

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
December 14, 1982

EVENING SESSION

GOVERNMENT ORDERS

COMMITTEE OF THE WHOLE

**Bill No. 46 — An Act to repeal The Land Bank Act and to make Certain Temporary Provisions
for Lessees**

HON. MR. GARNER: — This is Mr. Jim Webster sitting at my right. John Hoffort is sitting immediately behind me to Mr. Hepworth's right, and two Legislative Secretaries who are just very qualified and talented.

Clause 1

MR. ENGEL: — This is interesting how much stress a government has decided to place in moving the land bank into the second row, but I am pleased to see the Minister of Highways is going to tackle this bill. He is the one now who is going to be wearing the uniform of the chief executioner and is going to be doing the honors that, according to the minister, are going to be applauded by the people of Saskatchewan.

Now, if the Tory government feels that the land bank legislation wasn't fulfilling a purpose, and if the Tory government feels that their loans program is going to fill the gap and stand in the gap and take care of the land transfers from the young farmers who are on the land that's coming up, that's fine. The bill that's before the House would then repeal The Land Bank Act and transfer the leases into the lands branch under the able leadership that department officials have given it in that area. I think the government would be doing some of the things they promised, and we in the opposition would say just so that the tenants are taken care of and just so that the lease contracts are taken care of, we'd feel that you are doing what you promised and the lessees would have a long-term contract. But I don't think, listening to the statements of your minister . . . I feel that this is quite irresponsible of him taking off and leaving the legislature early. I really think that you or somebody speaking on his behalf owes us some kind of an explanation as to why he thinks these bills can be passed. And we would have to refrain from asking him particular questions on pieces of legislation that he called hallmark in Saskatchewan's history, pieces of legislation that are second to none in the history of our province.

So, I suppose the first question I would have is: do you feel comfortable that the tenants' agreement and contract that they had, as being transferred into the lands branch, gives them the same degree of security, the same assurance on their rent and that the rates they are going to pay are a similar formula as they signed? In other words, can you stand up in this House and say, in your sincere, honest way that you deliver; that you are not betraying the trust that the tenants had with the Government of Saskatchewan when they signed their contract; that you actually aren't tearing up their leases; that they're going to be as good under the new bank that they're in (instead of being in the land bank, they'll be in the lands branch), but they'll be just as secure as they were before? Can you stand up and assure the House that that is the case?

HON. MR. GARNER: — Yes, quite correctly. And just the set the member straight for the

evening's proceedings, everything that I do state I believe is honesty. I hope members opposite can say the same about themselves. And, yes, it is definitely better because now they can buy their farmland; they don't have to wait five years.

MR. ENGEL: — If it's going to be so much better for them and if there's nothing to worry about, why do you suppose nearly 1,000 of them got all excited and came in here to check? What do you suppose motivated them? Why do you think they feel that they're being left out in the cold with this new contract? What is your answer to: the most people that in my memory ever donned the steps of this building on one exclusive issue, the most times they're in? I grant you that there have been more people around on these ground before. There have been larger demonstrations, but not on single group that just represented farmers, and where the farmers came along and took time to drive in here. Surely they must have been worrying about something. There must have been something that was bothering them. What do you suppose they were worried about?

HON. MR. GARNER: — Yes, Mr. Chairman, there were about 300 land bank tenants supposedly here the other day. And I imagine one of the main reasons they were here . . . I don't want to belabor this point, and I would like the proceedings to run as smoothly as possible tonight, but once again, you know, it's another scare tactic by the NDP. They terrified the senior citizens on medicare in '78; they're trying to scare them again in 1982. This government isn't concerned about scaring people; we're concerned about caring for people and helping young farmers buy their land.

MR. ENGEL: — You call it a scare tactic. Right off the top — why the title of the bill? If you're not trying to scare the farmers why would you call the bill "certain temporary provisions," if you are saying that this is the cure and that the tenants' agreement is engraved in stone, that it won't be changed, that if they want to rent they can rent in perpetuity and pass it on to generations to come? Why are you saying that to make . . . (inaudible) . . . Why didn't you say an act to repeal The Land Bank Act and to transfer the leases in to the lands branch? Why not just a straightforward title?

HON. MR. GARNER: — Well, for the member opposite's information, certain temporary provisions for lessees are now going to enable many young land bank farmers in the province of Saskatchewan to buy their own farm, courtesy of the Devine government.

MR. ENGEL: — How many farmers would you say were in that position prior to the introduction of this bill that had land bank leases and could have bought their land if they wanted to? How many people are we talking about?

HON. MR. GARNER: — For the member's information, Mr. Chairman, as of December 31, 1981, about 1,151 tenants were eligible to buy back their farms that they had rented from the Government of Saskatchewan. Well, I think to point it out further, that in 10 years, 10 years, Mr. Chairman, only approximately 152 farmers had bought that land. I don't call that a very responsible program by the previous administration. We are expecting results that will snowball the results of the NDP.

MR. ENGEL: — Well, I'm supposed to hide my face in shame. I'm supposed to hide my face in shame. Well, I'll do that for 30 seconds, Mr. Chairman. Thirty seconds is sufficient because, Mr. Minister, you just told me that 1,181 were eligible, so before that time you'd add 152 to that and you would have 1,333; 1,333 were eligible before the purchase. Out of those 1,333, 152 decided that you were right that they were going to purchase. Doesn't that tell you something? Don't you hear that?

HON. MR. GARNER: — Yes, it tells me something, and it tells me that you had a hell of a poor record in selling land back to the people of Saskatchewan. You're doing nothing more than building up a state monopoly for yourself.

MR. ENGEL: — I don't need to use quite that colorful and descriptive language as the minister does, but let me get on to selling back to the tenant some of this land.

What about the home quarter; what kind of a deal was available for him to purchase the quarter he was living on?

MR. CHAIRMAN: — Order!

HON. MR. GARNER: — There was a rebate of \$5,000 over five years on the home quarter, but for the member's information our mortgage rebate program does also apply to the home quarter.

MR. ENGEL: — Will you repeat that last sentence?

HON. MR. GARNER: — The mortgage interest reduction program applies to the home quarter.

MR. ENGEL: — On the former program how much of a discount would he get? Let's say that quarter was worth \$100,000 at the assessed price, what would the purchaser have to pay for that quarter under the old program, before the election took place? When these 1,181 people were eligible to buy land, what was available to them in interest reductions on the home quarter? . . . (inaudible) . . .

HON. MR. GARNER: — Okay, using your scenario of \$100,000, he would still have to pay \$100,000 for the home quarter. This was previous to April 26. And he would get back \$1,000 a year for five years, but not till the end of five years.

MR. ENGEL: — Mr. Chairman, under your new program what do you intend to sell land back to the tenants for? What are you going to determine is going to be the price for a quarter of land?

HON. MR. GARNER: — We intend to sell it back to the young farmers of Saskatchewan at a fair market value.

MR. ENGEL: — That's quite different than was discussed by your party when you were sitting over on this side of the House. That is quite a different story.

I want to quote from the treasurer, for example, Mr. Andrew:

I have a question for you, Mr. Minister, with regard to the brief presented to the government by the Saskatchewan Federation of Agriculture on April 14 . . .

Be it resolved that the provincial government amend the necessary legislation which would permit the land bank to sell land to the son or daughter at the price originally paid by the father or the mother.

I think that concern has been raised in this House — where a person, perhaps the father, uses it as a transfer vehicle to the son or daughter. Five years down the road, when it is time for them to buy the land back, the equivalent interest rate which you are charging will be around 60 per cent to 70 per cent with the increased price of land.

I think the federation of agriculture is saying that perhaps you should be selling it at the price for which it was originally purchased plus a fair rate of interest — perhaps the same rate that farm credit is charging, or something else.

Is your government looking at that proposal? Is there any chance we could see a change in the legislation as it relates to land bank? Could we move in this direction so that we're not seeing these people who are trying to get a start in farming through a land bank vehicle (perhaps it's the only vehicle available to them), paying loan sharking interest rates when they buy out?

How come the big change by the Minister of Finance and by your government?

I am quoting from April 21 of *Hansard*, page 2351.

My question is: in light of your informing the farmers throughout Saskatchewan that you are introducing a \$350,000 loan program, and you are going to sell them the land back what their mothers and fathers got, plus a reasonable rate of interest, how come you changed your mind?

HON. MR. GARNER: — Okay. The information the officials give me is that the individuals already . . . The value of the lease over 10 years would be approximately \$187 an acre; taking into effect a \$200 price would bring that current market value of that land up to maybe \$387 on an individual case.

MR. ENGEL: — I beg to differ with the minister. You take your last will and testament of The Land Bank Act, the annual report, 1981, and 10-year-old land was \$53 an acre. I'd like you to calculate that one for me. If you're taking the interest for 10 years, take \$53 an acre; that's what it was 10 years ago. You can't take 10 years if you take a new price. Try and get that one up to \$300.

HON. MR. GARNER: — We could stand here all night and go through evaluations. I'm quite prepared to, if you will engage in a little bit of concentration. I have given you the opportunity to ask me the question; please be courteous enough to allow me the opportunity to answer. Is that not fair enough? Okay.

The land bank has bought land anywhere from \$53 an acre to \$400 an acre. How many of these examples do you want us to give you? Right from \$53, \$54, etc., right up to \$400 or \$500? I gave you the example of \$200 and the \$187 an acre value of lease over 10 years — one example. How many more do you want?

MR. ENGEL: — Mr. Chairman, if you're going to give me \$200 an acre, that land will first

be purchased in 1989 . . .

AN HON. MEMBER: — '79.

MR. ENGEL: — That's in '79 it was \$200 an acre, so the purchaser isn't going to buy it, and you're projecting me to 1989. I'm saying what he's going to buy now — the land he is buying today. You're only paying interest on one year at \$200 an acre. Ten years ago the price was \$53 an acre; I asked you what that parcel of land would be worth. One simple question; give me a simple answer. Calculate \$53 an acre for 10 years.

HON. MR. GARNER: — Well, I mean, I gave you the one example, and I guess we're going to come back down to the bottom line, that we're going to sell it at fair market value.

MR. ENGEL: — So, in other words, the members who got involved in this debate which included Mr. Andrew and the Speaker and different ones who were involved . . . You are saying to them that the word that they gave the farmers out in the country isn't worth the powder to blow it up.

HON. MR. GARNER: — Well, I think we come right back to who we believe the farmers of Saskatchewan (I believe) trust. I believe they trust the Progressive Conservative Government of Saskatchewan. We are going to sell that land to them at fair market value. They are going to have the opportunity to purchase this land because of a Conservative government, not because of an NDP land bank program.

SOME HON. MEMBERS: — Hear, hear!

MR. ENGEL: — We're back, Mr. Chairman, to the basic question of why there were 1,000 people on the steps yesterday; why there were 1,000 people on the steps yesterday. The point I've been raising is that you weren't in this House just one . . .

MR. CHAIRMAN: — Order! Order!

MR. ENGEL: — Mr. Chairman, on April 21, before the session was adjourned and we called an election, just prior to the session, the member for Moosomin got into the debate.

You have a very regressive program in this land bank program . . . There was a suggestion by the member for Rosetown-Elrose (and I'm quoting from him on page 2356) that you take the huge profit you're making now on the sale of land bank and use that to help new farmers, or the farmers who have leases which are up in five years, to buy their land. Let me put it to you this way: when you remove an individual's ability to accumulate capital, you've removed his right to ownership. How can he improve? The government is profiteering on the number one resource in this province (40 per cent of the arable land for agriculture in Saskatchewan, he said, and the government is profiteering in the province of Saskatchewan on agricultural land) through that regressive land bank program.

And here the minister's saying he's picking it up right where we left off, and he's selling it for that price. I'm saying you made a commitment to the farmers of Saskatchewan to sell it to them for what their mothers and fathers get — especially in the family transition and I think you'd better keep the commitment. That's what the people are

trusting you to do.

If you calculate \$53 an acre parcel of land with the interest rate over 10 years, it comes to about \$79. And I think that's what you promised you'd pay them; and you sell it to them at 8 per cent interest.

HON. MR. GARNER: — Well, I think there's a big difference. The member states about the 1,000 members that were in here on the steps the other day. His mathematics are a little different than mine and, I believe, the members of the media. We're looking at our new farm purchase program to help in the first 15 months 3,500 people buy and own their own land in the province of Saskatchewan. And those are facts and figures that are positive, and a new direction for people to own their own land.

SOME HON. MEMBERS: — Hear, hear!

MR. ENGEL: — Mr. Chairman, the Minister of Highways is echoing the same hollow words, and he'll get the same response from the farmers as the minister did when he was out on the step talking to them. When he talked about "You can trust us," I didn't hear very much applause. I was out on the steps yesterday, and I listened, and I didn't hear a great big thumping applause for the minister saying, "Trust us," when the farmers were coming in and saying, "You're tearing up our lease."

I'm just going to ask one more question and I'm going to turn it over to our caucus chairman. Have you got a legal person in the province, somebody who is a lawyer? Our leader of our party talked about that.

AN HON. MEMBER: — How about Lane or Andrew?

MR. ENGEL: — It can even be Lane or Andrew.

MR. CHAIRMAN: — Order, order! Let's hear the member's question. The minister can't hear the member's question.

MR. ENGEL: — Thank you. If we have to keep this up to get through for three more hours, it's going to be hard on my vocal cords. Does the minister have a legal opinion that he can cite for me that the press or anybody (with the document we had in with *Hansard*) that we can relate to the farmers that they have some security of tenure under these new provisions that are so temporary under the temporary provisions for the lessees? Have you a legal opinion that talks about what rights have they got, say, under section 4?

HON. MR. GARNER: — Regarding your question as to whether we have a legal opinion on section 4, I would like to inform the member opposite that it was the legal profession that drew this bill up.

MR. ENGEL: — You're not kidding anybody, Mr. Minister. We know that. But the legal profession drew it up from a point of view saying that the farmers are a bunch of peasants; they are a bunch of dudes. Those are the words you used.

AN HON. MEMBER: — You said that.

MR. ENGEL: — I never once used those words about the farmers. The Minister of Agriculture stood in this House and he called the farmers "peasants" and "dudes," and

they don't matter. Now, I now you got a legal opinion to draw up this bill, but I ask what kind of a legal opinion you had that gives these farmers some protection. The legal opinion I wanted to know is . . . I'd like at least one ounce of legal opinion that tells us that these farmers have some protection in this bill. You have protection as a minister; your staff have protection. Your staff have protection; anybody working for the crown has protection in a right. But show me where the farmer has one ounce of protection.

Don't talk so loud; you're making me shout.

HON. MR. GARNER: — Well, for the hon. member's information, we'll go to section 8, where I believe it does give that lessee some protection. This clause assures the lessee that the government will honor the length of the lease to age 65 and, secondly, the right to assign that lease to a family member.

We can go into name calling, and you can say what the Minister of Agriculture has stated. I have never heard him in this Assembly condemn the farmers of Saskatchewan or call them peasants. Maybe the members opposite have. The Minister of Agriculture in the province of Saskatchewan has the highest respect for all the farmers in the province of Saskatchewan.

MR. ENGEL: — Just in general terms, and before we get to section 8, when I read section 8, I see the roll-over provisions there. I see the roll-over provisions there, but I also see provisions there that you could lease it to somebody else, while he's holding the lease. Read section 8. You've made provisions there that you could lease that land to somebody else.

HON. MR. GARNER: — I don't know where you're finding these sections, but 8(2)(a) simply means to continue leasing the land.

MR. LUSNEY: — Mr. Speaker, the minister says we should be dealing with section 8, but a portion of this bill, a section in this bill, he insists says the lessee can continue to lease the land that he now has. And that's true in section 8; it does say that. But it gives no guarantee that the lessee is going to be able to continue to lease that land at the present rate of lease or rental that he's paying. There is nothing in this bill whatsoever that says that the lessee will be paying, as is in his agreement, a rental based on the productivity of that land. Is the minister prepared to put into this bill a section that will guarantee that the lessee can continue to lease that land on a productive basis, as has been provided for until now?

HON. MR. GARNER: — I just have some more information on you . . . I mean on that for you, but basically it states in there (I mean, if you can read) that the terms and conditions of leases held by persons in respect of crown land on the day this section comes into force continue in effect to the extent that they permit the lessee to continue leasing the land. How much plainer do you . . .

I've got some further information for you. Just a minute. There is no provision in the present act right now.

MR. LUSNEY: — The contract that the lessees have at this point states what their rental is going to be. Be it the 5 per cent on some of the original ones or the productive rental formula on the later ones. So they know what it is going to cost them on that lease. In this bill, now they can continue to lease that parcel of land, but there is no guarantee whatsoever that they will be able to continue at the present rental rate that they have. It could go up to \$30 or \$40 an acre. There is nothing are that guarantees that they can continue to lease that land at the same rate as they were enjoying till now.

HON. MR. GARNER: — That is simply made under regulation and the previous administration brought in many pieces of legislation the same way.

MR. LUSNEY: — Mr. Minister, that is fine to say on other pieces of legislation. We are talking about The Land Bank Act and the repeal of The Land Bank Act through Bill 46. And the lessees had that in their contract.

Now, if the minister says this is going to be provided in regulations, this is fine. But none of the lessees know that. We don't know that by looking at this act What is the minister prepared to do at this time to provide some protection for those lessees, and to assure that they don't have anything to worry about?

HON. MR. GARNER: — The contract is made on the basis of regulations as it is today.

MR. LUSNEY: — Mr. Chairman, if the minister says that their contracts are based on regulations, in those regulations is specifies certain things regarding the lease; in their contract it specifies what they are going to pay. Why doesn't the minister put into this act that they are going to honor all the contracts as they have been drawn up in the past for any lessees who currently hold land bank land; that they will be able to continue with their agreements that they have made previously? Why not put that in this act that all lessees will enjoy and be able to continue with the agreements that they have without any changes to them?

HON. MR. GARNER: — Once again for the member's information, the regulations are set by order in council.

MR. LUSNEY: — As my colleague mentioned, that is the trouble. The order in council that leaves everything to the discretion of the minister to decide what the regulations are going to be, what the rental is going to be — that is where everything is left. And that is where the problem comes into this bill. "The regulations" is stated in different sections of the bill. Everything is set by regulations; section 15, if you want to go to specific sections, but I'm not going to do that.

In this bill everything is left to regulations, and nothing in this bill provides any protection for the lessee. Now, if the minister would put into the bill a section that says, "All leases to this point that have been in agreement with land bank and the lessee will be honored as they have in the past and there will be no changes made whatsoever to the agreements between the crown and the lessee" — is the minister prepared to do that?

HON. MR. GARNER: — The regulations, number one, will determine the formula for the rental rate. And, since the member seems to be quite hung up on regulations, I remember being in this Assembly when the beef stabilization bill was brought forward, and we asked for many hours, for many days: where were the regulations? "We haven't got them. We haven't got them," was the reply from the government then. So, don't try and dump the monkey back on me. You birds did. You did it; you set the precedent. Don't call me . . . don't use me as scapegoat. Regulations will come in due course.

SOME HON. MEMBERS: — Hear, hear!

MR. LUSNEY: — Mr. Chairman, it appears that every time the minister gets into a bit of a bind he right now goes to something other than Bill 46. He talks about the beef

stabilization plan or he talks about just any act that you can find that this government may have passed over the past 10 years, but he totally ignores the question that is being asked on Bill 46. The statements that have been made by members that are presently sitting on that side of the House have been totally contradictory to what they are saying today, what they are saying in the act that they are passing.

Now, if there is any integrity in any of those people on that side of the House, they would go to the land bank lessees and say, "Look, we always said that you should be purchasing your land at what it costs the government, and we are going to continue to do that." But that is not happening. They said one thing when they were in opposition, but when they are in government that no longer applies. Now, I can only say to the minister that if there is any integrity in your office then you should be doing and proposing in this legislation exactly what you were saying when you were in opposition. Are you prepared to give these lessees some protection? Protection similar to what they had until you decided to repeal The Land Bank Act?

HON. MR. GARNER: — Under section 67 (1), for the member's information opposite. I will read you the regulations they have put in place.

Establishing a formula to be used by the commission in calculating rents and other consideration for commission land, chattels or improvements which formula shall take into account the productive capacity of the land, marketability of the crops, value of land, interest rates and such other factors as (now please listen) the Lieutenant Governor in Council considers relevant and advisable.

Don't dump it on me. You did it first.

MR. LUSNEY: — That's right, it's in there. And that is part of their agreement. That is part of their agreement. It specifies in their agreement what they are going to pay. They knew what the regulations were when they made their agreement with the land bank commission. But they do not know what the regulations are when they are going to have to accept Bill 46 and the repeal of The Land Bank Act. They do not know what the regulations are when they go to whatever department this land is going to go to. That is the question. Are you prepared to put into this legislation, or to propose or introduce regulations that will let these lessees know exactly what it is going to cost them and what formula is going to be used to determine their rental rates?

HON. MR. GARNER: — Well, Mr. Chairman, I am going to read to you a bit from the contract from the Saskatchewan Land Bank Commission long-term agriculture lease and improvement purchase agreement. And I have my own comments on that purchase agreement when I see only about 152 farmers that purchased their land to date, under the NDP administration. We got to section 25:

This agreement shall be subject to The Land Bank Act and regulations as amended from time to time, and the said act and regulations are embodied in and form a part of this agreement.

Now, maybe I can explain it to the member opposite. In every government there is an Executive Council which means the cabinet. The cabinet pass orders in council and regulations. They meet on the second floor, right beside the Premier's office. That is where regulations are made or changed. It's right in the contractual agreement that the NDP government had put out. It's there, in place, and you are condemning me for not

having regulations here today?

MR. LUSNEY: — Mr. Chairman, the minister can read parts of that agreement. He can read parts of that agreement and not read the total agreement or what the individual lessee had, the agreement that he had with the land bank commission. Now every lessee knows what this rate was going to be. He was advised so by letter. He had an appeal process that he could use if he wasn't satisfied with it. He was informed as to what it was going to be. There were not regulations that were changed by cabinet every Tuesday, or whatever time they would happen to meet — Wednesday as this cabinet does, fine. They may change their dates as they are a little late with everything. But it still applies that there has to be some form of information sent out to the lessees to inform them as to what they are going to pay.

Now this government to this point, at least I am not aware of it, has not sent any letters or any kind of information to the lessees stating what they are going to be paying or what regulations they are going to be governed by when this act is repealed. The least that the government could have done was to inform them how they're going to be affected by this bill, and just what they are prepared to do to guarantee that it is not going to put them in a position where they can not continue to farm their land, where the rates will not go so high that they can not continue to farm their land, where the rates will not go so high that they would have to relinquish their leases and turn them back to the crown. This has not been done by the government and I am saying that this is what this government should be doing. They should at least notify the lessees as to what intentions they have regarding their leases, their rental rates, and how long they can continue to hold that lease without having to give it up.

HON. MR. GARNER: — Well I'll try to explain it to the hon. member opposite once more. Here we have a copy of a long-term agricultural lease and improvement purchase agreement. Anyone obtaining land bank land has to sign one of these; there aren't 10 different ones. Now we're going to go to section 25, and I want the member to listen carefully. I'm trying to convince him.

This agreement shall be subject to The Land Bank Act and regulations as amended from time to time.

You didn't draw anything, and it wasn't cut in stone or drawn in blood. You had the regulations there on the legal document; the information on the legal document that the regulations would be changed from time to time. Don't blame us. Don't blame us. I didn't see the regulations on the table when you introduced the beef stabilization bill. Once again, when we have the contractual agreement and The Land Bank Act, and regulations, "as amended from time to time," it doesn't mean they were set forever.

MR. LUSNEY: — In that lease it was however, set for a certain period of time. To begin with it was three years, I believe or whatever it was. At three to five years they had a guarantee as to what it was going to cost them for a number of years without that lease being increased. Now it was set, now from time to time they could look at changing the amount of the rent on it. The lessee knew how many years he was going to have that lease at a set rate. He knew when it would be up for renewal or for change. He would be informed of what the amount of the new rate would be if there was an increase, or if there was a decrease he would be informed of it. He had an avenue by which he could appeal that decision. None of that exists in this bill.

Now at least some of that could be given to the lessee. This government could provide

some of that protection for him so the lessee would know exactly what is going to be happening with his lease. But that is not being done, so it doesn't matter how many times the minister continues to read portions of that lease without really telling the people what it totally contained in that lease and what protection the lessee has from that lease. He totally ignores that. He continues to go on all kinds of statements: the farmers should trust us; they should buy their land; and now they will be able to buy their land under bill 45 which has nothing to do with Bill 46. They will be able to own it. I suppose the question would be then: when will these farmers own that land? They can buy it, but it will be 15, 20 or 25 years before they can possibly own that land.

They had a better deal under land bank. They could buy it after five years. They had to make a commitment to become a farmer. An after five years they could buy it. But none of them, very few of them decided to buy because the majority of them realized that renting from land bank was a far better deal than they could possibly get by trying to own that land and trying to get the money — be it from farm credit or any other financial institution. They couldn't come close to being able to borrow enough money at a low enough interest rate to own that land as what they were able to get from land bank and continue to farm that land and make a profit on it. And make a profit on it. This was the key. These lessees knew that they could continue to farm. They could make a profit on it, and if they had some money to spare, there was always some other land available that they could go and buy and add to their unit. This was what they enjoyed.

But that is not being provided for them now. Now, they cannot even go and buy extra land other than land bank land that they may be leasing. They are forced (and I say forced) by this government to buy land bank land that they may be leasing before they can get any benefits from this government. What they are doing then is putting that big hand of government, that big majority that they feel that they show that they have, and they are going to destroy many of those young farmers out there and create nothing more than big farmers and a lot fewer farmers than what we have today.

HON. MR. GARNER: — Well, okay. We'll deal with two or three parts here, Mr. Chairman. First of all, I think many of the farmers in Saskatchewan, and especially the young farmers in Saskatchewan, are looking forward to purchasing their own farm. You call that a problem? I know many young farmers in my constituency who are very pleased with our new program. It's a positive step. Instead of the government building up a great big land bank program to grab . . . And I might just add for the hon. member that I know many specific cases where land bank forced up the price of land in my constituency and all over the province of Saskatchewan. A young farmer, in many cases, was bidding against land bank in order to try and add to his operation. So in essence what was happening? He was having to bid against his own tax dollars to expand his farming unit. You maybe call that fair; the farmers in my constituency say that's not fair. That's bad pool I won't say you're dishonest. I don't believe you are dishonest. But I believe there is some shadow of doubt as to your real intent with the land bank program.

Further on, the rent was set previously by regulation under the old act. It will be set by regulations under the new act as well. Mr. Berntson, in the Chamber, December 13, 1982, replying to a question from Mr. Engel:

Mr. Speaker, again, and I go slow (and I see why), and I'll try to keep it in monosyllables. I said the rents for 1983 will see zero increase.

Now there are positive steps, a positive statement by the Minister of Agriculture: The

previous rental structure was set by regulation under the old act; it will be set by regulation under the new act.

MR. LUSNEY: — Mr. Chairman, the minister reads a statement that the Minister of Agriculture made a couple of days ago, or whenever it was, that the rents for the 1983 would not be going up; they would remain the same. Well, I'm sure all those lessees who have long-term loans are real happy about that, one year that their lease rates will not be going up. But there is no other guarantee that they will not go up in 1984. And if you look at the price of grain, if you use the productive formula, those rates should probably be going down a little rather than staying static. But that is not what is happening. They say that they will maintain them at the level that they are now, and they won't be going up for '83. But in '84, '85, or '86, or up to 1990, if you should be fortunate enough to be able to hang onto that lease, there is no guarantee that those rates will not escalate. That, Mr. Chairman, is what this government is saying.

The minister goes back into what was in The Land Bank Act or what may not have been in there, and that land bank was escalating the price of land. In your words, Mr. Minister, you said that land bank was competing or bidding against individuals for purchase of land. Land bank didn't go out there and bid against any land. Land bank was in Regina. If somebody applied to them to sell land, they made them an offer. They made them only one offer, and that individual could take it or refuse it, and they were never contacted again. No one was given more than one offer, and there was no competition with land bank and individuals.

Again the minister somehow was trying to say that maybe somehow I, or some other members of the former government, may have been a little dishonest or whatever. Well, I wouldn't want to say that this present government is dishonest either. I wouldn't even want to suggest that, Mr. Chairman. But one would have to question what it being said in Bill 45 and Bill 46 and wonder whether what this government is saying is really true, whether they are totally honest with the individuals that these bills are going to affect. And, Mr. Chairman, I would say that I don't think they are being totally honest, because they are not making it clear as to how these bills, especially Bill 46, are going to affect the individuals who have land bank land.

HON. MR. GARNER: — Well, once again, we'll try again. Rent is established by regulation under The Provincial Lands Act. This has been the case ever since 1930. Land branch lessees are presently paying lower rent than land bank lessees. Now, are you telling me that this system is not good, it's not working, and yet they're paying a lower rate than the land bank? Is this what you're telling me?

MR. LUSNEY: — Mr. Minister, when you try to compare lands branch to land bank, this may be fine. But you're comparing agricultural cultivated productive land to pasture land. Now, if you're doing that, I can understand why thousands of acres in the south would be a lot cheaper than some good productive land in the north or central part of the province. Let's talk about the same quality, the same productive land, in the central part, the northern part, or the south. And then tell me if lands branch land is that much cheaper. If it is, then I'm sure that you'll be willing to put into this act, or to tell the public that you are going to be renting these agricultural cultivated leases to the lessees at the cheaper rate of lands branch contracts. If you are going to do that, I am sure that these land bank lessees would be very pleased to hear you tell them that they are going to be enjoying even cheaper rates under lands branch, according to your opinion, than they have been till now. Tell them that.

HON. MR. GARNER: — What we're trying to point out . . . I think the farmers in Saskatchewan understand it; it's the members opposite that are having a bit of difficulty. We're trying to bring some consistency between the lands branch lease and the land bank lease. We're trying to bring some consistency into scope here. And for the hon. member's information, he was saying we're comparing apples and oranges, or whatever phrase he used. Right now there's 350,000 cultivated acres under lands branch. Now, I mean, I don't think we're comparing apples and oranges. Cultivated acres: that means workable land, not land that cows walk on and graze on — cultivated land.

MR. LUSNEY: — Mr. Chairman, there are a good number of cultivated leases under lands branch; it's true, there are. But, are you telling me that the leases, or the formula applied to lands branch cultivated leases, are so different from land bank cultivated lease rentals, that there is that large a variation between the amount that the lands branch lessee is paying on a cultivated lease, as what the land bank lessee is a paying on a cultivated lease? If we're going to compare cultivated leases, let's compare cultivated leases, and not pasture leases.

HON. MR. GARNER: — Well, they're basically under the same formula, but they're based on a different year, and that's where we're trying to bring some consistency through for both sides.

MR. LUSNEY: — I wouldn't object to that, Mr. Chairman. If the minister is saying that all they are going to do with this act is to just move the formula to a more current year when they set the rate for a lease, that they will be using a slightly more current year in assessing that formula than has been used through land bank before, then fine, I would not object to that. Let's use the rate of 1982, or the formula based on 1982 prices and then set that rate for the lessee. If we're going to do that, that's fine. I don't think anybody would object. But that is not stated anywhere.

And if the minister says that this is what they're going to be doing through regulations, I would like to hear him say that and put it on record, that all they are going to do through regulations is just maybe move that formula that has been used that was maybe a year, a year and one-half behind — move it up to a more current formula. If they are going to do that, that's fine.

HON. MR. GARNER: — What we're basically saying is that we want to bring them both in line and bring about a reasonable rent for both types of leases.

MR. ENGEL: — Thank you, Mr. Chairman, and, Mr. Minister, when you change the formula in the lands branch to calculate the leases, what is your base line? How do you adjust the rental rate on lands branch land today? Let me just back up one step so I can give you a fair question to answer. What's the difference between the rent on a half section of land, a cultivated parcel of land from lands branch, from last year to this year? What change is being affected on their rate that is being announced, on a grain-cultivated lease?

HON. MR. GARNER: — As it was before, we had the same formula for land bank and lands branch. These will all be coming down in regulations in due course.

MR. ENGEL: — That's not what I asked the minister. I asked the minister: if there is a half-section parcel, say it's in the R.M. 100 (or any number at all), but a half section of land

that was being rented in this particular R.M. for the year '81-82, and now the new lease is calculated and the notices will be going out saying what the rent will be for this coming spring, for the first half of the year. What is the difference in price between last year's rental rate and this year's rental rate, in lands branch?

HON. MR. GARNER: — If nothing is done to correct the formula, they will go up approximately 15 per cent.

MR. ENGEL: — Mr. Chairman, on what basis are you calculating that, that there would be an increase of 15 per cent if the price of wheat last year was a total of \$7.50 and this year it's \$4.50? What indication is there in that lands branch formula that would indicate a 15 per cent increase?

HON. MR. GARNER: — One will be based on 1980 and the other one would be based on 1983.

MR. ENGEL: — What happens with '81 and '82?

HON. MR. GARNER: — Okay. Mr. Chairman, 1982 rent prices were based on 1980 grain prices. Follow me? 1983 rent would be based on 1981 grain prices.

MR. ENGEL: — You're not answering my question. When the price of grain jumped and took that escalation to \$7 and some a bushel, the next year the rent reflected that increase in price, so they got a fairly large increase in the price of their rent. Now, the year they got that increase in the price of the rent, the grain fell by 30 per cent. So, consequently, this year when the rent is announced, the price of their rental agreement should indicate that that price of grain came down by 30 per cent. The farmers all over Saskatchewan are expecting a reduction in their rent this year because of the large drop in the price of grain.

HON. MR. GARNER: — Just to clarify it for the member, the lands branch was the former scenario that I gave you. I'll read you once again . . . I mean, Mr. Chairman . . . (inaudible interjection) . . . Well, that will be announced in regulations.

MR. ENGEL: — Is the minister saying that he's tearing up the contracts for the lands branch tenants as well? This bill says, "To repeal The Land Bank Act." But what are you doing with the lands branch? There are 350,000 cultivated acres of lands branch land. Are you tearing up their contracts as well?

HON. MR. GARNER: — Well, once again, the minister has stated that for 1983 there will be a zero increase. What we're trying to do is bring this up so that we are consistent on both leases.

MR. ENGEL: — I'm aware of what you're trying to do, and I know the government wants to get their dirty, little, muddy fingers into the pockets of the farmers, and now they've moved into the lands branch pockets as well. I didn't know that. I didn't know you want to get your sticky little fingers into the lands branch pockets as well. And a zero increase is a 25 per cent increase in rent, because the contract that they had, if it followed the price of grain . . . You know, as a farmer, that the price of grain in Wilkie is just as low as it is in Rockglen or Assiniboia or in Gravelbourg or in Shaunavon. The price of grain came down from \$7 plus a bushel to \$4.50, which is a 30 per cent increase, but if you calculate the other grains in it, the farmers were expecting a 20 to 25 per cent decrease in their rent.

That was in their contract, and the lands branch were expecting that. The lands branch were expecting that. Now, if you're saying the increase is zero, you're giving them a 25 per cent increase. And the land bank people are up in the air about that, but if the lands branch people had known that, Regina wouldn't have been big enough to hold them all, let alone the legislative grounds.

HON. MR. GARNER: — Well, once again we will try it again; you know what I mean. I could read you part of the contractual agreement. What we are trying to do is bring consistency in between lands branch and land bank land. Zero per cent increase for 1982. The minister has stated that. I have stated it about five or six times. The regulations will be coming out in due course.

MR. ENGEL: — Mr. Minister, you have never yet answered the question that the price of the rent is calculated on the basis of their income. Is that the case or isn't it? Is that going to be in your new regulation, or how are you changing it? What are you doing to change the regulation so that you can hold the rent as high as it was when the price of wheat was over \$7 a bushel? That's what the farmers want to know. You are charging them the same rate as if we were getting \$7 a bushel for our grain, and we are only getting \$4.30.

HON. MR. GARNER: — You know, the farmers will know, Mr. Chairman, as soon as we can get this bill passed. The member talks about having sticky little fingers. Well, that's his problem. That's not ours. We don't want to put our fingers in anyone's pocket because somebody should slap them. And on April 26, Mr. Chairman, the people of Saskatchewan did slap their sticky little fingers and shot them out of office.

SOME HON. MEMBERS: — Hear, hear!

HON. MR. GARNER: — Mr. Chairman, the regulations are not here. I have stated they are coming in due course. The people of Saskatchewan showed on April 26 they had an awful lot more confidence in the Progressive Conservative Party to administer their affairs than they did have in the NDP government. I think the jury was out; it came in; they lost; we won. If you want to blame someone, I think that the people of Saskatchewan made a wise choice. We are moving toward selling land to young farmers, not buying it away from them, renting it from cradle to grave. We want to sell land bank to young farmers.

SOME HON. MEMBERS: — Hear, hear!

MR. ENGEL: — That would be all fine and dandy, Mr. Chairman, and on the land purchase bill that the people so sorrowfully inherited just before supper that was what the intent of that piece of legislation was. We are not now dealing with land purchase. We are talking about people that thought they had a long-term agreement. Some of the longest-term agreements in Saskatchewan are agreements that were administered by the capable and able Department of Agriculture called the lands branch. Everybody in Saskatchewan trusts the land branch. Everybody knows that if lands branch has an agreement that is calculating the price of their rent on the basis of income, that that should be adjusted according to the income.

The question I have for the minister is: did the price since the last adjustment of grain go up and down? It's as simple as that. You shouldn't have any trouble answering that question. Since the last agreement was adjusted on \$7 a bushel of wheat, what are you going to do when the wheat is at \$4.50 a bushel?

HON. MR. GARNER: — To answer your question, that will be established by regulation when we get this bill passed. And the hon. member had stated about the confidence people of Saskatchewan have in the lands branch. I agree with you. I have a great deal of confidence in them And, guess what? That's where the land bank land is going.

MR. ENGEL: — We're happy about that, that you are putting it into that department. What I'm trying to establish is: are you changing the regulations for lands branch?

HON. MR. GARNER: — Once again. Everything isn't yes or no. I mean you take that in kindergarten. My little five-year-old daughter is taking yes and no right now. What I'm trying to explain to you is, we're trying to make things consistent between land bank and lands branch. This will come forth in regulations in due course.

MR. ENGEL: — The question I will repeat until I get an answer. Are you changing the regulations to present lessees that they hold in the lands branch? Not bank, branch.

HON. MR. GARNER: — That will come forward in regulations in due course.

MR. ENGEL: — Mr. Chairman, I'm going to ask this question till I get an answer. Are you changing the regulations that presently exist in the lands branch? You haven't answered that question yet.

HON. MR. GARNER: — The regulations have not be set yet, Mr. Chairman.

MR. ENGEL: — There have been regulations in place for lands branch. Lands branch tenants thought they had a long-term lease agreement. Is that lease agreement being changed? Are you changing regulations that affect the long-term agreement on the lands branch cultivated land?

HON. MR. GARNER: — It has been set and it can be changed by regulation. The regulations are not here and will be coming in due course.

MR. ENGEL: — So the minister is afraid to admit, Mr. Chairman, that he is changing the contracts that the lands branch tenants have. He's saying that there are new regulations coming in that are going to affect the leases. If he's afraid to say it, I will say it. I have new question, Mr. Chairman. I have a new question. About how many tenants (just the approximate figure; I don't need the exact number) are we talking about who have this 350,000 cultivated acres in lands branch?

HON. MR. GARNER: — Approximately, I mean we don't have all the agricultural staff here tonight . . . I'm sorry; I didn't know we were going to do agriculture estimates. But approximately 1,200.

AN HON. MEMBER: — Let's go back to land bank.

MR. ENGEL: — How many were in that category, say two years ago?

HON. MR. GARNER: — Could you tell us what category? We'll try and peg it down for you. Okay, once again, this is only a very rough estimate. It could have been 1,400. They tell me there is approximately, and these are approximate figures, 200 fewer to date.

MR. ENGEL: — These 200, I gather, were purchased since it was advertised that these small parcels could be sold?

HON. MR. GARNER: — Some of the land was purchased. Some of the leases were transferred to land bank.

MR. ENGEL: — Can he give me approximately what percentage went each way?

HON. MR. GARNER: — Mr. Chairman, I mean, I don't mind dealing with the bill here tonight. We only have a couple of members of the agricultural staff. If the hon. member wants to ask these questions in agriculture estimates when we have all of the personnel here, we're quite willing to give him the information. We've got an open-door government. We proved it today in crown corporations. When the televisions cameras came in we didn't chase them out. Open-door policy of the Progressive Conservative government. We're not trying to hide anything. But we're not doing agriculture estimates, for the member's information.

MR. ENGEL: — I don't know what the minister is getting so hoppy about. All the point I'm trying to make is that . . . If the minister would offer just one iota of co-operation. I had to ask him the same question 20 times. And if you think my patience isn't wearing as thin as his . . . He's afraid to admit that; he's afraid to admit some simple questions. He's afraid to admit that they're planning on changing the lease structure for lands branch land as well as land bank land. And you tell me there's approximately 1,400. I'm sure that the staff knows about how many of those parcels were sold. That's all I'm trying to determine. Because the farmers aren't anxious now to buy lands branch land out of the 2,7000. I was just trying to determine how many of the 1,200 picked up their option over the last year to buy lands branch land. I'm trying to make a valid point that relates to this bill and your farm purchase plan.

HON. MR. GARNER: — Well, approximately — once again, I hope the hon. member takes this in the context that it is given — approximately, and this is a guess, 70. I mean, this is very hard without all the additional information to bring forward to the hon. member. I want to co-operate. I don't want to drag this out to 2 o'clock in the morning. But if need be, we can. I mean, it's up to you. I don't care. Now, I'm giving you the answers: approximately 70, but I mean, once again this is a rough estimate only.

MR. ENGEL: — So the point is established, and it took us an hour and one-half. It took us a long time.

But, the minister is bragging how this new piece of legislation is going to help some numbers of farmers . . . (inaudible interjection) . . . Yes, there's 3,900. There's 3,900 involved in leasing land today; 2,700 or approximate to the land bank, and another 1,200 to me is 3,800 or 3,900 whichever number happens to be right (I never did get the answer to that question), plus the amount that bought some land this spring when they couldn't qualify under land bank land and were able to buy some land, so there's another 200 there, that don't qualify.

You're really going to stir up a lot of new people with the purchase plan. You're really going to stir up a lot of new people, Mr. Chairman. Here we have a bill to destroy the land bank and they're going around laughing; what a wonderful, wonderful program

they're going to have because only 150-some purchased, and got in there and bought their land. Here we have a minister that sits there and says that I'm supposed to let this bill sneak through; pass it off in a hurry, and he's going to announce some regulations that not only affect the land bank tenants.

I was anxious to get the land bank tenants moved into a stable program: the lands branch. And, tonight it took us an hour and one-half to find out that the lands branch tenants are in as big a jeopardy as the land bank tenants are. They're no more secure, and they've had this land for generations, and generations. There has been generations involved. That's exactly what they did. If you had something to say, where were you when we were discussing this bill? How come you were so mum and now all of a sudden they want to talk from the seat of their pants, and I think, that's where they do all their thinking?

There are some serious aspects of this bill that affect the rights of people all over Saskatchewan. You are limiting the rights of farmers not only in the land bank like you're saying here, "An Act to repeal The Land Bank Act and to make Certain Temporary Provisions for Lessees" . . . I finally found out what that second line is all about. That's the kind of trustworthy government we have. I didn't know till right this minute why you're making certain temporary provisions for lessees, and those lessees are the lands branch lessees, not the land bank. Not the land bank. The temporary provisions are for the land bank lessees because they now are going to get a new contract as well. They are going to get new rental rates as well. And, I would like to have the minister respond to that.

HON. MR. GARNER: — Well, the member opposite is so confused, he's even starting to get me a little confused. But I'll hang in there, Mr. Chairman.

The NDP had 11 years to improve their land bank leases. What did they do? Nothing. Regulations governing fees, etc., have been in place since 1930 —the lands branch, pardon me. Lands branch regulations have been in place since 1930. Now if it was all so wrong, and all so bad, what took you so long to change it? I have stated to you the regulations are coming in due course, as soon as we get this bill passed. They are not here. I can't give them to you.

MR. LUSNEY: — Mr. Chairman, what the minister has been saying is that now land bank lessees are going to be moved into lands branch. They are going to be moved to the lands branch. What he is saying at the same time, what's very obvious, is that they are going to be governed by new regulations that will be set down by this government. And those regulations will also govern lands branch lessees. I think it is very obvious that all of a sudden we are going to have a bill that is introduced to repeal The Land Bank Act, and at the same time gives this government the power to go changing the total picture regarding lands branch. Also they are going to be able to set forward regulations that will govern both land bank and lands branch lessees. I think that is where the land bank and lands branch lessees will be finding something they are not totally aware of, and it's going to affect them in a way they will not be expecting.

Mr. Chairman, I see no reason why we should belabor this point, because it appears that this government has decided they are going to go ahead with the repeal of The Land Bank Act. They are going to go ahead with whatever regulations they come forth with which will affect all the lessees who have crown land in this province. They are not going to give those lessees an opportunity through any appeals procedure to defend themselves against increases or anything else that may affect them on that land.

That is very obvious, Mr. Chairman. This government is going in that direction without any consideration whatsoever for those lessees I believe, if that's the direction they are going into and they don't even want to listen to any of our amendments (we will be putting some forward), I suppose that the lessees will be the ones who will decide in the future.

Clause 1 agreed to on division.

Clauses 2 and 3 agreed to on division.

Clause 4

MR. ENGEL: — I can see where the Legislative Secretary to the Minister of Agriculture would love to have clause 4 agreed with no discussion and no debate at all. You know if you fellows wouldn't be in such a rush to steam-roll this bill through . . . The other bill is passed. The other bill is law. It's statute in this province. The farmers can get out and borrow the land and do anything they want as far as your bill is concerned. There's no big rush and there would be nothing the matter, Mr. Minister of Health, in giving your farmers a chance to talk about section 4 and the heavy arm of the government. We have a slight amendment to section 4. I would really like it given serious consideration because here you're tampering with the rights of not only the lessees in land bank but the lessees in the lands branch as well.

These certain temporary provisions affect a lot more new people; 1,200 new people have just been put under the meat axe of this vicious government. I think that if you're not that vicious and if you're not that anxious to get them and you don't want a real "gotcha" to go home and laugh about over your Christmas dinner, I would suggest that you would seriously consider the amendment which I have in section 4, that my colleague will move. I move that section 4 of the printed bill be struck out, and the following substituted therefore . . . and if we don't do it tonight, we'll do it three and one-half or so years from now and make it retroactive and maybe the Minister of Highways will have a little land for sale. Nothing in this act . . .

AN HON. MEMBER: — That's really funny.

MR. ENGEL: — Maybe that sounds funny to you, but there are some land bank tenants that aren't so anxious to be hurt. Section 4 should be struck from the records and should be burned and destroyed completely so nobody ever knows it was even printed.

And nothing in this act shall affect the right of a lessee who suffers any loss or damage as a result of the repeal of The Land Bank Act to take action against Her Majesty in the right of Saskatchewan for compensation for that loss of damage.

I so move.

HON. MR. GARNER: — The concerns that the member opposite has I believe are covered in section 6 and 8. I will just read you a section of The Land Bank Act that is in today. Section 59(1):

Subject to subsection (2), the Lieutenant-Governor in Council . . .

Pardon me, I have just a bit of a paper flow problem here. Well, basically I believe that

this section the member opposite is quite concerned about is covered under section 6 and section 8.

Now, we go to another act — The Fire Prevention Act, section 34(1):

No action lies against the minister or a fire inspector for any loss or damage suffered by reason of anything done with reasonable care or omitted to be done in good faith by the fire inspector in the exercise of his powers of the performance of his duties under the act or regulations.

MR. LUSNEY: — Mr. Chairman, I don't think anybody disagrees with having a provision in there that would absolve any individuals of any responsibility for loss that may be suffered — be it the minister himself or a member appointed by the minister. But what we're saying is that the crown should be responsible. If there is any loss or damage suffered by these lessees, the crown should be responsible, and there should be some recourse for them to go and take some action against the crown to protect themselves against that loss.

Section 6. The Legislative Secretary says section 6 and section 8. Section 8 protects any creditor. We're not talking about the creditors; let's talk about the lessees. Give the lessees a way that they can at least appeal a decision or take some legal action against a decision by the crown, and that is not in here. That is what we are saying in our amendment: that the crown is still responsible, but not any individual member or a department.

MR. CHAIRMAN: — The question before the House is the amendment. Are you ready for the question?

MR. ENGEL: — No, I'm still waiting for an answer where he tries to tell me that a lessee has any right to action against the government. According to some legal opinion — one of the lessees sent this to me and said that this was the legal opinion he got on section 4, and I'll just read it into the record:

No law suit may be commenced against the Government of Saskatchewan or any of its employees for any loss or damage suffered by any person as result of the repeal of The Land Bank Act. I must indicate that I find this section very vague because any damage suffered by a lessee, in our opinion, would be as a result of the breach of the terms of his lease and not necessarily as result of the repeal of The Land Bank Act. It would appear to us that this section was intended as a catchall to cover any type of situation where loss or damage might arise, not as a result of the breach of the terms of the lease but as a result of some other provision in The Land Bank Act. However, (and here's the catch) because the act varies certain terms of your lease, and the regulations will undoubtedly vary certain terms of your lease, the act therefore breaches certain terms of your contract. On the face of it, you would have no right of action against the Government of Saskatchewan.

HON. MR. GARNER: — I'll just try to explain our position once more, Mr. Chairman, to the member opposite. Section 4: this is a precautionary provision in case the transfer of a program to the Queen from an independent agency has created an unforeseen legal problem. This clause is basically a safeguard.

MR. ENGEL: — Mr. Chairman, that's exactly the point we've been trying to make for days. It's a safeguard, and it's not, for the farmer hasn't got the protection. He doesn't care if you have safeguard or not. Why do you put yourself in armored car? Why do you put yourself in an armored vehicle and leave them out in the cold?

HON. MR. GARNER: — The honesty and credibility of a government comes forth, I believe, Mr. Chairman, in regulations that will be coming in due course.

MR. ENGEL: — If you're planning on covering that in regulations in due course anyhow, why did you need this section?

HON. MR. GARNER: — We needed this section to . . . protect the employees of the Government of Saskatchewan and the Executive Council.

Amendment negated on the following recorded division.

Yeas — 6

Blakeney
Engel

Lingenfelter
Lusney

Shillington
Yew

Nays — 33

Birkbeck
Taylor
Lane
Muirhead
Pickering
Sandberg
Hardy
Garner
Klein
Katzman
Currie

Duncan
Schoenhals
Weiman
Bacon
Hodgins
Meagher
Hopfner
Martens
Rybachuk
Young
Gerich

Domotor
Maxwell
Embury
Dirks
Hepworth
Folk
Morin
Myers
Zazelenchuk
Johnson
Baker

Clause 4 agreed to on division.

Clause 5 agreed to on division.

Clause 6 agreed to.

Clause 7 agreed to on division.

Clause 8 as amended agreed to on division.

Clause 9

MR. CHAIRMAN: — We have an amendment to 9(2) of the bill striking out "his spouse or" in the third line; and strike out 9(3) of the bill and substitute the following:

Where a lessee (a) express an intention in writing during the term of his lease that upon giving up his lease for reasons other than termination, upon his death his spouse continue farming the land; or (b) express no intention with respect to his lease under subsection (2) or clause (a), the minister shall upon application enter into an agreement to lease the land to the lessee's spouse.

AN HON. MEMBER: — No, not yet. What are you doing there, minister?

HON. MR. GARNER: — Basically what we are doing here is we're changing it back so that the wife does now not have to meet any special criteria to obtain the lease.

Amendment agreed to.

Clause 9 as amended agreed to.

Clauses 10 and 11 agreed to.

Clauses 12 to 14 inclusive agreed to on division.

Clause 15

HON. MR. GARNER: — Mr. Chairman, I have some corrections, basically to clear up a spelling error. Clause 15(c) of the printed bill be amended by striking out "prescibing" and substituting "prescribing" therefor. The word "prescribing" is spelled wrong. That's where it comes in.

Amendment agreed to.

Clause 15 as amended agreed to.

Clause 16 agreed to on division.

Clause 17

MR. ENGEL: — Mr. Chairman, this act fails to protect land bank tenants the way we think they should be protected. The minister made sure that he had his little orchestra around him stand exactly at the right time and to the best that he's dictating to them to make sure that his little backside is covered on this one. There was no way they were going to get to the minister or to any of his assets that he has been able to accumulate. But what about protecting the farmers just a wee little bit? What about just a little clause? The farmers are concerned about possibly having to give up the improvements they've made to their land, their buildings, their chattels, the security of tenure. There's so much that is missing in this piece of legislation that the only way we could correct even a minor portion of the harm it's going to do is by moving an amendment that would make a new section 18 be added to the printed bill as follows:

Nothing in this act shall diminish any legal options available to lessees to defend their rights and to protect the terms and conditions of present leases concerning:

(a) their ownership of all improvements on the land, including buildings and

chattels; and

(b) their security of tenure.

And I shall move, seconded by my colleague, the member for Pelly.

HON. MR. GARNER: — Mr. Chairman, just to clarify it, the proposed amendment by the member opposite, section (a) is covered under regulation, and section (b) is covered under the act. And we go back to 9(2), where the tenant is also protected to continue leasing the land; that's section 9(2)(a).

Amendment negatived.

Clause 17 agreed to

The committee agreed to report the bill on the following recorded division.

Yeas — 30

Birkbeck	Schoenhals	Maxwell
Taylor	Weiman	Embury
Lane	Hodgins	Dirks
Muirhead	Meagher	Hepworth
Sandberg	Hopfner	Folk
Garner	Martens	Morin
Klein	Rybchuk	Myers
Katzman	Young	Zazelenchuk
Currie	Gerich	Johnson
Duncan	Domotor	Baker

Nays — 6

Blakeney	Lingenfelter	Shillington
Engel	Lusney	Yew

Bill No. 40 — An Act to amend The Members of the Legislative Assembly Conflict of Interests Act

Clauses 1 to 3 inclusive agreed to.

The committee agreed to report the bill.

Bill No. 41 — An Act to amend The Statutes Act

Clauses 1 to 6 inclusive agreed to.

The committee agreed to report the bill.

THIRD READINGS

Bill No. 46 — An Act to repeal The Land Bank Act and to make Certain Temporary Provisions for Lessees

HON. MR. GARNER: — With leave, I move the amendments be read a first and second time.

Motion agreed to.

HON. MR. GARNER: — I move third reading of this bill.

Leave not granted, and bill ordered for third reading at the next sitting.

Bill No. 40 — An Act to amend The Members of the Legislative Assembly Conflict of Interests Act

HON. MR. LANE: — I move this bill be now read a third time.

Motion agreed to and bill read a third time.

Bill No. 41 — An Act to amend The Statutes Act

HON. MR. LANE: — I move this bill be now read a third time.

Motion agreed to and bill read a third time.

ADJOURNED DEBATES

SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Lane that Bill No. 43 — **An Act respecting Powers of Attorney** be now read a second time.

Motion agreed to, bill read a second time and referred to a committee of the whole at the next sitting.

SECOND READINGS

Bill No. 49 — An Act to amend The Saskatchewan Telecommunications Act

HON. MR. LANE: — Mr. Speaker, this amendment will permit Sask Tel to increase its borrowing limit to \$1 billion from \$750 million, which was set in 1977. Effectively this act will permit Sask Tel to increase its investments in the communications future of this province. This is a reduction from the \$1.5 billion proposed by the previous administration. The increase will permit the corporation to undertake its proposed construction program through into 1986. Its construction program includes the completion of the fibre optics network and cable television distribution system associated with that network, as well as the major expansion of the switching network and other normal capital expenditures associated with meeting demand growth and

improvements in the system.

This additional borrowing power will help ensure that the necessary facilities are in place to provide not only the best possible service, but also to explore ways that can make service even more cost effective and useful to the people of Saskatchewan.

Mr. Speaker, I move second reading of An Act to amend The Saskatchewan Telecommunications Act.

MR. LUSNEY: — Mr. Speaker, the amendment appears to be merely housekeeping, except for section 8 of the amendment that raises the limit to \$1 billion. I hope that the minister uses that money to benefit the people of Saskatchewan, as he states he will, and that it will improve the services to the residents of Saskatchewan. We have very often in the past heard the members opposite, when they were in opposition, criticize the government when it came to increasing the loan levels or the borrowing power to any of the crown corporations, yet today we see a \$1 billion amendment added to Saskatchewan Telecommunications.

The member says it is merely housekeeping. I hope that they use the money wisely and we will not be opposing the bill at this point.

HON. MR. LANE: — Mr. Speaker, I couldn't let the opportunity pass completely. I would like to give an assurance to the hon. member when he raises the question as to whether the money will be spent wisely. I would like to give him the assurance that the \$1 billion will be spent far more wisely than the \$1.5 billion proposed by the previous administration.

I would also suggest, Mr. Speaker, that the comments of the hon. member perhaps are reflective of society today. I never thought I would hear in this Assembly that increasing the borrowing limits of anybody to \$1 billion was merely housekeeping legislation. We happen to believe, Mr. Speaker, that these funds are in fact a public trust. It is not a housekeeping amendment. It is a serious piece of legislation designed to carry Sask Tel into the future. We treat it accordingly, and as I said, Mr. Speaker, I would just like to give the hon. member the assurance that the \$1 billion borrowing limit will probably go much further than the \$1.5 billion previously proposed.

SOME HON. MEMBERS: — Hear, hear!

Motion agreed to, bill read a second time and referred to a committee of the whole at the next sitting.

Bill No. 50 — An Act to amend The Election Act

HON. MR. LANE: — Mr. Speaker, the proposed amendments are in consequence of a decision of Mr. Justice Sirois who ruled that prisoners on remand are entitled to vote. The decision held (under the charter of rights) that remand prisoners had their right to vote violated to the extent that no voting procedures, as applied for patients in sanatoria or hospitals, existed for remand prisoners. Given the strong possibility of a by-election, it was felt that the proposed amendment would be brought in line with the judgment of Mr. Justice Sirois so that there would be similar voting provisions for prisoners on remand in a by-election. The whole question of remand prisoners in a general election we would propose to deal with in subsequent amendments to The Election Act.

This I believe, puts remand prisoners in the same position as patients in sanatoria or hospitals. It should in fact for purposes at least of the by-election, ensure that Mr. Justice Sirois' judgment is complied with, and the concerns that he raises are in fact dealt with. I move second reading of the bill.

HON. MR. BLAKENEY: — Mr. Speaker, I haven't had an opportunity yet to peruse the bill in any detail. I have looked at it briefly and I do not think that objection will be taken to it. I do wish to check a point or two, and accordingly, I beg leave to adjourn the debate.

Debate adjourned.

Bill No. 52 — An Act to amend The Heritage Property Act

MR. SCHOENHALS: — Mr. Speaker, the amendment to Bill No. 52 is purely of a housekeeping nature. Consequently, I'll try to keep my remarks brief.

The Heritage Property Act is an instrument with which the province of Saskatchewan has encouraged municipalities to preserve numerous sites of historical and aesthetic significance. The act also allows the Minister of Culture and Youth to designate sites as provincial historic properties. This year alone, the designation of Veregin Doukhobor Prayer Home, the Wolseley Courthouse, and the administration building at the University of Saskatchewan have taken place.

Section 66(1) of the act provides that every archeological or vertebrate paleontological object found in or taken from the land of Saskatchewan after the act came into force (that is, after November 28, 1980), is deemed to be the property of the crown.

Section 66(2) of the act, which this bill proposes to amend, states that all objects found before November 28, 1980 belong to the individuals or groups that found them, provided that the objects are registered with the Minister of Culture and Youth within two years or the act coming into force. If such objects were not registered within the two-year period, they became the property of the crown as soon as the minister gave the person possessing these objects written notice of the crown's claim to ownership.

Bill No. 52 proposes to amend subsection (2) of section 66 in order to allow owners of such objects an additional three years to register their collections (that is, until November 25, 1985). These three years will allow officials of the Department of Culture and Youth time to design and implement an appropriate registration program. Considering the sheer numbers of archeological and vertebrate paleontological objects in our province in private hands, registration will provide a valuable base of scientific information. A sample survey of 3 per cent of the households in the province showed that there could exist as few as 5,000 collections and as many as 12,000. The amendment has two advantages, Mr. Speaker. It gives owners of collections an additional three years in which to register them. Secondly, it allows Saskatchewan Culture and Youth a more realistic amount of time to design and carry out the registration process. Until recently, no authority for registering the collections had been designated. The Museum of Natural History now has that authority and will begin the registration process early next year. However, a few other matters must also be clarified. We propose to make further amendments in this act in the future. For instance the act as presently worded only implicitly states that owners of collections retain ownership after registering them with the crown. The retention of ownership must be explicit and there are a number of other amendments that will be forthcoming.

Although the act is a complex piece of legislation, the amendment to subsection 66(2) which I outlined is fairly clear and straightforward. The amendment simply extends the deadline for registering archeological and vertebrate paleontological collections for another three years. I see no reason why this should not pass through the current session. I urge members to support it and therefore, Mr. Speaker, I move second reading of Bill 52 — An Act to Amend The Heritage Property Act.

MR. SHILLINGTON: — Well, Mr. Speaker, I will be quite brief. I think we're going to let this bill pass and pass this evening.

I want to say that I am disappointed with the insufficient staff to implement this program. I think it is quite possible — indeed it is almost inevitable — that the province will be losing irreplaceable archeological and paleontological material that simply cannot be replaced. However I think the proper place to have a run at the minister on that subject is in estimates. The problem is not a legislative problem. The problem is, as your explanatory notes admit, staff shortage. I shall be suggesting in estimates that staff shortage should not exist and we cannot afford it, but that doesn't affect the fact that you need an extension of time in which to implement the program. We'll therefore be allowing the bill to pass this evening, and I'll be saving my complaints for the estimates.

Motion agreed to, bill read a second time and referred to a committee of the whole at the next sitting.

The Assembly adjourned at 9:20 p.m.