,000 a year, the interprovincial differences in tax burdens become more pronounced. In Alberta, the taxpayer will pay $111 in provincial income taxes plus $184 in medical premiums, for a total of $295 a year. In British Columbia, he would pay $264 in taxes plus another $225 in premiums for a total of $489. In Ontario, the combination of $252 in taxes plus $528 in premiums would yield a total tax burden of $780. In Saskatchewan, Mr. Speaker, with no premiums, the taxpayer would only pay $97, $97 in Saskatchewan versus $780 in Tory Ontario.

Mr. Speaker, this illustrates the misleading nature of the interprovincial tax comparisons which the opposition is trying to use to confuse the people of Saskatchewan. Our 53 per cent provincial income tax rate is being compared with the 44 per cent in Ontario. Yet our rate contains general income tax reductions which are not available in Ontario. Our provincial tax system does not contain medial and hospital premiums, whereas Ontario's does. Mr. Speaker, if Ontario converted its premiums in to income tax points, it would have to be forced to levy a provincial tax rate of 59 per cent. Compare this rate with the average Saskatchewan income tax rate of 49 per cent. Compare this rate with the average Saskatchewan income tax rate of 49 per cent and you can see the benefits which the taxpayers of this province are enjoying. Conversely, Mr. Speaker if Saskatchewan were to replace part of its income tax with the regressive Ontario premium, our income tax rate could be reduced to 28 per cent with no overall loss in revenue. Alberta's personal income tax rate is 28 per cent; our could be 28 per cent with Ontario health premiums, Mr. Speaker.

Mr. Speaker, I could go on with other comparisons. But I think the point I have tried to make is clear. This government has held down the provincial income tax rates. Our tax

position, relative to other provinces, is favourable and has improved since this government has come to power.

Mr. Speaker, before turning to the corporate tax reduction, I would like to make an announcement. Some members opposite and both sides of the house will be interested concerning the personal income tax cut for 1978. Deductions of income tax at source for the first six months of 1978 of course are being made in accordance with the pre-budget tax system. I am happy to announce that for the second half of 1978, personal income tax reductions outlined in this bill, will be doubled up — will be doubled up. What this means, Mr. Speaker, is that the provincial tax deductions on pay cheques after July 1 will reflect twice the tax savings that would normally have occurred as a result of our tax changes. By the end of 1978, taxpayers will have received tax years savings from the budget reductions. This was not announced in our Budget Speech, Mr. Speaker, because negotiations with the federal government were not yet completed. In dollars and cents, Mr. Speaker, a taxpayer claiming a spouse and two children earning $10,000 a year will have his provincial income tax wiped out for the last six months of 1978, having paid about $18 a month for the firs six months of the year. At an income level — pardon?

MR. MacDONALD: — Did you thank Ottawa?

MR. SMISHEK: — Mr. Speaker, this is our money we are talking about, not Ottawa's money! It is a matter of us and remember we have a tax collection agreement. What is there to thank Ottawa about? I'd be glad to thank Ottawa if they followed our suit in trying to reduce the personal income taxes, Mr. Speaker.

At an income level of $15,000, Mr. Speaker, provincial tax deductions at source will be reduced by 25 per cent for the last six months of 1978, dropping from roughly $65 to $45 a month, money in the pockets of Saskatchewan taxpayers again, Mr. Speaker.

Let me now turn to the second part of Bill 32 which involved our corporate income tax reductions for small business. Last year, this province instituted a dual corporate income tax rate. Under this system, this province has as a general corporate income tax rate of 14 per cent. However, corporate income eligible for the federal small business deduction is taxes at a much lower rate. In 1978 this lower rate was 12 per cent. Section 5 of the bill further reduces the rate to 11 per cent and thus provides small business with a total tax saving of nearly $3 million. This lower rate is comparable to the small business rate in Alberta and Manitoba and will benefit approximately 55 per cent of the corporations paying income tax in Saskatchewan.

When comparing corporate tax rates between provinces, Mr. Speaker, it is important to note that Saskatchewan does not levy a corporate capital tax. Such a tax is imposed in four provinces: Ontario, Quebec, Manitoba and British Columbia — which, incidentally represents about 80 per cent of Canada's population. Corporate capital taxes produce revenue equivalent, Mr. Speaker, to about one and one-half corporate income tax points in those provinces.

Finally, section 6 makes a technical amendment to section 20 of our legislation.

Due to a defect in the phrasing, Mr. Speaker, of section 163 of the Federal Income tax Act, taxpayers were able to avoid penalties levied by Revenue Canada for fraudulently reporting their income or claiming deductions.

Section 20 of the Provincial Income Tax Act is modelled by the federal legislation.

Therefore, in response to a recent amendment which closes this loophole in the federal act, we are proposing that a corresponding amendment be made to our act, Mr. Speaker.

This amendment will ensure that penalties levied on the taxpayer will not be avoided through the application of losses of prior years, by revised claims for depreciation or other discretionary deductions.

Mr. Speaker, I move that Bill No. 32, being an Act to amend The Income Tax Act, be now read a second time.

MR. W.C. THATCHER (Thunder Creek): — Mr. Speaker, Mr. Minister, it is always a pleasure for the opposition to have the opportunity to support a tax cut and I am sure in all corners of the opposition we are pleased to see the direction that the government is heading in terms of reducing taxes in order to stimulate the economy.

Mr. Minister, we find it a little bit surprising that last fall, about October to be sure, I think we made the suggestion that sales tax should be cut 2 per cent and that the personal income tax rate should immediately be reduced to 53 per cent with the objective of reducing it further in another year to 50 per cent. I think I made that suggestion on behalf of my party, Mr. Minister. About a day later that good biased, unprejudiced organization known as Information Saskatchewan or whatever the case may be, but anyway through that medium the minister spend the best part of a press release just taking a strip off me for irresponsibility and daring to suggest tax cuts that would increase our deficit any further.

Mr. Minister, in your remarks I find some of the logic rather astounding. Mr. Minister, if you are going to try and peddle the nonsense around this province and make it credible that under your tax rate of 53 per cent, regardless of what rigmarole you may go through, and suggest that this is one of the least taxed provinces in Saskatchewan then I suggest very much and I sincerely hope you will go to the polls on that issue. Because, Mr. Speaker, I don't care how you cut it you put in all the jigsaw puzzles you want but when you start stacking things up with Alberta, start stacking your income tax rate up with Alberta, a rate of 53 per cent versus a rate of 38.6 per cent, if you can make that one wash with the electorate then more power to you. You will have more political chicanery than one Pierre Trudeau.

Mr. Speaker, that is absolute nonsense and the minister knows it. If you are going to post an income tax rate that is lower than Alberta's then post it. But putting in all this complicated nonsense in there, I don't know who you think you are trying to kid. I don't think you're kidding the taxpayers.

Mr. Minister, I'm sure you remember some years ago down in Ottawa we had a finance minister by the name of Walter Gordon. Walter Gordon at that time decided being an accountant, decided that he was going to straighten out our income tax and our tax structure in Canada. Resulting from Mr. Gordon's philosophy came the Carter tax reform or it was a name to that effect. Supposedly this was going to straighten out all the inequities in the Canadian tax system. Well the only thing got straightened out after Carter was finished with his proposals and after they were implemented, was that our tax system became one of the most complex in the free world. Mr. Speaker, our tax system has become so complicated that it doesn't take much of a complicated job

where your income tax is almost impossible to fill out accurately without receiving professional help. Mr. Minister, our tax system today is an accountant's dream. It has given accountants the opportunity and the justification to double and triple their fees, perhaps with some justification but nonetheless it has very definitely happened. Our tax system is a mess. We have provincial taxes on federal taxes and on down the line.

Mr. Speaker, I don't suggest that things are perfect in the United States, but that situation cannot happen there. In the United States, if you keep track of your sales tax you can deduct them from federal tax, all the way down the line. There is no duplication, certainly not to the length that there are in this country.

Mr. Speaker, I notice in this bill or in your budget that you are suggesting there are going to be 22,000 less taxpayers in the province of Saskatchewan. Now last year, Mr. Minister, under a tax rate of 58.5 we brought in about $310 million in revenues as far as budgetary cash inflows were concerned. All right, now you are going to take 22,000 taxpayers off that tax roll, the rest are going to pay that much less at least according to your analysis. You've reduced the tax rate from 58.5, you've got 22,0000 less people paying and yet somehow you are going to generate some $324 million. Mr. Minister, very briefly that means that 22,000 less taxpayers paying 9 or 10 per cent less tax are somehow going to generate you an additional $14 million. Mr. Minister, it will be very interesting next year to see what the actual figure is here because I really don't know, I can only suggest that if your figure is accurate then there is not the tax cut that you have been describing in terms of absolute dollars. And if what you have been describing in absolute dollars is correct then obviously you are not going to bring in any $324 million. Obviously our deficit is going to be considerably higher than what is going to be in this budget.

Mr. Minister, obviously we are going to support these tax cuts and we only regret that it cannot go down to 50 per cent . . . (inaudible interjection) . . . Because I want in on it. Mr. Speaker, I have a great deal more to say on this bill, I would, therefore, beg leave to adjourn the debate.

Debate adjourned.

HON. W.E. SMISHEK (Minister of Finance) moved second reading of Bill No. 40 —**An Act to amend The Department of Finance Act.**

He said: Mr. Speaker, the amendments proposed to the Department of Finance Act involve the addition of section 18A and 18B and the repeal of section 33. I would like to review for the members of this House the reasons for the proposed amendments and I would hope that members from both sides of the House would see fit to support the bill unanimously.

The addition of section 18A will provide for the establishment of a Consolidated Superannuation Plan Investment Fund which will provide the opportunity for those pension funds presently administered by the government or its agencies to commingle their investments, allowing them the benefit of a large scale investment management operation. Units, or one can say shares, of the consolidated investment fund would be purchased by the separate plans and their equity in the fund would be determined in proportion to the equity the member plan has in the fund at the time.

In Saskatchewan we have 11 separate superannuation funds from which benefits will be paid to employees of the government, employees of Crown corporations,

employees of certain boards, teachers, municipal employees and members of the Legislature Assembly. The government assumes the administrative responsibility for all of these funds and it is critical that they be managed and invested in the most efficient and effective way possible. Currently, the administration, accounting and the investment of moneys for each of the funds is handled on the individual basis. With some exception, the investment of these funds is managed by the Department of Finance and the investment of all funds is done under the authority of the Investment Board as established in Section 18 of The Department of Finance Act.

Mr. Speaker, our government has made a careful review of the management of these funds with regard to determining the most efficient way for the funds to be managed. We have concluded, for several reasons, that the establishment of a consolidated superannuation plan investment fund will assist greatly in the management and investment of the funds. First of all, the same investment opportunity will be provided for all pension funds, whether they are large or whether they are small. Currently because of the low cash flows of the smaller pension funds, it has not be possible for them to take advantage of the same investment opportunities that are available to the large pension funds. This is particularly true with regard to investment in mortgages. In addition, as a result of its size, one combined fund will attract a higher level of service from companies in the investment industry. This will result in more and better opportunities for investment being made available to the fund. The establishment of a consolidated fun will facilitate the administration of one investment policy that will be applicable and consistent for each pension fund.

From a purely administrative point of view, it will also be possible to provide for a more efficient accounting system for all investments. At the present time, each fund maintains its own accounting system for investments, which is an unnecessary duplication of effort that could be eliminated by making use of one accounting system for one combined fund. As a result, the information system will be more comprehensive with regard to all aspects of the investments. This will be of benefit not only to the managers of the investment funds, but also to the employees participating in each of the pension funds.

There are a number of other efficiencies that will be possible as a result of one investment fund, including the custody of securities, the clipping of coupons, handling of securities, and so on.

Mr. Speaker, I should emphasize that this involved only the investment management with regard to each pension fund. Each fund will continue to have its own Board of Directors, whose responsibilities will be the same as they have been in the past. They will still be responsible for the administration of the pension fund in general, with regard to contributions, benefits, and other aspects of the pension fund management. The establishment of one investment fund will, without doubt, assist them in all respects in carrying out their responsibilities.

You will note, Mr. Speaker, that the participation by a pension fund in the Consolidated Superannuation Plan Investment Fund, is not mandatory, but is completely at the discretion of each pension fund; in other words, participation in the Superannuation Plan Investment Fund by member plans is voluntary.

Mr. Speaker, Section 18A sets out, in some detail, the way in which the funds will be operated. We have had, in Saskatchewan, an investment board for many years. Section 18 provides for the establishment of this board and its responsibilities which, in

summary, consist of providing the investments made by the agencies of government.

The proposed amendment 18B provides for the investment board, with the approval of the Governor in Council to make regulations with regard to investment policy and for the management of the fund. This will make it possible for the investment policy established by the Investment Board to be defined very clearly. It will be these regulations that provide the policies and practices to be followed with regard to the management of the Consolidated Superannuation Plan Investment Fund.

Mr. Speaker, the proposed amendments to The Department of Finance Act also provide for repeal of section 33. This section was enacted in 1962 to establish the special investment account. Some members may recall that prior to the province operated a trust fund known as the School Lands Fund, established in 1930 at the time the natural resources of the province were transferred from the federal government to the province.

This trust fund was the result of a trust agreement between the federal government and the province. It provided that certain revenues and proceeds from the designated lands in the province should be set aside in a special fund to be known as the School Lands Fund. This was done and during the period from 1930 to 1962 the fund accumulated at an amount of approximately $37 million. At that time the federal government relinquished all control over The School Lands Fund and the assets of the fund were incorporated into the Consolidated Fund of the province. A total of approximately $35 million was designated as in a special investment account.

These funds were set aside and invested and were not available for the general use of the Consolidated Fund. The revenue of the fund was transferred to the general revenues of the province each year.

In effect, Mr. Speaker, this was the permanent investment fun, with the principal of the fund remaining intact. Mr. Speaker, legislation has now been introduced establishing the Saskatchewan Heritage Fund. It is proposed that the special investment fund be transferred to the Saskatchewan Heritage Fund since the Saskatchewan Heritage Fund, by its very nature, will be a fund in perpetuity as was the special investment account. For this reason it is proposed that section 33 be repealed.

Mr. Speaker, I move that Bill No. 40 be now read a second time.

MR. LARTER: — Mr. Speaker, could I ask the minister a question before he sits down?

MR. SPEAKER: — It is customary to ask that before I put the question, however, I will put in the hands of the House.

MR. LARTER: — Mr. Minister, I would like to ask you if this, in any way — I listened very carefully —and you mentioned that it would have to be voluntary for each superannuation fund. But Sask Power and Sask Tel have listed pension in the neighbourhood of $40 to $69 million. In this, in any way, going to touch that fund at all?

MR. SMISHEK: — No, Mr. Speaker, it is not going to affect it. It is only for investment purposes; it is not the fund itself. As I tried to set out, I hope quite clearly, that each fund will be in operation. It is for investment purposes only.

INTRODUCTION OF STUDENTS

MR. LANE (Qu'Ap): — Mr. Speaker, I beg leave of the Assembly to introduce some students.

I would like to introduce to you and through you to the Assembly, seven students from Notre Dame College at Wilcox. Five of the students are from the Hillfield Strathallan College of Hamilton, Ontario. They are accompanied by Martin Kenney and Gerald Kokorudtz. We would like to welcome them to the Assembly. I hope that the students from Hamilton have an enjoyable stay. We certainly wish them a safe journey back to Hamilton and I hope that the hospitality in the West is something that you will forever remember.

To the students at Wilcox, I hope your afternoon has been an interesting one and I look forward to meeting with them, I believe at about 4:00 o'clock this afternoon.

HON. MEMBERS: — Hear, hear!

MR. C.P. MacDONALD (Indian Head-Wolseley): — Mr. Speaker, may I, as an old Hound, join with the member from Qu'Appelle in expressing the best wishes to those two Hounds from Wilcox and, of course, the exchange students from Ontario and particularly from Hamilton. I join with the member for Qu'Appelle in extending the best wishes and a very pleasant visit in the province of Saskatchewan. I know that we have a great deal to offer eastern Canada and if you keep your eyes wide open and you listen to those Wilcoxians out there I am sure that you will go back with some good ideas and I know you will enjoy your visit.

Debate continues on Bill No. 40

Now, Mr. Speaker, I would like to add just a few comments on the bill that the minister just introduced.

First of all I want to say, Mr. Minister, that the record of the pension plans in Saskatchewan over the past few years has been an intolerable mess. I say that when I consider that last year, for example, the Teachers' Superannuation Act or the pension fund of the teachers was $20 million overdrawn. This year it is an astounding $70 million. In other words, $70 million is coming out of the consolidated revenues to pay the teachers' pensions and, of course, this is a very, very unfortunate set of circumstances for the province of Saskatchewan because it means the taxpayers are having to pay those pensions. Many of the pension programs over the last few years were invested at very low rates of return. I want to say to this fact that the government is attempting, in the past year, I think under the leadership of the member for Nutana (Mr. Robbins), to try to straighten out some of the problems in relation to the pension programs in Saskatchewan. I give him full marks. I think that this perhaps, by centralizing or streamlining the investment management of these funds into one centralized agency, is a vehicles that could be of some value in the future and could perhaps keep a better, or at least have a better reporting system to the government, so that they would at least be up to date on a day by day basis as to what is happening in the pension programs of the civil servants and Crown corporations and those allied with them in the province of Saskatchewan. And I don't have to tell the Minister of Finance, I'm sure he is frightened out of his mind at the thought of what is going to happen in the pension programs in the future, not only in Saskatchewan but right across Canada unless some very, very serious and some very strong positions are taken by people in leadership and by people in government who have the responsibility of management of

these particular pension programs.

I want to say, however, that I have one concern. I think that when you have a board of directors in various pension programs managing their own affairs, there is a diversified portfolio. And that that particular portfolio very often is determined by the board of directors and they provide most of the leadership in determining, in consultation with the Department of Finance or I suppose this government Finance office. However, what bothers me about this one particular bill and I want the minister, when he rises and closes debate, to give me some assurance that the pension program or the pension savings of Saskatchewan citizens, civil servants, those allied with the civil service, that the government is involved, with, will not be used by investment in socialist experiments in the province of Saskatchewan which are non-productive and non-creative of new jobs. I think, for example, of Intercontinental, where money was invested by the government of Saskatchewan and produced not one job. In fact, I guarantee there are fewer people working for Intercontinental today than when the government invested their money. I think of $400 million invested in potash and not one single new job created and certainly the challenge in Canada today and the challenge in Canada in the future will be new jobs.

I want to ask the minister for his assurance that this is not a vehicle like the Heritage Fund, or like the Energy Fund. The total responsibility of the government of Saskatchewan and the NDP when it came to the Heritage Fund and the Energy Fund was to utilize those savings or those tremendous funds to invest in the kind of philosophical theories that they believe in, and of course, I am taking about state ownership of the means of production in particularly the mining and resource fields. So I am going to ask the minister when he rises to close the debate if he can give some kind of assurance as to what direction the management of this investment program is going to take; what is the philosophy behind the investment of these mass amounts or vast sums of money in the future? Can he give us some kind of an assurance, once again I say, that is will be invested in the best business principals for the benefits of those people whose savings are involved and not in the interest of the NDP in Saskatchewan to invest in socialist experiments, non-productive areas which fail to even create a job in the province of Saskatchewan and only enhance the NDP position.

Mr. Speaker, I have a lot more to say on this. I want to study the words of the minister and, therefore, I beg leave to adjourn the debate.

SOME HON. MEMBERS: — Hear, hear!

Debate adjourned.

HON. R. ROMANOW (Attorney General) moved second reading of Bill No. 39 — **An Act to amend The Coroners Act.**

He said: Mr. Speaker, the amendments to The Coroners Act are proposed to improve the administration of the coroner’s system in the province of Saskatchewan. The system was established to inquire into unexpected and unnatural deaths for the purpose of identifying the deceased and determining how, where and when the deceased came to his or her death with a view to reviewing the circumstances to see if something may be done to avoid similar deaths in the future.

The amendments provide of the following changes:

1. The establishment of a position as a chief coroner for the province of Saskatchewan who will have primary responsibility for the supervision and direction of other coroners in the province and for the general administration of the provisions of the act to ensure that the purpose in the province is fulfilled.

2. To enable coroners conducting an inquest to impose sanctions on witnesses and jurors who fail to appear when summoned and to deal summarily with witnesses and others who conduct themselves in a manner that obstructs or interferes with the conduct of an inquest. It is intended to give a coroner similar authority to a court of record that has power to implement contempt of proceedings.

3. Provide authority and procedure for the attendance as a witness at an inquest, a person who is held in custody within a correctional facility or penitentiary within the province of Saskatchewan.

4. Enable a person who is not a witness at an inquest but who has a direct concern with the circumstances of the death to examine witnesses giving evidence at an inquest. This amendment will enable an individual such as a parent, husband or wife who may not be a witness to examine witnesses for the purpose of clarifying concerns she or he may have in respect to the circumstances of the death.

5. Providing for regulations respecting the qualifications, appointment and salary of a chief coroner, and prescribing of fees for services provided in carrying out services required for the proper administration of the act and the system.

6. Other amendments relating to administrative matters such as eliminating the requirements for a coroner's declaration to be under oath, consolidating into one provision, the format and content of an inquisition certificate eliminating the requirements for a coroner to make an annual return, and changing the format of declarations to be consistent with the change, eliminating the necessity for them to be sworn.

Mr. Speaker, I move second reading for Bill 39.

MR. LANE (Qu'Ap): — I beg leave to adjourn debate.

Debate adjourned.

HON. G. MacMURCHY (Minister of Municipal Affairs) moved second reading of Bill No. 42 — **An Act to amend The Small Claims Enforcement Act.**

HON. R. ROMANOW (Attorney General): — Mr. Speaker, we are here dealing with item (5), Bill No. 42, The Small Claims Enforcement Act.

This act, by amendment, will accomplish the following main objectives:

1. It increases the monetary jurisdiction of the small claims procedures, and

2. It provides for the appointment of clerks who can assume certain administrative tasks presently required to be performed by the magistrate.

First I will deal with the increase in the monetary jurisdiction. As inflation continues to devalue the dollar, an increase in the monetary jurisdiction is necessary to enable the government to provide the same service today that it was providing before inflation became the reality it is. The present monetary limit of $200 for claims brought by companies has been in existence since The Small Claims Enforcement Act was enacted in its present form in 1959. The present limit of $500 for clams brought by individuals was set in 1973. It has been decided to increase the amount for persons other than individuals, the $500, and for individuals, up to $1,000. This upper limit of $1,000 is consistent with changes in amount in a number of other jurisdictions. For example, Alberta, Manitoba and Ontario have just recently increased the monetary jurisdiction of their small claims courts to $1,000 for the claims.

Saskatchewan maintains the difference between claims brought by persons other than individuals and individuals for two basic reasons. Firstly, it is felt that the philosophy behind The Small Claims Enforcement Act is to ensure an informal procedure for small claims brought by individuals. For corporate entities who in most cases employ solicitors, the informal procedure can place a defendant who appears on his own behalf at a disadvantage.

Secondly, a major increase would increase the number of claims requiring an increase in staff which cannot be made during this time of restraint.

The second major objective which this bill accomplishes, Mr. Speaker, is to allow for the appointment of clerks. This will utilize present staff only but will give the staff greater powers to handle small claims matters and thereby increase the efficiency of the procedure. These courts will be able to issue subpoenas, sign memoranda of judgment once judgment has been rendered by the judge, sign certificates of judgment for filing in the district court and adjourn hearings in the absence of a judge or when a judge is not available. The appointment of these clerks will be made by the chief judge of the magistrate's court.

The bill also accomplishes a number of minor objectives. First, it provides for an increase in fees. There is no change in the fee structure for claims less than $100 and only a very slight change in the amount of fees for claims greater than $100 but less than $500. The increase in monetary jurisdiction required a fee structure for claims greater than $500. This increase in fees actually represents a decrease in those fees which are charged for the commencement of action, say in the district court. It costs $40 to commence an action for claims not exceeding $1,000 in a district court under the present fee structure for the rules of court.

A second minor change in the act is the removal of the words, "Criminal Conversation" where those appear in section 3. This deletion is consistent with the abolition of the actions of criminal conversation which was done by an amendment in the last session of the Legislature for The Queen's Bench Act. The remainder of the changes are required to ensure consistency within the act with respect to the increase in monetary jurisdiction and with the appointment of clerks. Mr. Speaker, I move second reading of this bill.

MR. MacDONALD: — Mr. Speaker, I only want to say a word and that is to commend the Attorney General for the next three acts. As the Attorney General is well aware this is a package proposed by the Liberal opposition, particularly the member for Regina South (Mr. Cameron), all three of them within the last 15 months. The one the minister has just

finished introducing of course is merely modernizing, I suppose you might call it, the inflation rate for the small claims court, bringing it from $500 to $1,000. I think that this is a good piece of legislation. I comment him for the three of them. It's nice to see the government occasionally listens to the kind of progressive constructive criticism of the Liberal opposition. I am sure the member for Regina South feels very good about this.

MR. J.G. LANE (Qu'Apelle): — I'm not quite as satisfied as the member for Indian Head-Wolseley because an unfairness exists in the bill, an unfairness which existed with the amendments in 1972 or 1973, referred to by the minister. Your attempted explanation of the unfairness I don't think really holds water, and that is, that small family companies, personal corporations, of course, are basically prohibited from taking full advantage of the act by reason for the differential in the jurisdiction amount. For you to say, firstly, to allow small family corporations or sole corporations to take advantage of the $1,000 jurisdictional limit would require a great increase of staff, of course, is not accurate. Because if that is your argument there would be a commensurate reduction in the district court where these people are not required to go. I suggest to you, Mr. Minister, that the sole reason for the bias against the small family-held corporation is merely one of political philosophy and has nothing whatsoever to do with administration.

That seems to me a very unfair way of operating any segment of our justice system in Saskatchewan. We argued in 1972 or 1973 that the small family-held corporation should e allowed to take the $1,000 jurisdictional claim, the same as anybody else, you would cut down the size of the amendment. First of all, if you did that, you would make it much easier to administer. What you are doing is you are penalizing for no real reasons a great number of small family-held corporations that have claim problems or bad debts that they are trying to collect with a minimum of cost. Because you have chosen to discriminate against them, you have added to their costs. Again, I think, a highly improper way of administering the justice system.

Mr. Speaker, I will have some other comments. I beg leave to adjourn debate.

Debate adjourned.

HON. R. ROMANOW moved second reading of Bill No. 43 — **An Act to amend The District Court Act.**

He said: Mr. Speaker, the main feature of this bill is that it increase the monetary jurisdiction of the court from $5,000 to $10,000. There has been no change in this jurisdiction since 1967 when the amount was increased from $1,200 to $5,000. Present trends required that there be an increase in the monetary jurisdiction to ensure that we continue to provide the same service we are providing 1967. The other amendments to The District Court Act are basically housekeeping in nature. The amendment to section 11 is incidental to The Provincial Court Act which will be moved, we hope, later on in this session. Mr. Speaker, I move second reading of this bill.

MR. LANE (Qu'Ap): — Just a comment or two, Mr. Speaker, Mr. Minister. I think that all practitioners see the weakness in putting an arbitrary jurisdictional limit that perhaps one would be better advised to look at some system whereby the complexity of the case would be the determinant, rather than an artificial monetary limit. I would be asking the Attorney General if his staff has given any consideration to looking at another way of approaching this matter as I say, rather than a artificial limit of $5,000 to $10,000,

whatever the figure may be because it should be the complexity of the case or in some cases strictly, obviously within that which is assigned — the jurisdiction assigned to the Court of Queen's Bench. I think there has to be a better way rather than this artificial monetary limit which really doesn't take into account the degree of difficulty of the case, doesn't take into account the complexity or the time involved in the case. I would hope the Attorney General would have some comments on my remarks when he gets into Committee of the Whole.

Motion agreed to and bill read a second time.

HON. G. MacMURCHY (Minister of Municipal Affairs) moved second reading of Bill 44 — **An Act to amend The Married Women's Property Act.**

HON. R. ROMANOW(Attorney General): — Mr. Speaker, in the 1974-75 session, section 22 of The Married Women's Property Act was amended to provide guidelines for the Court of Queen's Bench in determining the proper division property between husbands and wives whose marriages have broken down. At that time it was decided to give exclusion to judges of the Queen's Bench Court to hear applications under section 22. In some ways it was advantageous for judges of the Queen's Bench Court to have a exclusive jurisdiction to hear section 22 applications. These are the judges who will hear the divorce proceedings and it can be advantageous to have one judge hear all matters in dispute between the parties. However, it has been represented to me that to give concurrent jurisdiction to the district court in this area would facilitate an equalization of work load between the two courts in some areas of the province. Furthermore, the district court judges are the resident judges and this itself can be advantageous for the hearing of applications under section 22 of The Married Women's Property Act.

Accordingly, Mr. Speaker, the amendment to section 22 that is being proposed at this time is an amendment which gives concurrent jurisdiction to a judge of the district court by giving the applicant the option to bring his application before either a judge of the district court irrespective of the value of the character of the property in dispute.

Mr. Speaker, I move second reading of An Act to amend The Married Women's Property Act

MR. E.F.A. MERCHANT (Regina Wascana): — Mr. Speaker, I will speak very briefly. We support this position, indeed this was another of the suggestions made by the Liberal Opposition through our critic, Mr. Stuart Cameron, about a year and a half ago. Mr. Speaker, the hon. Attorney General was kind enough then to say that he thought that the suggestion had some merit and that he would consider the suggestion and now brings forth legislation which I suggest to the members of the House is good legislation and merits our support.

While I have the floor, Mr. Speaker, might I make a further suggestion regarding this legislation. I wonder whether the Attorney General would not agree with me that the very name of this act, The Married Women's Property Act as opposed to The Married Person's Property Act implies a discrimination, albeit a discrimination in favour of women, which I suggest should be removed and should be amended. In that regard, Mr. Speaker, I just by coincidence earlier today gave instructions that a bill be introduced that would have only that purpose in making that amendment. A number of Queen's Bench judges have spoken to me about the fact that the current legislation gives the impression to people when an application is taken under The Married

Women's Property Act, given the impression that there is a prejudice involved in the law simply because of the name and the style of cause and the proceedings are launched under the name of an act which seems to imply there is some prejudice in our law in favor of women. In fact, what happens in applications under The Married Women's Property At, a man might well be applying to obtain property to take some action in some way to get back property that is then owned — owned by them both — but is possessed by his wife. That is the reason that among the practising Bar at least there are a number of us who believe that it would be better to describe this legislation at The Married Spouses, or the Married Persons' Property Act, and hence the amendment that I will be introducing very shortly.

Mr. Speaker, with those remarks I reiterate that we certainly will be supporting this amendment and think it is a good amendment.

MR. LANE (Qu'Ap): — Mr. Speaker, Mr. Minister, I think the Liberals' attempts to take credit today would indicate again the inadequacy of most of the legislation introduced by the member of suggested by the member for Regina south (Mr. Cameron). I suggested a proposal I believe, and I think it would have some merit for the Attorney General to consider it and that is removing all marital matters down to the district courts of Saskatchewan. I know that that didn't meet with the favor of the district court judges but it certainly did meet with the favor of the Court of Queen's Bench judges. It would certainly improve access and I think it would reduce dramatically the workload of the Court of Queen's Bench, obviously it would. I think that it would, as I say, improve access to the court. I would commend the suggestion that divorce jurisdiction be moved to the district court. I think it would be a little more comprehensive approach than the Attorney General's. What we have seen is the practice that originally the Court of Queen's Bench has the jurisdiction and in order to improve access and to distribute the workload we have now seen where we have concurrent jurisdiction between the Court of Queen's Bench and district court. I think the simple thing to do would be to move all the divorce jurisdiction down to the district court. I would urge again that the Attorney General consider that suggestion and perhaps comment on it in the Committee of the Whole.

We will be supporting the amendment, Mr. Speaker.

Motion agreed to and bill read a second time.

HON. W.A. ROBBINS (Minister of Revenue) moved second reading of Bill No. 45 — **An Act to amend The Tobacco Tax Act.**

He said: Mr. Speaker, before presenting the motion for second reading of this particular bill, An Act to amend the Tobacco Tax Act, I would like to make a few general comments.

As the range of services provided to the people of this province grows broader and more varied and as the cost of providing these services increases, it is inevitable that we would also look for additional sources of revenue.

There are a number of ways of course of increasing revenues and the government always has the probability of looking at a number of options. One, of course, we could have looked at the general increase in the sales tax rate but we did not choose that option because the impact of a general sales tax increase is always most severe on individuals and families at the lower income level. Just before leaving that point I

should point out, Mr. Speaker, that Saskatchewan has of all the provinces that levy a sales tax the lowest sales tax rate in Canada along with Manitoba. Obviously members are aware of the fact that Alberta does not have a sales tax but all the others are higher than the Manitoba and Saskatchewan rates.

Some provinces have opted for increased health care premiums — a course of action which this government is not prepared to adopt. We do not think that first class medical care should be available only to those who have the capability of paying for it. I wish to point out to members of this Assembly, and I am sure they are aware of it, but it is a severe burden on a family to suddenly have to meet a lump sum payment, particularly if they are a low income family, like the health premium tax. I point out that the BC one is currently at the rate of $225 a year, the one in Alberta is $183.60, there is none in Saskatchewan or Manitoba, Ontario just recently raised their rate to $528 per family and this is a very severe burden, particularly on lower income families. Instead we have chosen to raise additional revenues by imposition of a tax increase on a non-essential commodity. I think even people who use tobacco will agree that it is a non-essential commodity. I suppose there are times when they think it is pretty essential but the fact remains that they could live without it and, frankly could live much better without it.The member for Rosemont doesn't agree but it is a fact of life and it's a fact of medical history that if you refrain from using tobacco you live better without it than if you were utilizing that product. A similar approach has actually been taken by a number of provinces across Canada in their current budgets. The province of Ontario recently raised their tax levy on a pack of 25 cigarettes to 27½ cents per package. The province of Manitoba has increased its tax rate to 1 cent per cigarette or 25 cents for a package of 25. The province of British Columbia in its recent budget doubled its tax rate on cigarettes to 24 cents for a package of 25 and will now be equal to the proposed levy in this province.

The rates incorporated in this bill will raise the taxes on cigarettes to 24 cents for a package of 25, making us neither the highest, obviously Ontario and Manitoba, Quebec and the Maritimes are higher than we are in terms of tobacco rates — nor the lowest. Alberta in this case is always the low man it seems on the totem pole in relation to tax levies.

Similar increases are proposed for other tobacco products — cigars will increased by one or two cents depending upon the retail price and there is a schedule of them. We didn't design that specifically for the Leader of the Liberal Party but I'm sure that will have some impact in terms of his expenditures. The tax rates on other tobacco products increase by one cent per half ounce, making the new rate five cents per half ounce.

Mr. Speaker, we expect these new rates to generate an additional $4 million in revenues during the coming year and, if you recall the budgetary figure, we expect to raise $21,600,00 in taxes from tobacco sales in the fiscal ear ending next March 31.

You will also not that the tax rates, in respect to tobacco, are expressed in terms of ounces and also in metric units. The tobacco industry is currently converting to metric size packages and containers so it is necessary to express the tax rate in the nearest equivalent units.

I wish to stress again to the members of this Assembly that this is not a choice of the province of Saskatchewan; it is a federal move in relation to metrication and is occurring across the country. We simply have no choice in this particular matter.

Mr. Speaker, I move second reading of Bill 45.

Motion agreed to and bill read a second time.

HON. R. ROMANOW (Attorney General) moved second reading of Bill No. 49 — **An Act to amend The Theatres and Cinematographs Act, 1968.**

HON. E.B. SHILLINGTON (Minister of Government Services): — Mr. Speaker, the House Committee did move first reading of this; however the bill is assigned to the Department of Culture and Youth.

The bill before you is a bill to amend The Theatres and Cinematographs Act, 1968. As members will readily see from the bill which is before you, the only change is that which changes the age limit from 16 to 18. That is the maximum age limit within which you must be accompanied by an adult if you are going to attend a restricted adult movie.

I think most members of the House will be familiar with the background of this bill. The bill was extensively overhauled last year and this change was made apparently inadvertently. It was not consciously done by the government. I hope the opposition is not to sanctimonious about the error. It is true that we are responsible for being familiar with our bills but I might point out to the opposition that the House voted unanimously in favor of this item last year and I suppose it is your responsibility to be familiar with it as well. Nevertheless, the change was made and we are making the change back to the old way. Traditionally in Saskatchewan you have always had to be 18 to go to a restricted adult movie without a guardian and that is what we are going to revert to.

I think all of the members will also be aware that there was a motion passed in this House, also unanimously passed, which urged that this change be made; this bill is not being introduced.

I therefore move this bill be now read a second time.

MR. R.A. LARTER (Estevan): — Mr. Speaker, I would just like to ask the minister if the problem has not been brought about by the Censor Board in Saskatchewan being too easy on some of these movies that are slipping through.

This Saturday Night Fever which was shown in Estevan a week ago brought more comment than any movie that had ever been shown, other than the one about the policeman's — What was it? The Angels, a few weeks before that?

I wonder if some of these movies that are getting through as adult instead of X-rated movies — if they are not bringing this to a head a lot faster and if, in truth, movies that should be rated far tougher are getting by the censors and causing many problems.

We do have problems in the small community as well where there are many people younger than 16 going into movies without their parents. They will grab some other adult who is going in and go in with them and they are in trouble with their parents all the time.

I think it basically goes back to our Censor Board if they do not do their job and rate these movies properly. They let some of these movies through with the four-letter words used extensively throughout the movies. Some of these shows are very good

shows, other than the cussing and swearing that goes on. This is the answer (bringing it back to 18 years) but still the Censor Board in Saskatchewan should take a tougher line on these movies. Would you agree with that, Mr. Minister?

MR. LANE (Qu'Ap): — I beg leave to adjourn debate.

Debate adjourned.

HON. N. VICKAR (Minister of Industry and Commerce) moved second reading of Bill 50 — **An Act to amend The Industry Incentives Act, 1970.**

He said: Mr. Speaker, earlier this year I announced details on five new programs to promote commercial and industrial development and expansion in Saskatchewan. These new incentives have received praise from virtually every quarter of the province. A minor amendment to The Industry Incentives Act of 1970 is required to improve the administration of one of these new programs. Under the small industry development programs, companies incorporated in Saskatchewan which plan to expand, modernize or establish a new manufacturing or processing facility in this province may be eligible for a forgivable loan.

Under the current tax, loans may not be forgiven in less than five years. This was a reasonable period of time for the larger loans previously made under this act.

The maximum amount of these loans was $300,000 and the last of these loans was made more than three years ago. However, the maximum amount of loans to be made under the small industry development program will be $15,000.

The purpose of the amendment is to allow the government to forgive these smaller loans in less than five years, when it is warranted and to enable the Lieutenant-Governor in Council to make regulations governing loans and forgiveness loans.

Therefore, Mr. Speaker, I propose to move to amend the act, to amend The Industry Incentives Act, 1970.

Motion agreed to and bill read a second time.

HON. D.L. FARIS (Minister of Education) moved second reading of Bill 51 — **An Act to amend The Teacher's Life Insurance (Government Contributory) Act.**

He said: Mr. Speaker, the bargaining committees established on the authority of the Teacher Collective Bargaining Act of 1973 have just concluded an agreement which will be in force for the calendar year, January 1, 1978 to December 31, 1978. Section 6.1 of this agreement provides that The Teachers' Life Insurance (Government Contributory)Act shall be amended to implement the provisions of the agreement.

Section 6.3 of the new agreement provides that the Minister of Finance shall pay the premiums for the first $7,000 of insurance for each teacher insured. The previous agreement provided that the Minister of Finance shall pay the premiums on the first $5,000 of insurance this bill provides for making the changes that are required by those negotiations.

Therefore, Mr. Speaker, I move second reading of the amendments to The Teachers' Life Insurance (Government Contributory)Act, 1970.

MR. E.F.A MERCHANT (Regina Wascana): — I beg leave to adjourn debate.

Debate adjourned.

HON. D.L. FARIS (Minister of Education) moved second reading of Bill 52 — **An Act to amend The Teachers' Superannuation Act, 1970.**

He said: Mr. Speaker, this follows the same negotiations. Section 51.2 of this agreement provides that The Teachers' Superannuation Act, 1970 shall be amended to implement the provisions of the agreement. Section 52.1 of the new agreement provides for an increase in the superannuation contribution rate for teachers from 6.35 per cent to 7 per cent of salary effective July 1, 1978 and this bill provides for this being done.

I would now then move second reading of the amendments to The Teachers' Superannuation Act, 1970.

MR. BAILEY: — Mr. Speaker, I would like to say a few comments to the minister regarding, not just simply the increase in the act itself, but the fact that sooner or later, Mr. Minister, this Legislative Assembly is going to have to deal with The Teachers' Superannuation Act in its entirety.

Mr. Minister, you will recognize that there is a difference which prevails now in the teaching force in the province to what it did at least when I first entered where the average length of time that a person spent in the profession was something over two years and today that is no longer true.

If we take a look, and I think it is incumbent upon this Legislature to do so, to project into the '80s. With the level of salary that we have today and with using the same percentage of plans for superannuation, the same percentage of salary for superannuation. The minister will be the first one to admit that we are building up into a tremendous output every year, into meeting the obligations of the superannuation plan. Now, it is not possible at the present time, it is not possible even with the amount that is being contributed. What does this amendment do to increase the contributions, where are we going to be 10 years from now? You can go directly to the Form 42's, which the department has, and project ahead to see how many teachers are now paying into the same plan and approximate how many will be superannuating. At the same time, using a graduate income figure of salary . . . you know, the amount of money which would have to be put into the plan by this Legislature, each year is going to triple. Now, at the present time I certainly am not condemning the plan, I am saying that sooner or later we have to take a look at this plan to have it so that the needs to meet the salaries of the superannuate (if I can put it that way), that they are not going to have to rely on the whims of this government — or any other government that may be here. And, Mr. Minister, that is the case at the present time. I don't know, maybe you can tell me, but obviously the government has to put in so much money into the Teacher's Superannuation Commission every year, and it varies from time to time as the minister knows. Sometimes we put in .5 million, some years we have to put in less. I can see that in the future, when we get into the 80s with the plan under its present formula, it is going to be very difficult indeed should the government of this province (whoever it may be), run into a bad situation for revenue that is going to make it increasingly difficult to meet the needs of the plan.

Now I am not standing here, Mr. Minister, and telling you what I think should be done with the plan. I have some ideas and obviously the Minister of Revenue has some very strong ideas on this as well. I am saying to you, sir, as I would to previous ministers who were in charge of this plan, that we are procrastinating on this particular pension plan. We are using basically the same idea as we had in the '40s. We can no longer, we can no longer afford to let this thing go on year by year. This simple amendment to the act is not the answer to the act. This simple amendment which increases the amount which the individual teacher contributes to the superannuation plan, is not really solving our problems when we look at the number of people who will be superannuating say in the year in which I do. We just have to depend on upon this Legislature each year for a tremendous amount of funds — and I am saying that this should be the last year — in 1978 we should establish a committee to thoroughly examine where we are going with this particular superannuation plan.

I commend the minister for increasing the teachers' portion to it. It has long been my contention that, particularly in the last 10 years, it would have been advantageous both from the superannuating point of view and the teachers' point of view, to have a much higher percentage put into the fund. What I am saying is, once again we are procrastinating and some day we are going to have to deal with it and I say, the sooner we deal with it, the better.

I will have more to say on this, Mr. Minister, and I hope I can get some information from the Superannuation Commission. I want to bring it to the Legislature and show to this Legislature the procrastinating practices of governments in the last 10 years, in Saskatchewan related to this plan, and show them that by the year 1985 or 1986 and to project what cost it will be to the people of Saskatchewan, to meet the needs of the plan. I think it is a very serious thing, and therefore, because I have more to say on this particular topic, I beg leave to adjourn debate.

Debate adjourned.

HON. N.E. BYERS (Minister of Environment) moved second reading of Bill 54 — **An Act to amend The Liquor Act.**

He said: Mr. Speaker, members of this House will be aware that in some communities of the province, certain products such as household cleaner, hair sprays, shaving lotions containing high percentages of alcohol, are being used as beverages. At the present time one household cleaning product which contains about 67 per cent denatured alcohol, is of some concern to some communities and health authorities. While this produce is at present receiving lots of attention, there are many other similar products on the market containing relatively large proportions of alcohol, which could also be used as a beverage and be injurious to the health and welfare of people and families with repeated use or overuse. The consumption of such products is an extremely difficult problem to deal with since fundamentally the elimination of such use must rest with the individual who makes a decision to refrain from such use because of the dangerous nature of the product. It is very difficult for the health authorities or the police to take effective steps to stop the abuse of this practice without the cooperation of the people who are included to use them, containing alcohol such as hairspray, vanilla, shaving lotion and household cleaner are basically sold through grocery stores or drug stores. There are reports from some parts of the province that some merchants are selling abnormally high quantities of these products knowing that the products are being used as beverages. Others are taking a very responsible attitude and are refraining from making sales where they believe the effects can be harmful in

the community. The amendment to section 77 is designed to make it an offence for a person who sells or distributes such products for beverage purposes as well as current revisions of the Act which make it an offence to consume for beverage purposes.

This amendment is therefore designed to help the police in shutting down the source of supply of such products in an area where there is a serious problem it is obviously very difficult, without the cooperation of the person s consuming such products, to get a conviction under the Liquor Act for simple consumption. It should be easier to get a conviction for knowingly selling and distribute such products. Furthermore, the fact that it would be an offence to sell and distribute these products for beverage purposes should cause those people selling same to take a more responsible attitude toward the problem because under the amended section 77 it would clearly be an offence to do so. Obviously this amendment will not, by itself, solve the problem. However, it is a step the Legislature can take to make it easier for the authorities concerned to do something about it.

At the present time, section 79A of the Liquor Act empowers the Lieutenant-Governor in Council to pass a regulation prohibiting or restricting the sale or disposition of a product that might be used in the making of a beverage. The current problem is that products such as household cleaners can be used directly as a beverage. This amendment would, therefore, if circumstances warrant, authorize the government to place a ban on the sale of these particular products as a final step if other measures are unsuccessful in dealing with the problem. At the present time, the manufacturer of at least one household cleaner working with wholesalers in this province, has cut off the supply of this particular product to the area of the province where the abuse seems to be the greatest. If this approach helps, then the use of section 79A may not be necessary. It is also possible that with the amendments to section 77 that the police may be able to cut off the source of supply where a voluntary withdrawal from the market has not been made. However, the amendment to section 79A provides the government with the ability to deal with an extreme problem, where in the opinion of the community health authorities and law enforcement officers such a step is considered necessary. Mr. Speaker, at the present time section II4E of the Liquor Act prohibits the exhibition, publication or display of any advertisement or notice concerning liquor.

In addition, federal broadcasting regulations forbid liquor advertising on conventional radio and television systems in Saskatchewan so as to comply with the present provisions in the Liquor Act which prohibits such advertising. Liquor advertisements presented on national programs are either deleted at the source or by the local stations. Alternate advertisements are used in this province. The reason for introducing this amendment is to prohibit advertisements respecting liquor advertising on cable television which are not being deleted at the present time because they originate in the United States. This amendment will clarify The Liquor Act as it spells out specifically that electronic relay devices such as cable television are included in the general prohibition against advertising. Your unanimous support for this amendment will reaffirm the Legislature’s original intention that liquor advertising be prohibited on all media in the province and I urge all members to give this bill their unanimous approval. Your unanimous support for this amendment will reaffirm the Legislature’s original intention that liquor advertising be prohibited on all media in the province and I urge all members to give this bill their unanimous approval. Your unanimous approval for this amendment will make it crystal clear that the people of this province speaking through their elected representatives in 1978 are opposed to liquor advertisements appearing on cable television as well as conventional television and radio.

Accordingly, Mr. Speaker, I move second reading of a bill to amend The Liquor Act.

MR. R.H. BAILEY (Rosetown-Elrose): — Mr. Speaker, I have just a few words and I don't want to get into the latter part of the bill. I want to speak briefly in regard to a problem which the bill could create. I know of what the minister speaks in the various household cleaners, vanilla extract and the abuse that these can take because of the alcohol content. I do want to come to the defence of the businessman in a certain respect. You used the words in describing the changes to the act to make him more responsible. I don't' think you are going to have difficulty in that area For instance, a store that normally sells in a months time a case of vanilla extract and is now selling 20 cases, obviously you have got a point in hand. But, Mr. Minister, I think it is incumbent upon the government then that if you expect the businessman to be responsible in regard to this act, it is also incumbent upon you to come to his defence as well.

Let me draw this to your attention. Let us suppose — in this certain part of the province to which you refer — that I go to the particular store and I have on the list and I ask for a particular type of cleaner or say vanilla extract or whatever it may be. Because I am unknown to that merchant he, possibly because he doesn't want to get hooked with the provisions of this bill, could well deny me sale of those goods. I think you understand the case I am making. Eventually the businessman is caught in the squeeze, shall I sell this commodity or shall I not sell it? But let us say that he doesn't sell it to me. Then I can turn around under provisions of other acts in this province and make him liable for discriminating against me because of non sale of these goods. I think it is incumbent upon your department then, Mr. Speaker, with the amendments to the act, that you will have to go in that particular case come to the defence of the businessman and not leave him hanging out there on the limb.

I realize, Mr. Minister, that we have got a distinct problem. I think maybe some of these problems may disappear when the aerosol cans and so on are limited. I can't understand from my point of view how the sale has increased on these commodities as much as it has, and I understand it is growing. I think you will find the distributor and most business people will very well co-operate with you. I see nothing in the act to protect the businessman. I see nothing in there to protect him when using his judgment and using his discretion he has denied sale of one of these goods to a customer. What protection does he have then that the customer does not come back and bring charges of discrimination against him or any other number of charges? I would be very pleased to have the minister reply to that concern that I have.

Now as far as the second part of the bill getting you television, we'll leave that for other members of the house. Personally I agree with taking it off. I can't support the advertisement on television at all but then that's only a personal opinion. I know that other members of the Legislature on this side of the House at least want to talk further to this bill. I would be pleased to have you answer that concern of mine. We have to give some protection to the businessman. I would like to hear the minister respond to that when he closes debate on the bill.

MR. MERCHANT: — Mr. Speaker, I suppose we are like Jack Spratt and whatever it is one could eat lean. I have nothing to say about the first portion of the legislation but only about the second portion which seeks to compel deletion of the commercials.

There is a little background that I think its deserved there. First of all, this is the only province that has decided slightly or wrongly that somehow we can stop the consumption of liquor by stopping advertising of liquor. I cast no opinion upon that

decision. That has been the decision of the province. We know that a fair amount of liquor advertising comes into the province through other forms, comes into the province through events which liquor companies and beer companies and so on sponsor. We know that a fair amount of advertising comes in through the print media where the prohibition against national magazines and the like doesn't apply. I don't think, Mr. Speaker, that the numbers would demonstrate that our growth of liquor consumption is any higher or any lower than the growth of liquor consumption throughout the rest of the country.

Indeed, Mr. Speaker, I suggest to members opposite if they were really serious in trying to stop the growth of liquor consumption it would be an easy enough thing to do. You would sop that growth by increasing the cost of liquor and that has been the real solution throughout the years. That was the reason that penny gin, for instance, was brought into effect in Great Britain a couple of hundred years ago. The problem was that half of the nation had turned into alcoholics. That was the decision when France was faced with a very high alcoholic rate. That's the direction in which Germany is now moving with a high alcoholic rate. When you think about it, Mr. Speaker, think back to when I, for instance, was 16 years old. At that time it was possible for me to obtain employment that would pay me about 75 cents an hour, if I could get a job. That 75 cents an hour would buy me about two bottles of beer. Now, Mr. Speaker, the same 16 year old can obtain employment that will pay him about $4 an hour and that $4 an hour will buy him about five or six bottles of beer. So the relative cost of liquor hasn't kept up with the relative affluence that young people have and that we all have. That's a bit of the background.

The minister then says, well we know that liquor consumption is rising and somehow we are going to stop this flood by imposing a very difficult and arbitrary rule against the cable companies. How can they do this? That's the first question. The minister may not be aware — as a matter of fact, I am sure the minister isn't aware — the CRTC has within its rules a requirement that American advertising be deleted, that's a requirement of the CRTC, that all advertisements coming out of, in this case, Williston., be deleted by the cable companies. A couple of the very rich and very affluent Toronto cable companies just out of kindness to the CRTC as a demonstration that they, unlike this government weren't just going to ignore that legally constituted body decided some years ago that they would attempt to delete some of the commercials. To delete all the commercials when you don't have the running schedules and you don't know when commercials are coming is a very, very difficult thing to do. It is far more difficult than a network which has people operating on a continuous basis. As I was saying, Mr. Speaker, to accommodate the CRTC a couple of the Toronto companies, cable companies, tried to delete some of the commercials and they did. They were taken to court over it. they were taken to court over it by the advertisers and by the American companies that were broadcasting the signal. That decision has not yet been decided. It is now before the Supreme Court of Canada. So, Mr. Speaker, this legislation may very well be precipitous This legislation may pass laws, I think, we can all expect that are unworkable but it may also be passing laws which very shortly will be found to be illegal laws. Of course, Mr. Speaker, it seems to me that the Saskatchewan government is prepared to obey and abide by the laws of every court in the land expect the Supreme Court of Canada. I am sure it won't come as a great shock to the NDP Cabinet if they pass law just flying in the face of the Supreme Court just before the Supreme Court decides in that area.

Mr. Speaker, there is a middle way — the NDP, with all due respect, are not given to middle ways And that middle way, rather than passing legislation which the cable

companies say is unworkable, rather than passing legislation which at the best would greatly increase the cost to the cable companies, the middle way would be for the government to pass legislation and regulations saying to our Canadian producers of spirits and beer, look if your ads are run on Williston for the purpose of getting into our Saskatchewan markets than we are going to take action against you as we can now do under The Liquor Act and we are going to take action against you which might include delisting your product. Now what would that do? What great damage is it going to have to people in Saskatchewan if Three Feathers Jack Daniels, for instance, is advertised in Williston? If as a part of the regular advertising campaign that goes on in Williston we see a Budweiser advertisement every once in a while or Miller High Life or Three Feathers Jack Daniels or whatever those beers and spirits may be that are advertised in an ordinary way on the American networks, what great damage? Some, some I concede but less damage I suggest than the damage that will be done to the cable companies and through them to the many people who participate in cable and will have to pay the cost of almost impossible job of removing the signal.

I don't think, Mr. Speaker, that this legislation is really designed to stop a Budweiser ad. The fear of the minister and the government is that Carling O'Keefe will say gosh, if we can't advertise here let's get down into the United States and advertise on Williston for the purpose of getting into the Canadian market. Well the Canadian government, the national government, is one step ahead of you because the national government has already said that that kind of an advertisement is not deductible for tax purposes so it is relatively unlikely that Carling O'Keefe will be down there advertising trying to get into the Saskatchewan market. It is relatively unlikely that we will see an advertisement for Bohemian coming from Molson's which is designed to get to the Regina market. Unlikely, because they won't be able to deduct that advertisement as a business expense, so that that advertisement would come out of profit. The reason the national government passed that law as to stop the advertising dollars from leaving Canada and going to the American stations. But if, Mr. Speaker, this government wanted to go even further, be even more careful I suggest that the middle way, the more cautious way but at least a workable way, would be to amend The Liquor Act and say that if Bohemian, for instance, is advertising on Williston, they don't sell Bo in the United States, the only purpose Molson's could have to advertise on Williston would be to get into the Saskatchewan market. If they are advertising on Williston to get into the Saskatchewan market, then this government if they think that is wrong, should punish them in the Saskatchewan market and we can do that quite easily. Mr. Speaker, that wouldn't out the rather onerous, if not impossible, chore upon the cable companies of removing the signal. It would accomplish surely what this government wants, namely is would stop our brands and our products which are available here from being hyped through the cable advertising.

Now, Mr. Speaker, I don't propose to adjourn debate. I don't know whether the government would be prepared to look at that middle way. I am sure that the government if they had any lines of communications still open to the cable companies and co-ops — they have probably closed just about every single line by the way they have butchered the cable affairs — but if they have any lines of communication left to any of the cable companies and co-ops, I'm sure the government has been receiving representations about the near impossibility of carrying through with the changes which you now propose. If you are inclined at all to look at a middle way then I suggest to members of the House and to the Treasury Benches that this is a middle way which would accomplish most of the aim without doing all of the damage that this current legislation would do.

MR. E.C. MALONE (Leader of the Liberal Opposition): — Mr. Speaker, the member for Wascana's points are well taken. So what are we left with when we look at the legislation brought forth by the minister? The member for Wascana has outlined the situation as it is across Canada. He has explained a way where you can prohibit local breweries from advertising in Williston to try to capture the Regina, Moose Jaw and Saskatoon market. Obviously, those methods are known to you. They are not new, they have been in the cable industry for years. The only rational conclusion that anybody can come to for this particular amendment as proposed by the minister is one of the other steps of your continuous harassment of the CRTC licensees and Cable TV. You have been harassing them ever since that decision was brought down by the CRTC.

Now the Attorney General adds to the debate by saying we are supporting booze peddlers. Mr. Speaker, that's about the most ridiculous statement that the Attorney General has made in days and you have made a lot of them.

If the Attorney General will just zip the bionic mouth for just a moment, let me just say this to him. For about 15 to 20 years we have had cable TV in Saskatchewan, in Estevan, in Weyburn, and through all those years we have been receiving advertisements in those areas for beer, for wine, for liquor and what has your government done to prohibit those advertisements coming into Weyburn and Estevan? Absolutely nothing. So I say to you, Mr. Speaker, the only reason for this particular bill being presented by the minister is to throw it in the laps of the CRTC licensees. That's the only reason that one can come up with. You are ready to do anything to protect your pet propaganda known as CPN to try and get them on the air, so you are going to be continuing to bring in legislation of this nature.

Mr. Speaker, I am going to have a great deal more to say about this in the days ahead and the members on this side of the House, I believe, are going to have a great deal more to say.

The Attorney General and the minister are not fooling anybody in Saskatchewan by the method in which they brought in this legislation. It is simply continuous harassment of the licensees for the CRTC. We are not going to stand for it, Mr. Speaker. I now beg leave to adjourn debate.

Debate adjourned.

ADJOURNED DEBATES

SECOND READINGS

The Assembly resumed the adjourned debate o the proposed motion by the Hon. Mr. Faris that Bill No. 22 **An Act respecting Elementary and Secondary Education in Saskatchewan** be now read a second time.

HON. D.L. MR. FARIS (Minister of Education): — Mr. Speaker, during the course of this debate many question have been raised within this House and elsewhere about Bill 22. Surprisingly, there have been almost as many question raised about the process as there were about the provisions contained within the bill.

The three-year process of consultation and discussion which we have just completed has produced good basic legislation. Certainly there were some difficult periods, but with the legislation which is as sensitive as school law, that is to be expected.

In his address to this House the member for Nipawin stated that the Progressive Conservatives had envisaged an education act that would in fact create a climate of confidence in the providers of the educational system, not a climate of confrontation. When groups with specific vested interests, in this case trustees and teachers, openly discuss their views regarding school law, there is bound to be some confrontation. Confrontation is not necessarily harmful. Widely divergent positions can, through reasoned discussion, be brought to some workable middle ground. This process must begin with all parties laying their cards openly on the table. Teachers have done that, trustees have done that and the government has done that.

Some confrontation did result, Mr. Speaker, but it was necessary confrontation and it has resulted in better legislation. Constructive confrontation and that is what we have had, by and large, is good. Constructive confrontation forces compromise and accommodations in areas where mutual agreement, or at least mutual acceptance is essential. This essential agreement and acceptance is next to impossible if the conflicts and differences of opinion are blown out of all proportion by those primarily concerned about political gain.

The member for Nipawin has accused the government of deliberately attempting to create a situation in which the providers of education are at each other's throats. It is this kind of nonsense and the nonsensical rhetorical we heard on the steps of this building two weeks ago, which contributes more than anything else to continuation of the non-productive confrontation which he pretends not to want. If the member for Rosetown-Elrose (Mr. Bailey) is truly interested in keeping politics out of the classroom, I would strongly advise him to have a talk with the leader of his party.

In his address to this House, Mr. Speaker, the member for Nipawin made repeated references to autocratic rule by this government in the area of education. I believe that everyone in this House was aware of the extent of public discussion which has gone into the preparation of this legislation. Obviously the member for Nipawin has forgotten.

Everyone else is aware of the discussion prompted by the report of the School Law Review Committee released in 1976, and subsequent White Paper on School Law which was tabled in this House in 1977. These open discussion s and consultations preceded the drafting of Bill 43. That bill was introduced into this House last all. Second reading was not initiated immediately because we wanted to give everyone a chance to react to our proposals. I am concerned, Mr. Speaker, when I hear inside this House, as well as outside, that public consultations topped with the tabling of Bill 43, last November.

I would like to describe just what did take place between November and March. Firstly, meetings took place between myself and executive members of both the SSTA and STF. Secondly, my officials and I met with individual school boards and teacher groups throughout the province. These meetings were not specifically set up to discuss school law, but Bill 43 was discussed at every meeting. Third, my officials and I met with the executive of the Catholic section of the SSTA, to discuss their concerns regarding provisions of Bill 43 relating to separate schools. Fourthly, many additional briefs were received from individuals, groups of principals, superintendents, school business officials and the SSTA and the STF. Consultations did occur, Mr. Speaker, concerns were expressed, suggested changes were presented and we responded to them. The result was Bill 22.

In attempting to discuss Bill 22, the member for Nipawin talked about two objectives of this proposed legislation. If he had taken time to read the introduction to the White Paper on School Law, he would have discovered eight specific objectives listed there. If he wishes to honestly mark the government on these specific objectives, I am certain he will discover that we have done very well. In summary, these objectives were:

(1) — To consolidate those aspects of existing law which are still relevant, in a single statute — and we have done that.

(2) — To present school law in a simplest possible format in order to promote widespread public knowledge and understanding of the law. This is beginning to happen already as a direct result of our discussion and consultations.

(3) — To eliminate obsolete and overlapping provisions and needless complications in the law. This has also been achieved to a large extent. Obsolete references to stables and outdoor privies have been eliminated, duplications have been removed and generally speaking, the law has been simplified.

(4) — To clarify the roles in relationship to educational authorities — and we have done that.

(5) — To recognize and emphasize the legitimate role of parents.

(6) — To promote the exercise of legislative and judicial functions by board of education and boards of trustees.

(7) — To provide for recognition and encouragement of community participation in school affairs.

(8) — To reflect administrative and communication practices which are intended to promote constructive relationships between the school and the community.

These last four objectives have received a considerable amount of attention recently. Although there were few changes in Bill 22 relating to these objectives, when the bill was introduced we were immediately accused of greatly restricting the power of parents and local school officials.

A careful study of the bill as a whole will reveal that this criticism is not justified. When all of the sections of Bill 22 are taken in context, I am certain that even those who are most unfamiliar with how our schools operate, will have to agree that we have met our last four objectives very well.

Because of the great concern some of the criticisms have generated, I would like to spend some time discussing the issues of local control and parental involvement in the school.

This proposed Education Act, Bill 22, reflects the concern that this government has had for encouraging close communication between the home and school. More accurately, Bill 22 reflects the desire and citizens for a greater degree of input into the affairs of local schools. In a series of meetings which took place throughout the province related to the report of the School law Review Committee and the White Paper on Education, several points were brought home to the government. One of the

most important of these points was the strong concern that many parents felt, they were losing touch with their schools.

As our schools and school systems have grown larger and as consolidation took place, the school in the physical sense, grew more distant from the home. Parents felt further and further removed from the operation of their children's educational program. They felt no longer they had much influence on the activities of the school or the business of the school system.

In our discussions leading to the formulation of the new school law, we became increasingly aware of a growing gap between the home and the school. As we perceived it, there were two essential causes for this gap. The first was the general but unfortunate feeling one finds throughout a large segment of society, that what goes on in the schools, is really the business of the teachers and the Department of Education — they are the ones who knows best.

The second cause, we felt, was the somewhat outdated structures which were embodied in our school law.

While a revision and consolidation of school law might not be able to deal directly with the first concern, we felt that it could certainly have a direct impact on the second one.

In Bill 22 we have attempted to bring the home and school together by making changes in a number of areas: firstly, by making provision for an increasing involvement of parents in the critical decisions which are made in school regarding their children; secondly, by providing expanding functions for local board of trustees; thirdly, by making provision for the establishment of local school advisory committees to allow for parental input in regions where local board of trustees do not exist; fourthly, by making legal provision for the Board of Education to make important program decisions respecting the course of studies in each school.

I would like to take a few minutes to talk about each of these areas. Before when the member for Nipawin accused the government of superimposing its will on parents and students, he claims to have reached that conclusion by reading Bill 22. He hasn't read it very well or he would know that some very significant increases in the level of local control have been proposed. It is clearly evident when our present school laws are compared to the provisions of our proposed education act.

Firstly, increased involvement of parents in educational decision making. For a number of years, various parents' groups, not only in Saskatchewan but throughout North America, have been requesting increased involvement in the decision making process of the schools. Critical decisions have been made respecting individual students and parents only to their surprise. Frequently they learn of these decisions only after the fact. How often have parents been surprised by major disciplinary actions taken by the school? How often have parents been surprised by major changes in a child's program? How often have parents been surprised to learn that their child has been involved in extensive diagnostic and assessment procedures? Unfortunately the answer to all of these questions has been, too often.

Certainly, there are many school systems where these questions could never arise because these boards have developed specific policies in regard to communication with parents. However there was nothing in law to recognize the necessity of this type

of communication and involvement and we felt there should be. As a result, Bill 22 contains, firstly in the area of discipline, a detailed group of section which require the immediate notification of parents or guardians when serious problems arise. The parent or guardian is also guaranteed the right to consult with school staff who are dealing with the problem, prior to any course of action being decided.

The next section deals with suspension procedures. If this action is taken parents or guardians must be notified immediately and are guaranteed a hearing with the principal if they request it. If a student were to be expelled after suspension, the parent or guardian may request a review of the expulsion after one year.

Regarding special needs — parents must be involved in the decisions which related to program placement of children with special needs. Not only must parents be involved in discussion regarding the appropriateness of program placement, but section 178(b) permits parents to initiate such discussions. Our provisions outlining school responsibility for the provision of appropriate programming for all handicapped children stress the necessity for consultation and co-operation with parents and guardians. Present law makes no provision for any of these parental rights.

If the member for Nipawin would like to evaluate the government on this section of Bill 22, he can compare this part of the bill with the various check lists which are published by provincial and professional groups describing ideal legislation governing education for handicapped children. If he wants to make this evaluation, he will discover that the government gets an A plus in this area. In fact, I doubt that he will find any legislation relating to education of handicapped pupils in Canada which, taken as a whole, is as progressive as that proposed in this bill.

In regard to school management and program decisions, the management of schools has been and will continue to be the primary responsibility of the fiscally responsible boards. Under Bill 22, these are referred to as Boards of Education. Many powers which previously rested with the minister in the Department of Education have been transferred to the Board of Education. Under present law, section 118 sub 9 of the School Act, school boards have the following duty, and I quote: "subject to the provision of this Act and regulations of the department to provide instruction appropriate to the grades for all pupils who have the right to attend school."

This is all that existing law says about school board responsibility for the provision of school programming. In years past, decisions regarding what was to be taught and how it was to be taught were made exclusively by the Department of Education. Gradually, over the years this responsibility has been practice shifted to school boards.

Bill 22 recognizes in the law this important shift in responsibility and makes much more specific reference to the Boards' responsibility for program determinations than we find in present law. Section 177 of Bill 22 states that the program of instruction in each school shall be that approved by the Board of Education in consultation with the principal and superintendent. This overall statement of responsibility and control is expanded upon by a number of provisions which are more specific. Section 176 too permits boards to develop or adopt local courses for local needs. Section 179 permits boards to develop curricular and cultural programs. Section 180 permits boards to offer second language instruction and instruction in a second language. Section 181 allows boards to offer religious instruction. Section 183 permits boards to offer vocational instruction and allows for co-operation with community colleges in the provision of such instruction. Section 184 requires boards to provide appropriate

programs for handicapped children. Section 185 allows boards to develop appropriate programs for gifted children. And the list goes on to include driver training, physical education, guidance and counselling services and provision for course modification to accommodate individual differences of pupils. In all, there are 13 sections which specifically out a school board's rights and responsibilities for program development.

Thirdly, in regard to the expanded role of local boards, local boards of education and central boards at the present time tend to function in advisory capacity in school unit boards, that is if they function at all.

In Bill 22, we have attempted to restructure the school district and redefine the function of the Board of Trustees. These changes have been made to make the district and the local board relate more closely to the attendance of area of individual schools. In addition, the proposed act makes provision for the Board of Education to delegate and increase level of responsibility to local boards of trustees. The section outlining the duties and powers of local trustees emphasizes their role in advising the Board of Education on matters respecting the planning of educational services.

This advisory role can include recommendations regarding language of instruction, religious instruction, planning and execution of innovative projects, handling of school disputes and the use of school facilities for community purposes.

In regard to local advisory committees. In urban areas, local boards of trustees have never existed. Bill 22 attempts to provide the mechanism for parents to have input to the establishment of local school advisory committees. These sections are permissive, that is, the decision regarding the establishment of these committees are made by the Board of Education. We are confident that boards of education in urban areas will establish these committees because they will quickly realize that local school advisory committees have the potential to greatly assist them in the operation of their schools. One major function of these local advisory committees is spelled out in Bill 11, is the promotion of school —community and parent-teacher communication. If this were the only function of local advisory committees, or local boards of trustees their existence would be justified. However, there are additional functions of these committees. These committees may advise the board of education on such matters as educational objectives and programs special projects, future planning, selection and placement of staff. Considering all of these possible function, the potential for parents and local communities to become involved in their local schools will be greatly enhanced when this proposed legislation is adopted. Recently there has been much apprehension about the provisions in Bill 22 which grant teachers the right to binding arbitration if they wish to appeal the board's decision to dismiss them. Some parents and trustees feel that this provision will prevent boards from firing incompetent teachers or as some have expressed it, binding arbitration restricts the rights of parents to determine who will or will not teach their children. I want to assure you all that these provisions of Bill 22 will not protect incompetent teachers from dismissal. No one has questioned the right of a Board of Education to dismiss any teacher who is not doing a quality job. Some people are talking as though somehow a board will have to go through a board of reference every time they wish to dismiss a teacher. Nothing could be further from the truth. What Bill 22 provides is the right for a teacher to appeal the dismissal if the teacher feels that dismissal was unjust. That right of appeal is enjoyed by most employees in the province, including teachers employed by the provincial government. In addition, similar provisions have existed in British Columbia, Alberta, Manitoba and Ontario for several years. I doubt that anyone could show that there were

more incompetent teachers in any of these provinces as result. Teachers are a professional group. They are not more interested in protecting incompetent teachers than you or I but they do believe that any teachers should have the opportunity to appeal the dismissal which he or she feels to be unfair or unjust. I agree. The appeal board we have proposed is locally appointed, one member appointed by the teacher, one by the school board and the third, the chairperson, by mutual consent, or failing that is appointed by a judge of the district court. It is hardly a committee of laymen who know nothing about education or the law. This appeal board, which we have called the board of reference, hears the evidence and decides whether or not the dismissal was justified. A similar appeal mechanism has existed for teachers who are dismissed during the school year for over 40 years in Saskatchewan. The record will show that the mechanism works well and does not always rule in favor of the teacher. As the Attorney General pointed out on Friday, the track record of boards of reference is hardly the kind of thing that would bring tears to the eyes of any administrator, as stated last week by the member for Rosetown-Elrose. This kind of emotional rhetoric from the member promotes the very intrusion of politics in the classroom that he pretends to be so shocked by. The facts are, Mr. Speaker, that since 1973 there have been five boards of reference in the province of Saskatchewan. Of these five boards two handed down decision favoring the school board and two handed down decisions favoring the teachers and one resulted in a mutual agreement. That can hardly be interpreted as a terrible track record as the member for Rosetown-Elrose would have use believe.

Of all the changes from present law found in Bill 22, this section has generated the most concern. I don't believe that it should alarm anyone. I am certain that in the years to come we will discover that many of the fears presently being expressed are just not justified.

In a bill containing 377 sections there were bound to be a few difficulties with the working accurately reflecting intention. This is bound to result in some misunderstandings. These misunderstanding can be dealt with easily and are being dealt with. However, I hope that there are no misunderstandings about our principles or our intent. In regard to these, I believe that we have progressed about as far as discussion and consultation alone will take us. It is now time to enact our proposals and test the principles.

We have listened, Mr. Speaker, and we are prepared to look at word changes to clarify our intent. As a result of discussion and consultation with trustees, teachers, superintendents, secretary-treasurers and of suggestions put forward by some members opposite, I will be proposing some amendments during clause by clause study of the bill. We will be introducing amendments to the following sections.

1. Section 43 — we will be introducing an amendment which will further expand the definition of who is eligible for election to a board of education.

2. Section 91j will be amended to clarify our intention concerning the word 'basic'.

3. Section 92 will be amended to remove any doubt that boards have the power to deal with unforeseen developments not dealt with in the bill.

4. Section 107 will be amended to clarify our intent that reporting relationships between boards of education and their administrative staff be locally established.

5. 169(2) will be amended to require that major changes in a pupil's program are made

only after consultation.

6. We will be proposing some amendments to sections 217-221 to clarify the limits of the board of reference investigation and decision.

7. We will be introducing an amendment to section 222 which will clearly provide for an appeal to the courts of a board of reference decision on matters of law or jurisdiction.

8. Section 227 will have some minor changes clarifying the responsibility of the teacher to provide a quality service, with specific reference to teaching diligently and faithfully.

9. Section 232(3) will be clarified as to intent.

These amendments are changes in wording designed to clarify intent. They do not represent any deviation from the principles of Bill 22.

As I said earlier, discussion in this House during our debate on Bill 22 have resulted in several suggestions for amendments. Many of these suggestions have been incorporated in our amendments. As I pointed out when I opened debate on this bill, we have always been prepared to respond to reasoned argument. I believe we have done that. Obviously, some of the suggestion put out by members opposite have not been accepted. The member for Nipawin (Mr. Collver) and his education critic would have this House believe that section 372 is a terrible section which takes away every power granted to parents and board in previous sections and gives them back to the provincial government. I can't imagine how the two of them have concocted this fantasy, unless it is part of their philosophy. It seems impossible for them to believe that legislation would be developed by anyone without some sinister motive and at least one 'tricky Dicky' clause.

Section 372 empowers the Lieutenant-Governor in Council to make regulations that are "ancilliary to and not inconsistent with this act." The member for Nipawin would have members of this House and the people of Saskatchewan believe that this section allows the minister to change school law at will. Nothing could be further from the truth. The member for Nipawin said, the Progressive Conservative Party of Saskatchewan cannot support that kind of centralized power in the hands of the government of Saskatchewan; that kind of control by Cabinet and the minister.

The Leader of Saskatchewan's Conservative Party would then obviously not be able to support the government of Ontario on this basis. That fine Tory government has in its Education Act (1974), Section 10(l) which reads:

> Subject to the approval of the Lieutenant-Governor in council, the minister may make regulations in respect of schools or classes established under this act, or any predecessor of this act, and with respect to all other schools supported in whole or in part by public money.

In Ontario, the regulations are not even specifically required to be consistent with the provisions and intent of the act. If the logic of the member for Nipawin is valid, the Tories in Ontario are, indeed, a power-mad bunch.

In Conservative Alberta, the School Act, section 12 states:

In addition to his other powers specified in this act, the minister may make regulations.

This is then followed by a list of 22 areas in which the minister may make regulations. Mr. Speaker, these regulations which also have the force of law, don't even required the approval of the Lieutenant-Governor in Council. Can you imagine how much power this grants the minister?

As usual, the member for Nipawin has taken a very standard kind of provision in school law, or for that matter any law, and in his typically confused manner is trying to convince everyone that some sort of sinister plot is afoot. Like most of his bogeyman, this "back-lane" shadow doesn't have much substance. Similar provisions have existed in Saskatchewan law since the ordinances of 1901 and I don't believe even Conservative governments have been able to change school law without first bringing it before the Legislative Assembly.

If Bill 22, of for that matter, Bill 43, were reacted to emotionally, that was not the intention of the minister or the government. One must look elsewhere for those who initiated and mounted attacks instead of engaging in reasoned public and free discussion of substance. We genuinely regret the escalation of tensions and the confusion which competing claims, often unsupported with evidence, have raised in the public. It is significant that in the past week or two, there is clear evidence that many people are both confused and fed up with the emotional and partisan stance of those who steadfastly refuse to recognize and study issues on the basis of the content of the bill. We regret this very much, for it does nothing to enhance public understanding, divides people unnecessarily and certainly does nothing to create respect of confidence for those involved in the public affairs of education. We particularly regret that a good bill has been subjected to unreasoned and ill-informed criticism on account of one or two issues on which there are honest differences of opinion. This has been done in the knowledge that these portions of the bill representing perhaps 5 per cent of its total content. There is no secret in it. It is generally acknowledged by those who have at least read the bill and even by its severest critics that the bill as a whole is a vast improvement over present law.

One cannot but be impressed by the extremes to which some critics are prepared to go, with a complete disregard or interest in the subject and intent of the bill. It will be very interesting indeed to witness and evaluate the effects of this bill in operation over the next few years.

We do not assume or claim that this bill is perfect, with a last word in school law. Undoubtedly, like school law in the past, it will be amended when experience dictates that need. We do not, however, anticipate the realization of the horror stories which have recently been forecast. We are confidence that the new act will open new possibilities for all to contribute to the improvement of education in this province.

Those who vote against this bill are voting against extending rights to teachers, which are enjoyed in Ontario, Manitoba, Alberta and BC. Those who are voting against this bill are against extending new powers to school boards. They are voting against enhancing the rights of parents and students.

Mr. Speaker, it is with real pride that I move second reading of Bill No. 22, An Act respecting Elementary and Secondary Education in Saskatchewan.

SOME HON. MEMBERS: — Hear, hear!

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

YEAS — 29

Blakeney	Matsalla	Faris
Pepper	Robbins	Rolfes
Thibault	MacMurchy	Shillington
Bowerman	Mostoway	Vickar
Smishek	Banda	Skoberg
Romanow	Whelan	Nelson (Yorkton)
Snyder	Kaeding	Johnson
Byers	Kwasnica	Thompson
Baker	MacAuley	Lusney
Lange	Feshcuk	

NAYS — 15

Malone	Collver	Ham
Wiebe	Larter	Berntson
McMillan	Bailey	Wipf
Nelson (As-Gr)	Lane(Qu’Ap)	Thatcher
Clifford	Birkbeck	Katzman

The Committee reported progress.

The Assembly recessed until 7:00 o’clock p.m.