LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
May 30, 1983

EVENING SESSION

ADJOURNED DEBATES

SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Garner that Bill No. 81 — **An Act respecting the Operation of Vehicles** be now read a second time.

HON. MR. GARNER: — Mr. Speaker, I just have a few comments in wrapping up second reading of the new Vehicles Act. I think we left off with the DWI program, which, Mr. Speaker, I believe would have been and is going to be a very good program under this government, because we're going to make sure that it's adequately funded, which is something that the previous government neglected to do.

Mr. Speaker, the members opposite and the member from Quill Lakes touched on the highway program. Well, I know it . . . directly affect The Vehicles Act, but it is in connection, Mr. Speaker, the record of this government is going to be a lot more impressive in highway program than it was by former socialist government of this province. When I inherited the job as Minister of Highways and Transportation, and after the previous administration had been playing jiggery-pokery with not only the books, but trying to fool the people of Saskatchewan, for the year that the had announced, seven out of every 10 roads that they announced, there wasn't funding in place to build those roads. Mr. Speaker, there's been a change this year. The people wanted a change; they're going to get a change. And what the people are now getting is the truth, Mr. Speaker, something that seems to escape the members opposite almost every time they stand in this Assembly.

Mr. Speaker, the member opposite also discussed twinning of the Trans-Canada. Well, you know, he said that we're not twinning any roads or doing any great expansion. I would like him to go out and visit with the people from Indian Head to Qu'Appelle, and tell them that they're not going to get a road. Because, Mr. Speaker, there's been many people have lost their lives on just that one section of road. That section of road . . . It was announced in this Assembly, the contract was awarded about two weeks ago. Mr. Speaker, that section of road is going to be built. It's not a promise made by a government that doesn't listen to people; a promise made by a government that cares about the safety of the travelling public in the province of Saskatchewan.

And, Mr. Speaker, the member opposite brought up the point about the school bus accident the other day. It was a tragic day in Saskatchewan. So right away they've got an end-all, cure-all solution for it, Mr. Speaker. Without knowing the statistics, without knowing the facts, they're prepared to bring in an amendment. Don't talk to anyone; don't to SSTA — I mean the Saskatchewan School Trustees Association — just do it. You know, just do it without consultation. And, Mr. Speaker, this government doesn't act that way. This government, as I had committed the other day . . . I'm going to be meeting with them to discuss many aspects of bus transportation in the province of Saskatchewan.

Oh, I hear the member opposite, you know, is saying 'Sell more liquor.' Mr. Speaker,

this government isn't going to force anyone in the province of Saskatchewan, as the previous socialist administration have done. They wanted to control everything; they wanted to own everything.

Mr. Speaker, thank goodness for the government — the steps this government has taken to bring free enterprise back into this province. Free enterprise isn't just a slogan with this government; it's a commitment.

But anyways, Mr. Speaker, pertaining to The Vehicles Act, I would like to just talk on one more thing on the school bus thing, as it affects The Vehicles Act, Mr. Speaker. Total number of buses that we have in the province of Saskatchewan, approximately 3,362. Total number of passengers every day, we have about a little over 61,000 students ride those buses every day in the province of Saskatchewan. Total number of miles that are travelled in one year, a little over 75 million kilometres.

Mr. Speaker, this government is also very concerned about school bus safety, whether it's the travelling, the loading on — we're taking steps in the new Vehicles Act to make it safer for children getting on and off the buses by allowing the lights to be flashing any time, anywhere they're parked, but still providing that urban municipalities do have the opportunity to become exempt from it. And once again it's step forward, Mr. Speaker.

Mr. Speaker, there's many other things that I think we could bring up in third reading, but I think the big thing with the new Vehicles Act is the consultation that we've had with people. I'm just going to share with you and some of the members opposite the results of the survey of the thousands of people that responded and had input into their new Vehicles Act. This isn't a Vehicles Act that was drawn up by the bureaucrats or by the politicians; this was an act drawn up by the people for the people, Mr. Speaker.

On the first one — alcohol and drugs to be checked by mandatory body fluid and breath samples — 71 per cent, Mr. Speaker, of the people replying said, yes, they wanted to do it. All the members opposite, Mr. Speaker, say take it as read, you know. I mean, they don't care. They don't really care. Just take it as read. Just do it. But don't talk to anyone about . . . That's the way they ran government; that's why the people of Saskatchewan decided they no longer were qualified to run the province of Saskatchewan.

Mr. Speaker, school bus flashing lights to be used in both rural and urban areas — once again, 70 per cent of the people in favour of it.

Mr. Speaker, empty and loaded gasoline tankers and buses to stop at all controlled railway crossings — 54 per cent. It was very close, Mr. Speaker. But once again the majority of people wanted this in there.

Mr. Speaker, there are some sections in here that re controversial — the taking of blood samples, yes it is. But, Mr. Speaker, we have a federal government, a federal government in Ottawa that should have brought in amendments to the Criminal Code to allow this as the two lawyers, supposed lawyers, Mr. Speaker, on the other side should have been aware of this. But, of course, they wouldn't attack the federal government, Mr. Speaker, because they're their friends.

AN HON. MEMBER: — Bed partners.

HON. MR. GARNER: — As the Minister of Agriculture has stated they're very close friends — very close friends. Mr. Speaker, I hope that al members in this Assembly will support this new bill because from the bottom line, Mr. Speaker, to the new Vehicles Act in the province of Saskatchewan is just simply to save lives. All of this work that's gone into it, if we only save one life, Mr. Speaker, it's very much worth it. So at this time I am very pleased and very proud to give second reading to Bill No. 81.

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

YEAS — 34

Lane	Hodgins	Maxwell
Muirhead	Sauder	Embury
Pickering	Glauswer	Dirks
Sandberg	Meagher	Myers
McLeod	Schmidt	Zazelenchuk
Garner	Parker	Folk
Klein	Smith (Moose Jaw South)	Morin
Katzman	Hopfner	Blakeney
Duncan	Martens	Thompson
Schoenhals	Rybchuk	Koskie
Smith (Swift Current)	Domotor	Shillington
Weiman		

NAYS — 0

THIRD READINGS

Bill No. 58 — An Act respecting Local Government in Northern Saskatchewan

HON. MR. MCLEOD: — Mr. Speaker, just a very few comments to wrap up on the debate on this bill, so to speak. It's an extremely important piece of legislation, as I said earlier in second reading debate, for northern Saskatchewan and for local government in northern Saskatchewan, that northern half of our province that has been through an evolutionary stage and is still going through that stage in terms of autonomy for locally elected people in the various communities of northern Saskatchewan. I would say that this bill — and it's been received very, very well by local people in northern Saskatchewan — is a major step forward, and I'm pleased to be a part of a government that would bring in such a piece of legislation in about one year, progressive legislation one year after our taking office. It was a long consulting process and admittedly that process started when the former government was there; that process was completed and to the point where we finally listened to what the people were actually saying. As has been said I the couple of bills that are immediately preceding, and I know, Mr. Speaker, it must sound like a bit of repetitious thing, but it's something that we've found — so many of the bills that were present and the progressive legislation we're presenting is legislation that has been asked for by the people most affected out there,

and this is another example of that. So I would say . . . And I understand that the member from Athabasca, who represents an area that's very much affected by this, has some comments to make and I would welcome those and close debate later and respond to a couple of his comments.

Mr. Speaker, I would move third reading of Bill No. 58, An Act respecting Local Government and ask that it be passed under its title.

MR. THOMPSON: — Thank you, Mr. Speaker. I have a few comments to make. I agree that this is a very important piece of legislation for the citizens of northern Saskatchewan. When this bill was tabled, Bill No. 58, the other day, I decided that I would take the bill and go into northern Saskatchewan and talk to some of the LCAs and some of the LACs just to get their opinions because of some of the new amendments that you have added into the act. It is an act and a bill that was proposed and presented to northern Saskatchewan by the former NDP government. We've seen that northern Saskatchewan should have been brought back into the South, and I have always said and indicated that I wasn't happy with the structure of local government in northern Saskatchewan and I welcome this act.

There are a few concerns that I have found, but I first want to say that I'm pleased to see that we no longer will have LCAs, local community authorities, and the head of the local community authorities has been called an overseer and I've always been opposed to that. And then we have the smaller communities which are called LACs, local advisory councils, and the head of that local government is called a chairman. I've always stated that they should be called mayors of the communities — they're large communities — and I've always been opposed to the LAC, chairmen and overseers. And I'm pleased to see that we will now have in northern Saskatchewan, a local government board where we will have mayors in or communities and we can refer to them as such, and I sincerely hope that that is what will take place.

You have indicated all along that you wanted to bring northern Saskatchewan into line wit southern Saskatchewan, and one of my concerns, and it was brought to my attention wile I was up in the northern Saskatchewan last week, is that you still refer to them as northern municipalities. I suppose in your wrap-up, Mr. Minister, you could indicate the reason for still referring to them as northern municipalities.

Some of the concerns that they do have right now is the funding, the capital funding. I know that you have indicated in your trips into northern Saskatchewan that once this bill was passed, northern governments would have more money to work with than they have ever had in their history, and I sincerely hope that you will comment on that and reaffirm that commitment that you made in northern Saskatchewan, I believe, last October, stated in the Meadow Lake *Sun* — that northern communities would now have more funds to work with than they ever, ever had.

Another thing that I would like to have you comment on — and it was brought to my attention — is that once the new act is given Royal Assent in this legislature, when will the first elections take place? Will you call elections as soon as it is given Royal Assent, or will it revert to the October elections the same as it is in southern Saskatchewan, and will all council members be up for election on the first election?

You have indicated that this new act will make local governments more responsible — they will have to be more responsible — and as I spoke to the local governments in the North, they indicated that they were prepared to take on that task as long as they were

given the tools to work with as they had before. And I think that you will agree that it costs a lot of money to run them communities in the North, and with no tax base, they most certainly have to have extra revenues in the revenue sharing that you have proposed. I suppose maybe you could just explain that a bit.

And the last one that I have is, when this bill is given Royal Assent, is it my understanding that there will no longer be a county in Uranium City. Will the county system that we have in uranium City no longer be, and will you be appointing an administrator to operate that town? That, Mr. Speaker, is all I have to say on Bill No. 58, and I'll take my seat.

HON. MR. MCLEOD: — Thank you, Mr. Speaker. Just a very few comments to clarify a couple of the points made by the member who represents about two-thirds of the population of what we call northern Saskatchewan, so I'll given him an opportunity to pick this up.

First of all, his point about this act having been presented first to northern people by the former administration — a draft northern municipalities act, yes, was presented to them in the form of what was called Options '80 at that time.

This particular act and the provisions of this act certainly were never presented by the former government — never. And there are provisions in this act that would not have been presented either by them, and I refer here to the concept of regional government and some of those things that the hon. member knows well about. They are not here. They're very conspicuous by their absence to a lot of people in northern Saskatchewan who ask that that kind of a concept be deleted. And it is deleted because the people and elected people in northern Saskatchewan were asking for that.

The question that the hon. member raises regarding the reason that they're called northern hamlets, northern villages, and the term 'northern': part of that . . . It's because this is a different act than the urban act, and they have to be called that because they come under a different act of the legislature and a different framework. And the reason of course for the different act, again, is as you mention in terms of the revenue-sharing pool, and various other things that take into consideration the very unique nature of communities in the North. So they must be under a different act, and if they are, the communities that we refer to have to be. One of my concerns was as yours is, that if we can call them villages, towns and hamlets, that would be the best thing. But we couldn't because of the act and the legality of it. So that's the reason.

The revenue-sharing pool: as I said in second reading debate, there will be a total of over 4.9 million in operating grants in this year; 1.5 million in conditional capital grants. Certainly that is a great deal of money for when you consider, you know, the size of the communities we're talking about. And the reason that that money is allocated in a richer pool than what we know in southern Saskatchewan, just to reiterate, Mr. Speaker, is because we have taken into very careful consideration the fact that there is a very limited tax base in northern Saskatchewan. We understand that; we've recognized it; and the revenue-sharing pool will reflect that.

As far as the elections are concerned, Mr. Speaker, the act provides for the way in which elections will be conducted as The Urban Municipality Act provides for that in southern Saskatchewan. The communities that are now LCAs will become northern villages when this act is proclaimed, and the present councils will remain until such a time as

new elections are called for in the act. So it's not a matter of before this act can take place that there must be specific elections in each community. That's my understanding of it. So there will be elections provided for by the act as elections for other urban and rural municipalities are provided by the other acts that deal with those forms of local government.

As far as the comments about Uranium City, the hon. member will know very well the Uranium City situation is very unique. It certainly will come . . . Under whatever form, it certainly will come under this particular northern municipalities act. The county system which is the only one in the province now where hospitals, schools and urban local government are under one board or one council, that's the case now. The very marked diminishing size of Uranium City has caused some . . . certainly some problems. There is a request to me from the council of Uranium City in the form of a resolution that as of June 30, they would like to have an administrator for a period of time. And that's what your question was. They would like to have an administrator appointed for a period of time because they're having some difficulty with maintaining a council until the size of the town stabilizes. And we're predicting something in the order of 250 people after June 30. But that's a number that's diminishing.

So what we would see in Uranium City is probably not the county system and it would go to an administrator at this early stage, and as soon as it's at all possible and feasible, it would go to a council, as we would in other northern villages or northern towns, depending on the size that Uranium City stabilizes to.

So with those few remarks, Mr. Speaker, and to once again just point out very, very clearly how important that we in government feel that this legislation is for northern communities, northern people, and indeed for all of Saskatchewan in terms of the way in which local government is carried on in our portion of northern Canada. We think it's extremely progressive and extremely forward-looking legislation and I'll wrap up debate on the bill with that.

Motion agreed to and bill read a third time.

SECOND READINGS

Bill No. 75 — An Act to amend The Queen's Bench Act

HON. MR. LANE: — Mr. Speaker, I rise to move second reading of An Act to amend The Queen's Bench Act, 1983. There are a number of deficiencies in our court system which led and lead to the substantial delays and wasted time and money, both by litigants and by the government in running the court system.

Since becoming Attorney-General, I have had the opportunity to discuss some of these matters with members of the bar in the province, with the judges of the Court of Queen's Bench and to review some of the complaints about the court system which were communicated to me by members of the public. The result of these consultations and discussions are partly dealt with in this bill. Other initiatives, which are being considered for the court system to facilitate court proceedings and to shorten unnecessary and wasteful delays and the wasting of court time, are contained in The Small Claims Enforcement Amendment Act, which has been referred to the standing committee on non-controversial bills and in legislation which is being considered for an introduction at a later date.

As many members will be aware, many of the procedures and rules that are applicable in court proceedings are set by the judges of the court, pursuant to their power to make Rules of Court under The Queen's Bench Act. Over the past few years, the judges of the court have been reviewing thoroughly, and as a consequence simplifying the Rules of Court to expedite proceedings in the courts. A number of amendments to The Queen's Bench Act have been made in the past to facilitate the changes proposed by the judges of the court, after the judges' proposals for reform have been presented to the Department of the Attorney-General. Over the past year, the judges of the Court of Queen's Bench have proposed other similar improvements that could be made in The Queen's Bench Act, and in the rules, to improve the function of the court system. Some of these proposals are reflected in this bill.

I would, Mr. Speaker, like to thank and give credit to Mr. Justice Kenneth MacLeod, of the Court of Queen's Bench, for his significant work in modernizing the Rules of Court in the province of Saskatchewan. I've had the opportunity of spending some time with Mr. Justice MacLeod on these changes and the rules, and Mr. Justice MacLeod's efforts at improving and modernizing the Rules of Court, improving the court system, deserve to be acknowledged with thanks.

For example, section 15 of the bill adds two new rule-making powers. The first permits the judges to establish life expectancy in joint life expectancy tables, which may be used in combination with a prescribed rate of interest to determine the value of an award for future damages. In most cases, as members are aware, the person who's successful in an action for damages — perhaps a motor vehicle accident — they may have to prove, in a very complicated way, with very costly expert evidence, life expectancy, interest projections, etc. We propose to allow tables to be established, and a successful party may simply rely on those tables without having to call expert witnesses. The evidence is based on a standard formula, and it will allow for standard tables. It should save litigants a significant amount of court costs and expert witness fees.

The second rule-making power gives authority to the judges to make rules respecting commencement for continuation of actions against or by the estate of deceased persons where there has not been a grant of probate or administration. This latter amendment will remove the necessity for representatives of the deceased to obtain probate or administration would not be necessary for any other reason — also a potential significant cost saving to some people.

The amendment contained in section 11 of the bill permits reports of qualified appraisers to be put into evidence to remove the necessity for these appraisers to attend in court to give what is often very detailed and repetitive evidence on how they reach their determination of the value of the property. This section is very similar to an existing section which allows medical reports to be put into evidence without the necessity of calling the doctor in each and every case. The section still permits the opposing party to call the appraiser as a witness if it is considered necessary, but the ability to produce a written report which is not subject to objection from either party will save considerable court time in proving the value of property in such cases as matrimonial property disputes — again saving money for the people who appear before the courts.

The amendment proposed in section 6 of the bill will eliminate the necessity for a person who has suffered injury in an automobile accident from filing a statement of claim in the Court of Queen's Bench prior to the expiration of the one-year limitation. As hon. members know, if a person wishes to commence an action resulting from a motor vehicle accident, they must commence their court action within one year of the date of the accident. We propose to file a notice within the one year which would have the effect of extending the limitation period for one further year. I many cases the injured party is engaged in what appears to be very fruitful negotiations with the defendant's insurers for a settlement of the action. However, once the one-year limitation period is approaching, in order to protect his interests it is necessary for the plaintiff to file a statement of claim and thereby commence the action within the year.

Under the proposed paragraph 1.1 of section 45, it will be possible to merely file a notice in the court that the plaintiff has a claim against the defendant. This notice will then extend the limitation period for one more year, which will give plenty of opportunity for continued negotiations. If negotiations break down, the plaintiff must merely notify the defendant or his insurers that they intend to proceed wit their action, and then the defendant may demand particulars or details of the plaintiff's claim. This will prove to be a considerable cost saving to both defendants and their insurers, such as SGI, and considerably simplify procedures. A similar amendment is contained in The Small Claims Enforcement Act which, as I have indicated, has been referred to the non-controversial bills committee.

Under the present law, court documents in civil cases cannot be served on Sunday. Many individuals are only to be served on Sundays because, for example, they work in a remote area of the province during the week, and only return to their homes on week-ends. In many cases people use this as an effort to avoid service of court documents. A person who is trying to enforce an action against them is put to considerable trouble and expense in serving them at a distant location or considerable expense in attempting to track down people who know full well that the Sunday service is not possible, and the amendment proposed in section 10 of this bill will permit service of documents in civil proceedings on a Sunday.

Section 12 of the bill proposes amendments to section 77 of The Queen's Bench Act. Under this section a defendant is given a maximum 35 days to apply to a judge for an order permitting him to pay off the debt in some manner other than by seizure and sale of his property. Unfortunately, by the time most debtors hear that a judgement has been entered against them and the plaintiff is seizing their property, the 35-day period has expired. Therefore, the amendment proposed in section 12 removes the 35-day limitation and permits a judge to make such an order at any time. The section continues to allow the creditor to proceed with seizure of the debtor's property to satisfy his claim, but gives the debtor an opportunity to try and make other arrangements, if they are feasible, through the court.

Another amendment proposed in subsection 12(4) of this bill removes the necessity for the local registrar of the court to notify a debtor that a judgement has been entered against him where the defendant has made no appearance. The proposed repeal of section 77, subsection 6, will mean that this will no longer be required to be done. In practice the debtor quite often receives his notice only after, or at best, the same time as he receives notification from the sheriff that a writ of execution has been taken out against him. In fairness to the creditor, the defendant has already received a copy of the statement of claim against him and he has been notified that if he does not answer it, a judgement will be entered against him in default.

The amendment in section 77(1) which I referred to will now give the defendant an opportunity to come back to court to make other arrangements for payment once the sheriff notifies him that he intends to seize some of his property. The requirement of a further notice is therefore superfluous. That gives an extensive protection to the debtor and also expedites court proceedings.

The amendment contained in section 13 is consequential on the changes being made to section 77. As is often the case, judicial interpretation of existing provisions of the act has led to interpretations that are not on all fours with that intended by the section or which point out deficiencies in the law. The amendments contained in sections 4 or 5 are of this type and are necessary to clarify or improve the laws interpreted by the courts.

Section 4 of the bill enacts a new section 39.1 providing that a spouse who refuses to comply with a maintenance order in favour of his or her spouse or children may be held in contempt of court for failing to do so without any other action being taken in the proceedings. This is necessity because of a recent ruling by a judge of the court of Queen's Bench that the power of the court to cite in these situations was taken away by the repeal of an English statute, the Imperial Debtors Act, which had provided for the imprisonment of debtors who failed to pay their civil debt.

Mr. Speaker, we believe that the re-institution of the contempt power should assist the courts in making sure that those who are obligated to pay maintenance — make maintenance payments for a spouse or children will, in fact, do so. The new paragraph 11 of section 44 proposed by subsection 5(1) of the bill permits the court to amend pleadings even if the limitation period has expired, to prevent injustices, where an obvious error has been made. An example of this was illustrated in a recent judgement where, but for the interpretation of the judge on a strict reading of the statute, the plaintiff would have been denied any damages because he had sued by mistake the wrong party and had only discovered his error after the time — the limitation period for commencement of the action had expired.

The new paragraph 12 and 13 of section 44 proposed in subsection 5(2) of the bill prevents two things. If a person brings an action in small claims court for a minor amount, such as a property damage, he will not be barred from bringing an action in the Court of Queen's Bench; for example, personal injuries of a greater amount. This happened in a fairly recent case and the plaintiff was denied compensation for his personal injuries because he had sued for his vehicle's deductible in the small claims court. In other words, Mr. Speaker, individuals, particularly in the case of an automobile accident, may be able to use the small claims court at a reduced cost for the deductible. If it became necessary to subsequently sue for personal injuries resulting from the same action, they would not be barred from doing so.

The second purpose of these amendments is to prevent someone from being denied compensation for damages which arise after he has made one claim arising out of one incident but then discovers other damages later on. These two new proposals will not have the effect of extending litigation, but will provide justice in appropriate cases.

Section 59 of The Queen's Bench Act provides for appointment of process issuers in the province. The original purpose for these officials was to permit lawyers in outlying communities to issue court documents from their home community without the necessity of travelling to the nearest judicial centre. Changes to the Rules of Court in

the past few years permitting issuance of court documents by telephone by a solicitor not located neat to a judicial centre have eliminated the need for process issuers. In fact, there are not now, nor have there been for a number of years, any process issuers appointed. Section 9 of this bill therefore proposes the repeal of section 59.

Two amendments in this bill were requested by the chief justice in Queen's Bench. The first is contained in clause 15(a). This proposed amendment will remove the requirement that all the judges of the court be present at a meeting to approve the rules of the court. This is a practical impossibility given 28 judges and a very busy court schedule. The second of these amendments in section 16 requires that there be two meetings a year of the judges of the court. This section will permit the judges to claim the expenses for travel and meetings from the federal government.

Section 95 or The Surrogate Court Act presently authorizes an annual payment of $2,000 to each judge of the surrogate court for performing surrogate functions. This results in a payment of $2,000 to each judge of the court of Queen's Bench. It does not include judges of the court of appeal. In fact, judges of both courts are often called upon the perform duties for the province which fall outside those that they are required to perform pursuant to the federal Judges Act. Examples are: sitting on the provincial government, a recent example being the, I believe cancer strike of last autumn, last summer, where a judge of the Court of Queen's Bench was asked to arbitrate on behalf of the government.

The amendment proposed in section 3 of this bill will authorize a payment of $3,000 to each judge of the Court of Queen's Bench and the court of appeal. Section 95 of The Surrogate Court Act will be repealed as a consequence of this amendment in a separate bill. The payment is made retroactive to April 1, 1982, in accordance with an undertaking made by my predecessor, the previous attorney-general.

Housekeeping amendments are proposed by sections 7, 8 and 14. Sections 7 and 8 clarify that judges and registrars of the unified family court have the same jurisdiction as judges and registrars of the Court of Queen's Bench in respect of certificates of lis pendens, notices of an action against land, in matrimonial matters.

Section 88 of the act now requires that a local registrar telegraph to Regina when no business has been entered for a chambers day, so that the judge who is scheduled to attend need not do so. This is archaic and therefore the amendment in section 14 will substitute 'notify' for 'telegraph.'

Mr. Speaker, I move second reading of The Queen's Bench Amendment Act, 1983.

SOME HON. MEMBERS: Hear, Hear!

MR. KOSKIE: — Mr. Speaker, I want, first of all, to indicate that there's certainly general agreements in the direction that the Minister of Justice is taking in respect to the facilitating of the procedures in the Court of Queen's Bench. I want to just draw his attention to the provision in respect to motor vehicle accidents, where the Minister of Justice indicates if you file a notice that you in effect extend the year one year in the limitation period. For motor vehicle accidents, there's a one-year limitation. It just seems to me that this is a whole area, Mr. Minister, in respect to very much confusion to the public beyond motor vehicles. What I am saying is that if you deal with the city, or

the town, or village, or legislation, or deal with the municipality, each individual act prescribes a particular limitation for giving notice.

I welcome the particular amendment that you have introduced in respect to the motor vehicle accidents by giving the notice and extending it, and I think I concur with you there because often you'd have to file a statement of claim prior to really knowing the full determination of the medical evidence in many instances, and the degree of it, and so it would have to sort of generalize in respect to the claim. But I just raise for your attention that it might be worth looking at it in the future in helping to streamline the procedure, not only for the courts but for the public, to take a look at the whole variation of time limits. We have the one year in The Vehicles Act in the SGI, and as I've said in the various other acts, there's such deviations.

Generally speaking, I want to say that we are in agreement with the proposals that you have outlined here, and the method and the way in which they help to facilitate the procedures in the courts. And I think that insofar as the assessment of damages, certainly that was a very complicated method of calling in an expert accountant and trying to establish the life expectancy, and as a consequence, the amount of the damages that should be awarded, and I think this makes eminent sense what the procedure that is being followed here. With those few comments, Mr. Speaker, I want to indicate that we will be supporting the amendments. We may have some particular questions in committee of the whole.

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

Bill No. 92 — An Act to amend The Liquor Act

HON. MR. SANDBERG: — Mr. Speaker, I rise to move second reading of Bill 92, An Act to amend The Liquor Act. This act may be cited as The Liquor Amendment Act, 1983. I'll undertake to describe briefly some changes, and their purpose.

To begin with, one administrative amendment deals with board member duties: as the Lieutenant-Governor in Council may direct, members shall devote a portion of their time to the performance of their duties under this act similar to changes proposed in The Liquor Licensing Act.

Another amendment moves the ceiling on the number of special liquor vendors from 135 to 160. I should point out that since the 135 limit was filled some time ago, 214 communities in this province have made representation to the liquor board in seeking a special liquor vendor licence.

Over two years ago, the Saskatchewan Liquor Board and the Saskatchewan Brewers Association jointly agreed to develop a new computerized beer-ordering system. This ordering system provides for toll-free telephone ordering by licensees, special liquor vendors and board stores. Orders are keyed directly onto the computer by the order clerk, and pricing and order confirmation done immediately over the phone. There is also after-hours order-taking by a recording device. The system can automatically calculate freight payment, which means the truckers receive their moneys accurately and timely without them having to prepare an invoice. The system also allows for packaged differential pricing as well as open or competitive beer pricing.

It was also agreed by the liquor board and the previous government that the SBA should

operate the new ordering system. This made sense because the SBA warehouses, it assembles and ships the beer to licensees, to special vendors, and board stores, therefore, they are in a better position than the liquor board to know about product availability and to deal with ordering and shipping problems. This government also agrees that the SBA should operate the ordering system. However, it is questionable whether the current Liquor Act will allow it. The enactment tabled will regulate the Saskatchewan Brewers Association to the extent that the association will sell or deliver beer and malt liquor only in accordance with The Liquor Act and the standards prescribed by the liquor board.

There is also, Mr. Speaker, an amendment dealing with the serving of liquor to minors in a dwelling house. Saskatchewan is the only English-speaking province where a person other than a parent, a guardian or a spouse, can serve liquor to a minor in a dwelling house. Public and police complaints have prompted us to amend this, therefore, to permit only the parent, guardian, or a spouse, to serve alcohol beverages to a person under 19 years in the stated circumstance.

And there is an amendment to permit the establishment of duty-free shops in Saskatchewan. This action will be a service to the people of Saskatchewan who are travelling beyond our borders. It will also be an attractive feature to tourists who have enjoyed a visit to our province. The three other western Canadian provinces are offering this service. For example, Coutts in Alberta has a border duty-free store; Emerson in Manitoba has a duty-free store; and Blaine in British Columbia has had one for quite some time. If and when one of our major cities gains an airport with international status, no further amendments will be required.

Mr. Speaker, with the so described amendments, I submit that we are demonstrating this government's commitment to responsible and responsive government. I commend this bill to the Assembly.

MR. SHILLINGTON: — Thank you, Mr. Minister. There are some things, Mr. Minister, about this bill we applaud. One is your acceptance of a suggestion from the opposition that the number of increased outlets be limited. There are some things, however, Mr. Minister, about this bill that concern us. You heard some of them in question period this morning.

AN HON. MEMBER: — What?

MR. SHILLINGTON: — This afternoon, Mr. Minister. Suffice to say, Mr. Minister, the bill is not what we expected it would be, having heard your comments on it. Your comments were not quite . . . The facts to which you have quoted by the press did not quite describe the bill.

Mr. Minister, and I say to the Assembly as well, Mr. Speaker, our position . . . We want an opportunity to review this legislation in detail and we therefore beg leave to adjourn the debate.

Debate adjourned.

Bill No. 93 — An Act to amend The Liquor Licensing Act

HON. MR. SANDBERG: — Mr. Speaker, I rise to move second reading of Bill 93, An Act

to amend The Liquor Licensing Act. This act may be cited as The Liquor Licensing Amendment Act, 1983. These are basically housekeeping amendments, Mr. Speaker, to reflect the amalgamation and some other licensing issues that have risen. I will describe briefly some of the changes, with reasons for making them.

First of all, we're expecting from seven to nine the number of licensing commission members. The purpose is to ensure an adequate number of commission members because commissioners of this office will no longer meet exclusively in the city of Regina. I have instituted through the licensing commission chairman a policy whereby the commission will hold public meetings in a variety of centres in the province in order to provide more convenience to the public. By the same token, the addiction of more part-time commissioners will facilitate a more decentralized approach without increasing costs.

Another amendment to the licensing act relates to the positions of commissions chairman and vice-chairman. The liquor board chairman shall be chairman of the commission and the Lieutenant-Governor in Council shall designate one of the commissioners to act as vice-chairman of the commission.

It is interesting to note, Mr. Speaker, there will no longer be the need by the legislation for three full-salaried licensing commission positions — the chairman, the vice-chairman, and the secretary. There is also an administrative amendment to facilitate the chairman's performance of his duties as directed by the Lieutenant-Governor in Council in accordance with the act. All of the other western provinces — Alberta, British Columbia and Manitoba, have operated under liquor legislation similar to this being formed by our amendments. In these other jurisdictions, the chairman presides over both the liquor board and its licensing branch. Many reports in years past recommend the action this government is now legislating.

Another amendment within the bill will enable all municipally owned golf courses to licence their premises. I accordance with regulations they will now be granted the same privileges enjoyed by city owned golf courses. This ends the discriminator practice of denying rural communities the same services as urban communities.

And one further amendment deals with the city of Regina's decision to ask for the sale of low alcohol beer at Taylor Field. We are amending the licensing act to enable the city of Regina to license the premises adjoining Taylor Field during Canadian Football League games. Granting of a licence will be subject to the passing of an approving by-law by the council of the city of Regina submitted to a vote of the electors in accordance with part V of The Local Government Election Act.

I wish to conclude by stating, by this legislation we are continuing to demonstrate a commitment of this government to responsive government in tune wit other levels of government and the wishes of the people of Saskatchewan. We have stopped a discriminating practice against rural municipalities, plus we have given citizens of Regina their right to express choice.

I recommend this bill to the Assembly.

MR. SHILLINGTON: — . . . (inaudible interjection) . . . That's right. Similarly, Mr. Speaker, for a variety of reasons, including an opportunity to review not only legislation but review what people have to say about it, we beg leave to adjourn the debate.

Debate adjourned.

Bill No. 67 — An Act to amend The Corporation Capital Tax Act

HON. MRS. DUNCAN: — Mr. Speaker, I rise this evening to move second reading of Bill No. 67, An Act to amend The Corporation Capital Tax Act. The Corporation Capital Tax Act was implemented in 1980 by the previous administration, and it is essentially a tax on the paid-up capital or net worth of corporations. The amendments contained in this bill, Mr. Speaker, are primarily of a housekeeping nature, designed to clarify certain aspects of the act. The bill will also exempt insurance companies for capital tax. You will recall that last November, my colleague, the Hon. Minister of Finance, announced this change in his budget. It is designed to correct an anomaly under the present act whereby only co-operative insurance companies are exempt for the tax. This amendment, Mr. Speaker, will ensure that all insurance companies treated equally.

The housekeeping amendments that I alluded to earlier are designed to align ourselves with other jurisdictions, and to facilitate the calculation of interest on instalment payments. Therefore, Mr. Speaker, I move second reading of Bill No. 67.

HON. MR. BLAKENEY: — Mr. Speaker, I rise to speak to the bill to amend The Corporation Capital Tax Act. With respect to the technical and housekeeping changes of the act, I express no view except to say that some comments may be made in committee.

With respect to the point of principle in the bill, that provision which exempts insurance companies from the act, I must express some reservations. It seems to me that if other financial agencies are being asked to pay taxes, a good case can be made for insurance companies paying a corporation capital tax as well. I do not object to the effort of the bill to bring about equity and parity between co-operative insurance companies and non-co-operative insurance companies, and accordingly, that issue would have to be addressed. It has been addressed by exempting all insurance companies, rather then by including al insurance companies. I question this. I understand that the rationale is that, with respect to at least some insurance companies, the insurance . . . (inaudible) . . . tax has been raised to gain some compensating revenue. I will be enquiring into this in committee, and I advise the House that I will be supporting this on second reading, and asking questions in committee, and reserving the right to oppose it on third reading.

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

Bill No. 78 — An Act to amend The Tobacco Tax Act

HON. MRS. DUNCAN: — Mr. Speaker, my colleague, the Hon. Bob Andrew, announced in his budget address of March 29 of this year that there would only be minor tax increases for the fiscal year ‘83-84. Bill No. 78, An Act to amend The Tobacco Tax Act, provides for one of these tax changes. This bill also authorizes increases announced by the former NDP government in their March 1982 budget statement and in our mini-budget of November 24, 1982.

These tax changes, Mr. Speaker, are consistent with the approach taken by many of our sister provinces. The province of Ontario, for example, recently increased the tax rate

on cigarettes for a package of 25, compared to or 52 cents, and they also imposed an additional tax of 7 per cent at the retail level. Manitoba increased their rate to 52.5 per cent, and Alberta increased theirs by 363 per cent.

Mr. Speaker, the variation in tax rates has created an incentive for certain individuals to smuggle cigarettes from low tax jurisdictions to a higher one. To deter tobacco smuggling and to assist investigations, several provinces including Ontario and Manitoba have in recent years strengthened the enforcement divisions in their tax legislation. To protect our revenue base, Mr. Speaker, similar amendments are being proposed in our act. We feel that we probably lose about approximately $4 million a year because of tobacco smuggling. The proposed amendments will permit police officers and officers appointed by the minister to stop and search vehicles that are suspected of illegally transporting tobacco products. If smuggling has in fact occurred, the legislation permits the seizure of tobacco and in some cases the impoundment of vehicles until the tax penalties and related storage costs have been paid.

Mr. Speaker, it is essential that this legislation be implemented as a means of deterring organized crime from getting a foothold in Saskatchewan, which appears to have happened elsewhere. Furthermore, the RCM Police have indicated to us that they are not prepared to allocate the necessary manpower to investigate tobacco smuggling unless the enforcement provisions are strengthened similar to the legislation in Ontario and Manitoba. The intent of the proposed legislation, Mr. Speaker, is not to harass the individual who imports minor quantities of tobacco products, such as 20 cigarettes, 50 cigars, or 900 grams of cut tobacco for his own personal use. Rather, Mr. Speaker, it is the intent of this legislation to provide a mechanism for prosecuting smugglers who import large quantities of tobacco products for resale.

Lastly, Mr. Speaker, there is a provision in this bill for reciprocal agreements with other jurisdictions to assist us in or own common enforcement problems. Therefore, Mr. Speaker, I move second reading of Bill No. 78.

HON. MR. BLAKENEY: — Mr. Speaker, I've just had an opportunity to look at this bill briefly, and clearly I do not oppose the increase in the taxes. Tobacco taxes are probably as fair and appropriate a tax as there is. Nobody likes to pay any taxes by particularly those of use who are non-smokers generally applaud increases in tobacco taxes.

There are however a number of other provisions which seem to me to be vigorous, to say the least, with respect to enforcement — providing for arrest without warrant, as I recall them — and some other provisions, including one which provides for an offence for breach of regulations, and provides for a minimum fine. I have long objected to minimum fines for the most trivial offence that might be created by any regulation that none of us here sees. I wish therefore to look at the provisions of the bill with a little more thoroughness, and I beg leave to adjourn the debate.

Debate adjourned.

Bill No. 79 — An Act to amend The Education and Health Tax Act

HON. MRS. DUNCAN: — Mr. Speaker, it gives me great pleasure to introduce amendments to The Education and Health Tax Act, Bill No. 79. This bill sanctions exemptions for children's clothing and electricity use for farm irrigation systems, which

was previously announced by my colleague, the Minister of Finance. The members on this side of the House recommended for many years, Mr. Speaker, that the former administration should provide for an exemption of children's clothing, and probably for an many years, they chose to ignore out recommendation until in desperation, they included such an exemption in tier pre-election budget. I am now extremely pleased that our government is able to enact such legislation to provide tax savings to the families of Saskatchewan with children.

Mr. Speaker, as I indicated earlier, this bill also provides an exemption for electricity used by farmers for the operation of irrigation equipment. This ensures that farmers will be treated in the same fashion as those who operate their irrigation equipment with tax-free diesel fuel.

Finally, Mr. Speaker, this bill has two housekeeping amendments concerning fuel petroleum products and promotional distribution materials. The fuel petroleum products amendment is a result of our government's removal of the gasoline tax and it ensures that fuel petroleum currently exempted from sales tax will remain exempt and those currently taxable will remain taxable.

The amendment for promotional distribution materials is necessary due to a January 1982 Supreme Court of Canada decision concerning these items. It provides for the continued taxing of promotional distribution materials and it also aligns our legislation with that of most other provinces. Therefore, Mr. Speaker, I would move second reading of Bill No. 79 at this time.

HON. MR. BLAKENEY: — Mr. Speaker, a few brief comments and then I will ask leave to adjourn debate. With respect to the bill and its effect on taxation of promotional material distributed, we have no quarrel. With respect to the provisions dealing with children's clothing and footwear, we welcome the legislation which gives legal substance of the policy decisions made by our government. And members opposite will know that no tax on children's clothing footwear and clothing has been charged since they came to office and prior to that and we welcome this legislation which achieves the policy decision in a legal form.

The other aspects with respect to fuel petroleums seem understandable but somewhat strange. It appears that if you burn diesel fuel, but if you burn it in a engine which is mobile in anyway, you do not have to pay E&H tax. And the same with respect to natural gas or let's say propane: if you use propane to heat your house, then you have to pay E&H tax, but if you use it to fuel your truck, you do not have to pay E&H tax.

All of those seem rather strange. The member opposite points out that they've been that way for quite a while and, of course, that' so because at one time the motor fuels were subject to another tax and they are not now, and we acknowledge that out of hand. The question is whether or not it is logical to charge E&H tax on propane which is used to heat a house but not propane which is used to power a power vehicle and presumably members opposite will be able to defend that logic. I'm not sure that I fully understand all of the provisions of the bill. I want to look at it further and beg leave to adjourn the debate.

Debate adjourned.

Bill No. 80 — An Act to amend The Insurance Premiums Tax Act

HON. MRS. DUNCAN: — Mr. Speaker, the march 29, 1983 budget speech indicated that there would be only minor tax changes in 1983-84. Bill No. 80, An Act to amend The Insurance Premiums Tax Act, provides for one of these minor tax increases.

It is normal practice, Mr. Speaker, for insurance companies to establish their insurance rates on a national basis. This means that residents of provinces with a low rate of tax pay the same premium as do residents of provinces with a higher tax rate. This, in our view, is inequitable because the majority of provinces have a higher tax rate than does Saskatchewan. To rectify this inequity, we believe a small increase, from 2 per cent to the prevailing rate of 3 per cent in most other provinces, is justified for the following reasons.

Firstly, the tax increase will not apply to insurance premiums for life, sickness, personal injuries. Secondly, the tax on supposed on insurance companies rather than on a person buying that insurance. An thirdly, Mr. Speaker, insurance companies will no longer be required to pay the corporation capital tax.

It's a fairly straightforward amendment to an existing act, Mr. Speaker, and therefore I would move that Bill No. 80 be now read a second time.

HON. MR. BLAKENEY: — Mr. Speaker, I've already alluded to the contents of this bill when referring earlier to The Corporation Capital Tax Act amendments. They are related, at least in part. There are a number of questions which arise under this bill but I would like to deal with them in committee, and I will be supporting the bill.

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

ADJOURNED DEBATES

SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Berntson that Bill No. 62 — **An Act to amend The Saskatchewan Farm Ownership Act** be now read a second time.

MR. KOSKIE: — Thank you, Mr. Speaker. I just want to make a brief comment in respect to the provisions of this bill. Certainly I share the concern as expressed by the Deputy Premier, the Minister of Agriculture, in respect to the possibility of the threat of large tracts of land in Saskatchewan being owned by out-of-country corporations via way of a limited partnership.

Recently, there has been a report, and this is evident primarily in Manitoba . . . A very significant portion of the very best land in Manitoba around the city of Winnipeg, a large portion of it has been taken up and owned by outside foreign interests, and steps have been taken there to counteract the same problem. In reviewing it, I understand that the foreign ownership of land in Saskatchewan is about equivalent with that of Alberta, somewhere in the same neighbourhood. So what I understand here is that what it is doing is covering off one potential of setting up a limited partnership as a vehicle to bypass the existing legislation, and also the other significant one, as I

understand the minister indicated, is extending the period of time from the six months to two years, which certainly gives you more opportunity to become aware of it, and not be limited by a failure to comply within the summary convictions act.

I want to say that, in this regard, we welcome the provision and direction that is taken under the legislation. My colleague from Assiniboia had hoped to be here to speak on the legislation; however, we've had a chance to review it. Unfortunately, he's unable to be here, and we're prepared to let it go to the committee of the whole.

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

SECOND READINGS

Bill No. 87 — An Act to amend The Horned Cattle Purchases Act

HON. MR. BERNTSON: — Mr. Speaker, the purpose of the amendments to The Horned Cattle Purchases Act are designed to accomplish several things: first, to add new definitions to clarify references in the act to ensure that the definitions correspond with those in other legislation administered under the authority of this minister; and two, repeal provisions for paying losses sustained by a cattle producer an agricultural society within the meaning of The Agricultural Societies Act, or 4H club, where receiving order has been made against the livestock market, or livestock dealer, under the Bankruptcy Act of Canada.

Third, amend the structure of The Horned Cattle Purchases Act advisory committee to include an additional representative from the Saskatchewan Stock Growers Association and a representative from the Western Canada Cow-Calf Association, and to remove the voting privileges of the government appointee. It will also clarify the legislation with respect to prescribing the purposes for which money in the fund may be used. It will amend the definitions; it will avoid problems by amending the definitions; it will avoid problems related to misinterpretations of the definitions in the act.

The Horned Cattle Purchases Act advisory committee and Saskatchewan Agriculture are concerned that should claims be filed under those sections of the present act which provide for compensation to vendors of livestock when markets or dealers default in payment, that the horned cattle trust fund might not contain funds sufficient enough to pay the claim. For example, the committee approved expenditures totalling about $205,000 for '83-84 fiscal year, yet anticipated revenues may fall short of that amount. Losses sustained by vendors of livestock from buyers defaulting payment are more appropriately dealt with by the bonding requirements prescribed in the livestock dealer regulations made pursuant to The Animal Products Act.

The horned cattle purchases advisory committee are also concerned that approval for payments of grants to the national beef information centres was denied by the comptroller's office because the latter ruled that the purpose of the payment was not for the improvement of cattle. The amendment is subsection 6(4) of the proposed amendments to the act sets out specifically the kinds of purposes for which the funds may be used. The new proposal should eliminate or greatly reduce the chances for differences in interpretation.

The horned cattle purchases advisory committee recommended the addition of representatives to this committee from the western cows and calf producers association. And it is also recommended that we have an additional member from

Saskatchewan Stock Growers Association, and that the minister's representative's status be changed from voting to non-voting. There was a desire on this point, Mr. Speaker, to ensure that only those representatives from producer organizations make decisions with respect to how the funds are dispersed.

The proposed new subsection 7(4) and (5) are housekeeping items designed to accommodate the advisory committee in setting up its operational procedures.

And with those few comments, Mr. Speaker, I move second reading of Bill No. 87, The Horned Cattle Purchases Act.

MR. KOSKIE: — Yes, Mr. Speaker, I want an opportunity to review in some detail the comments of the minister, and in order to properly assess the impact of the amendments, and therefore I beg leave to adjourn debate.

Debate adjourned.

Bill No. 88 — An Act to amend The Animal Products Act

HON. MR. BERNTSON: — Mr. Speaker, the proposed amendments to The Animal Products Act are designed to accomplish: one, provide authority to make regulations with respect to a livestock payment insurance fund; make the manufacture and sale of imitation animal products subject to regulations written pursuant to this act; provide authority for animal keepers to create a lien against their animal when the owner defaults in payment for care and feeding charges.

The act presently provides for the establishment of a fund known as the animal products fund, offering security of payment for vendors of livestock when purchasers default in payment. The animal products fund was never established. It is now proposed that the fund be established under the name of livestock patrons' protection fund. This name accurately describes the purpose of the fund.

A livestock patron means a farmer or rancher who maintains or feeds livestock for the production of propagation of animal products, and includes a duly constituted 4-H club, agricultural society, or licensed livestock dealer.

The establishment of the fund and the appointment of a committee to advise with respect to the administration of the fund is being proposed in response to concerns expressed by the marketing sector of the livestock industry. Markets and licensed livestock dealers frequently face serious financial losses when purchases default in payment of large overdue accounts.

Marketing of livestock is unique in that the system is dealing with a perishable product that must be moved out of the sales premises without delay, often before cheques are presented for payment or are cleared through the banking system. Once livestock leave the sale premises it is difficult, if not impossible, for the market to recover the animals in the event that buyers default in payment.

The livestock dealer regulations written pursuant to The Animal Products Act describe that person or businesses operating as livestock dealers shall post a $25,00 bond as security against possible financial loss to a livestock vendor should the dealer default in payment for livestock purchases.

During 1981 five Saskatchewan livestock markets and licensed livestock dealers suffered losses exceeding $340,000 as a result of payments default by livestock buyers. These losses were greatly in excess of the protection offered by the $25,000 bond posted by all licensed markets and dealers.

In proposals presented at meetings, and through submissions of formal resolutions, members of the Saskatchewan Livestock Markets Association are asking for regulation and legislative amendment to provide for increased protection against financial losses for markets and dealers, and to ensure an acceptable level of security within the livestock marketing system. I creasing the value of the bond as a protective measure would make it difficult for all but the larger livestock businesses and individual dealers with large financial resources to obtain a bond. A reduction in the number of dealers operating within the marketing system would adversely affect competitive bidding.

Members of the Saskatchewan Livestock Market Association, and livestock dealers, are therefore requesting to create a self-financed fund for the purpose of ensuring security of payment for all livestock patron, and by an annual assessment levied against livestock markets and dealers in accordance with the value of livestock business transacted. The act will provide for the appointment of a committee to advise and recommend with respect to the evaluation of claims for compensation provided by the fund.

The livestock patrons' protection fund will provide markets and dealers with a means to obtain compensation for financial loss resulting from default in payment by purchasers. The government will not be pressured to provide financial support to save businesses operating within the marketing sector of the livestock industry.

The authority to make regulations governing the manufacture, sale, or possession of animal products is provided for in The Animal Products Act. From time to time, commercial interests seek to capitalize on the popularity of universally recognized nutritional high quality of dairy products by promoting the sale of food substances which imitate natural dairy products. In most cases the imitation products are nutritionally dairy products.

The department, in attempting to write legislation prohibiting the sale of imitation cheese, etc., ran into some difficulties, and so now have come up with the provision to regulate the manufacture, sale, and distribution or imitation dairy products where we cover legislative authority for the Lieutenant-Governor in Council to make regulations with respect to the manner in which a lien may be placed against an animal or animal products. With those few remarks, Mr. Speaker, I move second reading of Bill No. 88, The Animal Products Act.

MR. KOSKIE: — We want an opportunity to review the details of the minister's comments. I never quite realized that he cold make such a long speech on the extent of the bill, but we will be reviewing those and putting forward our positions, so I beg leave to adjourn debate.

Debate adjourned.

Bill No 89 — An Act to amend The Provincial Lands Act

HON. MR. BERNTSON: — Mr. Speaker, on The Provincial Lands Act, which isn't a very complex piece of legislation either. And like the previous one, if the members opposite are more concerned with the length of the bill than they are with what I have to say about it, perhaps what we should do is just look at the bill and pass it and get on with the business of the House. But dealing . . . (inaudible interjection) . . . And I was . . . just as an aside, Mr. Speaker, suggest if the bill was so short. I wonder what the member opposite was doing this week-end . . . (inaudible interjection) . . . Skiing.

Mr. Speaker, the Department of Agriculture administers approximately nine million acres of land; 13,000 leases, and those 13,000 leases take up 6.5 million acres of land; 7,500 leases are grazing leases, and they take 4.7 million acres of land. There's a wide range of quality all the way from The Great Sand Hills to Class 2 and 3 soil suitable for cereal cropping. In addition, there is land that's critical to wildlife habitat — land that would have significant recreational potential, land that is otherwise environmentally sensitive.

And sale policy on leases since the '50s have existed, particularly to veterans, and then a couple of years ago the previous administration brought in a policy to sell Crown land to existing tenants under similar criteria, except they had a one-section ceiling on the amount that could be purchased. Sale of grazing land in the '60s discontinued in 1971. Grazing land sales being in 1981 and that was by the previous administration limiting it to one section.

These amendments, quite simply, remove the one-section limit on selling grazing land to the leaseholder. It enables the leaseholder to purchase eligible grazing land providing, and those criteria have been set out, the land is not critical to wildlife habitat and it's not environmentally fragile, and land that's otherwise deemed to be best held in the name of the Crown for the public good. We take the view that the tenants would be every bit as good stewards of the land as owners. And philosophically we believe that that land falls outside of the criteria that I've already set out should in fact be offered to the tenants and in fact given them the right of ownership.

In addition, we removed the three-month limit in this legislation to remove improvements if agreement on value cannot be reached. Quite often, the three-month limit is not enough to facilitate the orderly resolution of disagreements in the event of a dispute over the value of improvements.

Additionally, this legislation will remove the January 31 deadline for rural municipalities to request cancellation of a lease because of tax arrears. Tax revenue to the rural municipality, of course, is important from all sources, and presently the act provides for cancellation on request of the municipality if taxes are in arrears. The acts provide for payment by the department of two years tax arrears, if the lease is cancelled. The rural municipality has to be received before January 1 to effect cancellation in that year. With the amendment — the removal of the January 31 date — it will allow the rural municipality to request termination at any time in the year. It would limit losses to the rural municipality from unpaid taxes, and give more flexibility in dealing with tax collection problems.

Fourth, the new section in the act provide authority for establishing an appeal board to hear appeals against allocations and terminations. Allocations of all Crown land, in most instances, causes some difficulty in the area because everybody feels that they're

qualified to have it, and only one, in fact can get it. The previous land allocations under land bank and the lands branch did provide for an appeal board. And it was provided for in regulation. The Ombudsman and the McLaughlin report recommended amending The Provincial Lands Act to provide specific authority for an appeal board in legislation. So we are accommodating both the Ombudsman and the McLaughlin report here. Amendments provide that specific authority for establishing an appeal board and basic operating direction. Appeals may be made to the appeal court of Queen's Bench on a point of law. Appeals against allocation and lease terminations, except for non-payment of rental of rental and taxes, can be heard by the appeals board. Selection of the appeal board will be members nominated b individual farm organizations.

That essentially is what this legislation is all about: primarily, to facilitate our Crown land sales policy, number one; and secondly, to deal with the tax collection problem of the rural municipalities; and finally, to provide in legislation for an appeal board for those allocations that may be in dispute. And with that, I'll move second reading of Bill No. 89, The Provincial Lands Act.

MR. KOSKIE: — Well, Mr. Speaker, I want again to have the opportunity to take a look at the minister's comment, and my colleague, who is particularly concerned with this, would like to also be present tomorrow. Accordingly, I would beg leave to adjourn the debate.

Debate adjourned.

Bill No. 91 — An Act to establish a Horse Racing Commission for Saskatchewan

HON. MR. BERNTSON: — Mr. Speaker, a little background on horse-racing in Saskatchewan. While horse-racing has been a feature of recreation for residents of Saskatchewan almost since time began, horse-racing in conjunction with pari mutuel betting was a minor industry until 1968. As part of the Western Canada Racing Association circuit, which originally encompassed Calgary, Edmonton, Saskatoon, and Regina, there were only seven to 10 days per year of thoroughbred racing in Regina and Saskatoon and less than one week of standardbred racing in each of these Saskatchewan cities.

The western circuit was supervised by a joint board of representatives from Alberta, Saskatchewan, and Manitoba, but when Calgary and Edmonton decided to organize their own circuit in 1968, Saskatchewan had to organize its own. The Saskatchewan directors representing the established race-tracks formed the Saskatchewan Thoroughbred Society to supervise the conduct of the thoroughbred horse-racing in Saskatchewan, and the organization was recognized by the federal government as the governing body for the province.

With the start of a program of assistance to the horse-racing industry whereby Saskatchewan Agriculture has provided grants to an annual percentage of the pari mutuel tax collected, the total amount of bets almost doubled in '76 over '75. The significant increase in the number of racing days, coupled with higher levels of betting, have resulted in a total amount bet in 1982 of almost $20 million. However, it should also be noted that in addition to the dramatic increases in the handle, costs have more than kept pact with revenues, and the complexities and demands of operating a governing body have likewise in creased. The Saskatchewan thoroughbred Society continued to function, as the governing body setting the rules of racing and supervising the conduct of thoroughbred horse meets until 1980, when the Canadian Trotting

Association withdrew as the governing body for the standard horse meets in Canada, and the STS filled the vacuum by necessarily adding that function to their role.

In order to reflect their new role as the governing body for both major forms of horse-racing in conjunction with pari mutuel betting, the STS was reorganized as a non-profit corporation in 1981 under the name of the Saskatchewan Racing Commission Incorporated.

The Saskatchewan Racing Commission Incorporated is a non-profit corporation funded by way of a daily assessment upon each of the two major race-tracks in the province, operated by a small staff based in Saskatoon. The organization has been viewed by some horsemen as a management-oriented body which, in part, is inevitable since its immediate predecessor, the STS, was created by the major race-tracks when no governing body existed in Saskatchewan. While the tracks in the Saskatchewan Racing Commission Incorporated do not accept the validity of the allegation, they, in conjunction with the rest of the horse-racing industry, agree that a horse-racing commission established by an act of the provincial legislature would bolster the integrity, public profile, and the credibility of horse-racing in Saskatchewan. Moreover, such legislation will bring Saskatchewan in line with virtually ever other province in Canada, and provide a focal point for both the industry and the public to express their concerns.

Accordingly, Mr. Speaker, we are responding to the needs of an indigenous industry in bringing this bill before the House, and have a signed petition and other correspondence from the various organizations soliciting legislation in this area.

Essentially, the role of the horse-racing commission can be summarized as supervision of all aspects of horse-racing, except for those within the jurisdiction of the Government of Canada, pursuant to certain provisions of the Criminal Code regarding betting. The federal government, through the race-track supervision branch of Agriculture Canada, supervises the operation of pari mutuel betting, including the calculation and distribution of the betting pools, drug testing of horses, film patrol in the photo finish, operating permits, and equipment specifications for race-tracks.

Generally, all other matters pertaining to the supervision, control and conduct of horse-racing, including licensing, the rules of racing, security, disciplinary action, and appeals of decisions, are the responsibility of a horse-racing commission. Accordingly, the bill before this House has been modelled on legislation setting up horse-racing commissions in all other jurisdictions west of Quebec, and it incorporates the basic principles and features common to all such acts. Moreover, we anticipate that the federal government will have no problem with either the form or the content of this bill.

Major features of the bill. Subsection 2(f), the definition of race-track, is intentionally broad in order to enable the commission to exercise its jurisdiction not only with respect to the race-track, per se, but also in related locations where experience in this and other provinces has shown there to be a need.

Section 6 — in selecting a minimum of three commissioners to oversee the performance of the commission, impartiality will be the key requirement for selection. Also we will be looking for commissioners to be people of integrity who are knowledgeable about all aspects of horse-racing, but are not presently active representatives of those organizations comprising the industry.

Section 9(1) — with respect to the daily management of the commission, our present intention is that this will be handled by an executive director reporting to the commissioners, who will be also be a person of integrity with a broad range of knowledge and experience in horse-racing.

Section 12 of the bill may be constructed as the key section of the proposed legislation, since it sets out in broad terms the jurisdiction of the commission and the powers which it may exercise. Again these are the powers which are either spelled out in similar legislation in other jurisdictions or in fact exercised under a general power to do all things related to horse-racing. We believe that insofar as it is possible to do so, such powers should be clearly set out in the act and this bill reflects that belief.

Sections 16 and 17 — while the bill clearly establishes the commission as the final decision-making authority, under section 16 flexibility is provided by way of an appeal to the Court of Queen's Bench where a person's livelihood is in jeopardy, should his licence be suspended or revoked for a period greater than 12 months. While this may not be a safeguard provided in other jurisdictions, we believe it to be a fair and reasonable provision.

Section 19 of the bill provides for the appointment of an advisory board consisting of not less than seven members. Such a provision is not generally incorporated into similar legislation in such a form, and will provide a forum for the various interest groups involved in horse-racing to express their views.

Section 19 — consistent with our belief that, insofar as possible the betting and not the general taxpayer should be bearing the cost associated with horse-racing, members of the advisory board will not receive remuneration for costs for attending meetings. We believe this is reasonable and is also in keeping with the high level of commitment to the development and enhancement of horse-racing demonstrated by all facets of the industry in Saskatchewan.

In closing, Mr. Speaker, I wish to make two points. Firstly, the various groups comprising the Saskatchewan horse-racing industry have been consulted on the needs for, and general provisions of, legislation in this area. Not only have they recommended such a bill, but all of those with whom it has been discussed have endorsed it highly. Secondly, it is our intention that the costs associated with operating the commission and providing grants to the industry should, to reiterate, be met out of revenues generated by the pari mutuel tax on betting and not borne by the general or non-betting taxpayer.

Accordingly, Mr. Speaker, I move second reading of a bill to establish the Horse Racing Commission Act.

HON. MR. MUIRHEAD: — Mr. Speaker, I wish to rise to speak on the bill before us, because it is of prime importance to an industry that has been sadly neglected for many years. Many in this Assembly may not be aware of the fact that the province of Saskatchewan has for a number of years lagged behind the rest of Canada, and indeed North America, in not providing a legally constituted act for the organized control and improvement of the racing industry in this province.

Mr. Speaker, I represent a constituency which I suggest has the largest population of standardbred horses of any constituency in Saskatchewan. On one location alone, I

would conservatively estimate there are at this time 60 head of horses. The location I refer to is a breeding farm known as Sherlock Acres at Davidson, Saskatchewan. Also in my home-town of Craik, we have a breeding establishment. And there are many other owners and breeders from which many well-known race horses have come.

But, Mr. Speaker, where do many of these well-bred, trained, and owned horses race? Mr. Speaker, we have exported some of the best horses — and I might add, many former Saskatchewan resident owners and trainers — to the provinces of Alberta and British Columbia, where the horse-racing industry has been recognized by government in those jurisdictions.

Mr. Speaker, if it hadn't been for many dedicated horsemen, the racehorse industry in Saskatchewan would have been one more industry which would have completely left this province. As you are aware, Mr. Speaker, there are two main tracks in Saskatchewan: one in Regina, under the control of the Regina Exhibition Association; and one in Saskatoon, under the control of the Regina Exhibition Association. And in addition, there's a very good track in the city of Moose Jaw, which has approximately six days of horse-racing each year. Moose Jaw's track, they tell me, is one of the better tracks in Saskatchewan, but the accommodation for the public and pari mutuel operation leaves much to be desired.

Mr. Speaker, the accommodation for the public in Regina in respect to grandstand is deplorable. But the barn accommodation for the horses and horsemen is very acceptable. Mr. Speaker, the accommodation for the public in the grandstand in Saskatoon is very good and is being improved at this time, and the track is excellent. But, Mr. Speaker, they tell me the barn area and accommodation for the horses and horsemen in Saskatoon is deplorable.

Mr. Speaker, right at this time, there is harness-racing in Saskatoon four days per week, and in Regina there is thoroughbred racing four days per week. The season started on May 6 and runs through till October. And I want the members of this legislature to know that this industry employs thousand of people, and generates thousands of dollars into the economy of the province. It is an industry that deserves more attention and consideration than it has been getting. And I am sincerely hopeful that when this racing commission is chosen, there will be new people with a sincere desire to bring all facets of the racing industry together to give those people that kept the industry alive with their time, investment, and horses a more secure and promising future in the province of Saskatchewan.

Mr. Speaker, it is interesting to note that of the four western provinces, Saskatchewan is the only province that does not have racing year-round. I really don't believe that it is colder in Saskatoon and Regina than it is in Winnipeg in winter. Ad I might add that Edmonton, in addition to Calgary, is being considered for winter racing of harness horses this coming winter.

I strongly recommend the passage of this bill and an early implementation of some sort so that Saskatchewan can and will take its rightful place in horse-racing, one of the oldest agricultural industries in the country.

Mr. Speaker, I wish to congratulate the government, especially the Minister of Agriculture, for bringing in this long overdue bill. The past government knew of the problems in the racing industry of Saskatchewan but did nothing about it. Mr. Speaker,

this is just another example of our government listening to the wishes of the people by implementing this bill. I also would like at this time to thank the agriculture committee for meeting with the racehorse people and helping solve many of their problems.

It will be a pleasure for me, Mr. Speaker, to support Bill 91, An Act to establish a Horse Racing Commission for Saskatchewan. Thank you, Mr. Speaker.

HON. MR. BLAKENEY: — Mr. Chairman, I just want to make a few comments. First I say that I would support a horse-racing commission. I won't support this bill. This bill represents regulation gone mad. And I invite all members to look at the bill to see what you're doing.

You're setting up a horse-racing commission — fair enough — to deal with, as you say, the problems of the standardbred and thoroughbred industry. That's what you say. But you're setting up a commission which can regulate all forms of horse-racing. If you know where there are any chariot races around the province, the commission has power to regulate them. If you know where there are any chuck wagon races around the province, the commission has the power to regulate them. I f you know where there's a rodeo around where they may have some barrel-racing, the commission has power to regulate them . . . (inaudible interjections) . . . If the members doubt that, I invite them to look at the provisions of this act which make it apply to racing in all of it s forms, horseracing in all of its forms and horse-racing is defined as any race involving a horse. So there's no question about the jurisdiction of the commission being far too wide — far wider than it needs to be and far wider than it would be if the government opposite were interested in regulating those horse-races which involve betting and pari mutuels and the ordinary forms of horse-racing, the thoroughbred and standardbred racing. But this is not what they've done.

Mr. Speaker, I know you will be surprised to hear that under this bill the horse-racing commission will be entitled to require anyone to get a licence who acts as a groom of the horse . . . (inaudible interjection) . . . Mr. Speaker, members opposite say, 'Always has been.' When they say that they mean a groom at a particular track where racing is being carried on in the circumstances of a standardbred or thoroughbred meet. But that's not what their bill says. Their bill says anyone who grooms horses may be required to get a licence . . . (inaudible interjection) . . . Well, if members opposite deny this, I hope that they will get up and argue the case, not for what they think is in the bill, but what is in fact in the bill.

Mr. Speaker, this goes the same for . . . Exercise-boys need a licence. Now it seems to me it could be going a little farther than we need to be in this House to set up a crown corporation to issue licences to exercise-boys. There ought to be a few things in this province that you can do without a government licence. And I would have thought that maybe an exercise-boy was one of them.

AN HON. MEMBER: — Are you going to filibuster?

HON. MR. BLAKENEY: — No, Mr. Speaker, I am not proposing to filibuster at all. I'm just calling to the attention of hon. members some of the aspects of this bill. Members shake their head and I think they ought to shake their head, because what they would wish to do is set up a racing commission to regulate thoroughbred and standardbred racing in this province and the tracks where thoroughbred and standardbred racing meets are held, and that would make sense. And I invite the hon. members to restrict their bill to that and not to bring in a bill which sets up yet another crown corporation

with the very widest of regulatory powers — the powers to restrict people from entering into all manner of ordinary occupations having to do with horses without getting a licence from the government opposite, the power to do a number of other things. And if members opposite know some other breeds where there are races and where there are betting, where there are pari mutuel betting, they could obviously include them. I am not familiar with any Arabian or Appaloosa racing where there is pari mutuel betting but there may well be, and they obviously can cover that.

But we obviously do not need a bill that covers barrel-racing at rodeos and chariot-racing at small points throughout Saskatchewan, as this bill does.

I must say, Mr. Speaker, that there are a number of very, very rigorous provisions of this bill whereby the commission can exercise very, very strong powers. Now if it has to do with things which happen at a race-track, we all understand that. But the bill is not restricted in all its aspects and the powers of the commission are not restricted in that way. So I say, Mr. Speaker, that what we need indeed is a horse-racing commission bill — one which regulates the industry which needs regulating. That is the one which involves betting and pari mutuel and which does not attempt to regulate all manner of activities with horses; that doesn't need licenses. And if the government opposite has no intention of instructing their commission to regulate those aspects of horse-racing, then it strikes me that they ought not to put it in their bill.

We simply do not need that type of extensive powers and yet another new crown corporation, and for that reason, Mr. Speaker, I think that this bill ought to be very substantially changed in committee.

MR. SHILLINGTON: — Thank you very much, Mr. Speaker. Some of my other colleagues who are not here today, and who in fairness had no warning that this was coming, may wish to speak on it, who want to consider the comments of the minister on the bill, and they were extensive. I therefore beg leave to adjourn the debate.

Debate adjourned.

HON. MR. BERNTSON: — After having dealt with 20 pieces of legislation today, with penetrating and vigorous opposition to all of them, and having decided that it's been a super-tough day, particularly after the last one where I was really zinged, I would move that this house do now adjourn.

The Assembly adjourned at 8:58 p.m.