

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
June 1, 1983

The Assembly met at 2 p.m.

Prayers

ROUTINE PROCEEDINGS

REPORTS OF COMMITTEES

Standing Committee on Public Accounts

DEPUTY CLERK: — Mr. Shillington, from the standing committee on public accounts, presents the fourth report of the committee as follows:

Since the committee's report of March 8, 1983, your committee has held 20 meetings and examined the provincial Auditor's report and the *Public Accounts* for the year ended March 31, 1982.

Your committee also had under consideration Bill 48, An Act respecting the provincial Auditor. This bill was considered clause by clause, witnesses were examined, and the bill reported back to the Assembly on May 18, 1983. The committee has been assisted by the Provincial Auditor, Willard Lutz, and his officials, and by the comptroller, Gerry Kraus, and his officials.

During the course of its deliberations, your committee held public hearings to examine 15 departments, boards, commissions, and agencies as follows: Departments of Finance, Social Services, Industry and Commerce, Northern Saskatchewan, Sask Housing Corporation, Teachers' Superannuation Commission, Municipal Employees Superannuation commission, Department of Government Services, Sask Computer Utility Corporation, Department of Health, community legal services commission, Department of Revenue, Supply and Services, Saskatchewan Economic Development Corporation, Departments of Urban Affairs and Culture and Youth.

During the coming months, your committee will be receiving further information from various departments and will be conducting further investigations into items relating to the following agencies: Departments of Finance, Social Services, Northern Saskatchewan, Health, medical care insurance commission and Teachers' Superannuation Commission.

Your committee will be submitting a final report on the year under review once all deliberations are completed. Recommendations and comments respecting the committee's investigations for the fiscal year ended March 31, 1983, will be contained in the final report.

MR. SHILLINGTON: — Thank you very much, Mr. Speaker. I will be brief. I want to begin by thanking all members of the public accounts committee for their diligence. We met some 20 times; had a very thorough review of the accounts of the various departments. The attendance was by and large commendable and was of credit to the members. We attempted a procedure which was slightly different this year, and that is that we assigned each department to a member or members, and asked them to prepare to take

the lead in dealing with that department's accounts. That system worked very well, and we all thought we noticed a sharp improvement in the tenor of the questioning after that procedure was introduced, and I think we'll probably continue it. The members, I think, enjoyed it. When we finished up today there were questions from some members, wondering when we'd start the next one. I don't think we want to start them right away, but I think members did enjoy the work of the committee and look forward to starting another year.

I want to, before taking my seat, Mr. Speaker, explain the process which we have adopted. This is not a final report of the public accounts in the sense that that term would normally be understood. It is really an interim report. Some of the departments had questions that we . . . We put to them they could not answer. We have asked them to return in midsummer or early fall, and we will be reviewing some of the departments; we heard the clerk list those departments.

What we have thus chosen to do at this time is to simply report on what we've done in the first 20 meetings. The actual items, which we will comment on and which will be the subject of discussion and debate in the House, will be submitted in another report at some future time, either in the fall, if this session is adjourned till fall, or after the commencement of the new session, if this session is prorogued. So what we have here is really just a report on our progress.

With that, Mr. Chairman, I wish to move, seconded by the member from Saskatoon Mayfair:

That the fourth report of the standing committee on public accounts be now concurred in.

MR. GLAUSER: — Thank you, Mr. Speaker. I just have a few words to say in that I, too, want to thank the witnesses who came before us, who were most co-operative and made our job much more easily accomplished. I also agree with the chairman, the member from Regina Centre, that we will be going into it in much greater depth when the final report is tabled in the fall, or close to there. At this time I'll just acknowledge that this is an interim report, and wish to thank all those members of the committee, as well, who did pay close attention and did provide a great deal of input for the questions we asked. Thank you very much.

Motion agreed to.

WELCOME TO STUDENTS

HON. MR. LANE: — Thank you, Mr. Speaker. I would like to introduce to you, and to the Assembly, three members of the Ranch Ehrlo education class from near Pilot Butte. They are accompanied by their chaperon, Valda Clarke. I would like to welcome this group to the legislature. They are I believe the third group from Ranch Ehrlo this session. I think that those associated with Ranch Ehrlo that have taken the time to bring the students from Ranch Ehrlo in are to be commended as well for taking the additional time and the interest. Mr. Speaker, I would like all hon. members to join with me in welcoming these people to the Assembly. I hope their afternoon is enjoyable and informative.

HON. MEMBERS: Hear, Hear!

HON. MR. McLAREN: — Mr. Speaker, I would also like to introduce to you, and through you to the Assembly, 25 students from grades 2 to 8, and their teacher, Janis Lowry, Marlene Kapiniak, and two of their, chaperon parents, Janet Astolfi and Don Foss, from the Seventh Day Adventist Academy in Yorkton. I hope that you have found your tour of the Legislative Building very informative, and that the rest of your stay in Regina will be interesting, and that you will enjoy the proceedings of the legislature today and will find it informative and educational. I will be meeting with them for pictures between 2:30 and 2:45, and I would ask all members to please welcome them to the Assembly this afternoon.

HON. MEMBERS: Hear, Hear!

QUESTIONS

Amendments to The Trade Union Act

MR. SHILLINGTON: — Mr. Speaker, a question to the Minister of Labour, and it concerns the amendments to The Trade Union Act which you are supposed to be introducing this afternoon. My question to the minister is: has anyone outside this Chamber, including members of the news media, received copies of the legislation prior to its introduction in this Assembly?

HON. MR. McLAREN: — Mr. Speaker, I advised the Assembly yesterday that Monday and Tuesday we met with the union groups, the management groups, people that had presented briefs, and at no time did we give them any copies of the bills. All that we have given is, as I said yesterday, a list of the areas, the general areas, that we are looking at making amendments. And in those meetings, by the way, I had asked that they be kept confidential until such time as the bill was introduced today. And I'd just like to compliment the groups and the media who we have had press conferences with, and they have not breached that request of confidentiality except by the looks of one and I have no idea who that was.

MR. SHILLINGTON: — A supplementary, Mr. Speaker. I take the minister's word for it that no one has received copies of the bill. My question to the minister then is this: since no one outside government, either employer or employee groups, and neither business people nor individual workers, have seen the proposed amendments to The Trade Union Act, do you think it reasonable and proper for an open government to let this legislation stand on the order paper over summer, so that the public may have some input to what is a vitally piece of legislation?

HON. MR. McLAREN: — Mr. Speaker, the bill will get introduced this afternoon. You will have a chance to . . . All groups will have a chance to look at the bill. We will have opportunity to debate during second reading and committee of the whole, and we will proceed and it's or hope that we can get it introduced and passed in this session.

SOME HON. MEMBERS: Hear, Hear!

MR. SHILLINGTON: — Well, Mr. Minister, what is your rush? This is day 52 of this session, and if the amendments are needed and needed so quickly, why haven't we seen the proposals before today?

HON. MR. McLAREN: — Mr. Speaker, we've done a tremendous amount of work of

consultation, with briefs from all over the province with the union groups, with the management groups, with individuals, and people writing in, and we've done all that sifting over the last four or five months. You will see the bill this afternoon, and then you can comment on which ever way you think it is.

MR. SHILLINGTON: — A supplementary. Will the minister not admit the real reason for the haste with which you propose to deal with this legislation is not to restore the balance, as you claim, but to pay off old debts which your government owes to the Saskatchewan Chamber of Commerce?

HON. MR. McLAREN: — Mr. Speaker, I haven't negotiated with anybody on any of the amendments in the act. We've done the sifting of the briefs and we've come up with the major priorities that seem to come from all briefs. I don't know if there's any in there that were in the Saskatchewan Chamber of Commerce. There are probably are but I couldn't tell you today whether they are or not.

MR. SHILLINGTON: — New question, Mr. Speaker. Let me quote what the chamber is saying about your government, Mr. Minister, and do so briefly:

Bob Demkiw, president of the Battlefords chamber, won a round of applause at the recent conference when he said, 'We'd better tell them, we voted them in and we can vote them out.' (And then it was said later on) 'Sure, when they get elected,' one influential chamber official said, 'but they'd better remember who their friends are and their friends aren't in the union.'

Mr. Minister, will you not admit that you are proceeding with this legislation with the haste that you are to avoid getting burnt by the flames of the wrath of chamber members coming behind you?

HON. MR. McLAREN: — Mr. Speaker, we are not proceeding with haste to try and get the bill through. That's a democratic society and if the chamber chooses not to vote for us, that's their prerogative. But they haven't seen the bill yet, to even comment on it.

Negotiations in Grain-Handlers' Dispute

MR. LINGENFELTER: — Mr. Speaker, my question is to the Deputy Premier, the Minister of Agriculture. As he will know, a couple of hours ago the talks between the grain workers and the B.C. terminal operations broke down and I would like to ask him, in light of the fact that the negotiations have now broken down and grain shipment out of the province is now threatened, whether you will come along with our caucus in urging the federal Minister of Labour, Charles Caccia, to urge that a conciliator be appointed, a commissioner of conciliation be appointed, to see that grain shipments out of Saskatchewan do not stop and that we bring about a resolve to this, and through conciliation, rather than confrontation if you will now at this time take a positive approach to this issue and urge the federal Minister of Labour to appoint a conciliation conciliator.

HON. MR. BERNTSON: — Mr. Speaker, this is almost unbelievable but considering the source, I believe it. I just wonder where they were last week, last week, Mr. Speaker, when we first talked about, in this House, a potential for a lock-out or a strike on the West Coast of the grain-handlers; when I invited members opposite to join with me to put pressure on the feds to do whatever was necessary to prevent that work stoppage,

because any back up of grain on the Canadian Prairies today, when we've got a glut of grain in the world market-place, is going to be seriously a negative impact to our grain producers here in Saskatchewan. Where were they last week? We're already acting on it and if they want to tag along with us, fine, but we're prepared to go with or without them.

SOME HON. MEMBERS: Hear, Hear!

MR. LINGENFELTER: — Supplementary, Mr. Speaker. On May 25, my colleague from Gravelbourg-Assiniboia sent a telex to the federal minister urging him to appoint a conciliation commissioner, and that was before you, Mr. Minister, took any action as I understand. What I would like to know . . . The question originally was whether you will join with us in urging the federal minister to appoint such a commissioner at this time. And you haven't answered that problem because I believe that you would much rather see a confrontation to assist you in your ulterior motives you have in this whole process.

HON. MR. BERNTSON: — I'll tell you what my ulterior motive is, Mr. Speaker, and it's to keep the grain moving from the prairie basin.

SOME HON. MEMBERS: Hear, Hear!

HON. MR. BERNTSON: — Mr. Speaker, if he wants to tag along with me in my efforts to keep the grain moving, that's fine. There is no way I'm going to follow his lead because obviously their party's been screwing up for years and that's why they're sitting over there and that's why we're here, Mr. Speaker.

SOME HON. MEMBERS: Hear, Hear!

HON. MR. BERNTSON: — Second point. I wonder, Mr. Speaker, if he would join with me, if efforts fail to get these people back to the table and resolve the dispute, to in fact legislate these grain-handlers back to work so that the grain will move.

SOME HON. MEMBERS: Hear, Hear!

MR. LINGENFELTER: — Mr. Speaker, I certainly will not be joining with the minister to legislate people back to work. I'm more choosy about . . .

MR. SPEAKER: — Order, please. The member is making a statement rather than asking a question. If the member has a question would he get to it.

MR. LINGENFELTER: — Supplementary, Mr. Speaker. I will phrase my question . . . I have a short sentence before I ask the question, which I hope is in order, and that is that I will ask the minister one more time what he will do in a positive vein to see that the need for legislation, by the federal government — which he has nothing to do with — if he will carry on with a protest and an encouragement of the federal minister to bring on a commissioner and bring about conciliation, rather than a confrontation which he has a vested interest in seeing happen, giving his previous response.

HON. MR. BERNTSON: — We're breaking new ground every day, Mr. Speaker. But simply put — I will continue every possible effort that I can muster to encourage the fed, through persuasion, through telegrams, through begging and pleading and urging, and pushing and shoving, cajoling, every jot and tittle, as your leader would say,

would be covered.

But, Mr. Speaker, my priorities are to see that the grain . . . Everything in my power to see that the grain keeps moving, and naturally I will work hand in hand with the member opposite to see that it's done in a positive way. But if it is not done in a positive way, I would urge the members opposite to join with us to protect the farmers in the prairie basin, and urge the federal government, if necessary, to bring a legislated end to any work stoppage.

SOME HON. MEMBERS: Hear, Hear!

MR. KOSKIE: — I want to follow up, Mr. Speaker, to the deputy Premier, the Minister of Agriculture, and as the minister will be aware that you've made representations to appoint a conciliator. And the opposition has also made representations, and as well, the union has asked for the federal government to provide a conciliator or an arbitrator. And what I'm asking you now: in view of the fact that our reports indicate that the negotiations have broken down, that we are concerned and would request of you, Mr. Minister, to indicate to the House what steps you will take now to further alleviate the potential of a strike, and what actions, if any, you have taken to date.

HON. MR. BERNTSON: — Mr. Speaker, I've already indicated to the House that I've sent telegrams, or telexes, whatever they are, to the appropriate ministers asking . . . I have a great deal of respect for Mr. Kancs on the West Coast, the head of the grain-handlers' union. He's an excellent individual and he's trying desperately to prevent a strike. And he's an excellent individual, and I've known him for some time, and I have no hesitation in saying that, and I know that he's working hard to prevent any kind of a strike.

However, my prime interest has to be in keeping the grain moving. I would hope that they can come to a negotiated settlement. I have asked the federal minister as late as this morning to work in that direction. Failing that, I will be asking him for a legislated settlement, because we simply can't afford to have a backup in the grain handling system.

SGI Deductible

MR. SHILLINGTON: — Thank you very much, Mr. Speaker. It's a question to the minister responsible for SGI. By way of background, Mr. Minister, let me remind you that one short month from today your intention apparently still is to increase the deductible from 350 to 500. My question arises out of the factum filed yesterday by your own public utilities review commission, and let me quote you one or two sentences from it. And the factum says:

. . . That the power to treat the deductible as a rate lies beyond the jurisdiction of the commission, it would be possible for SGI to do indirectly what it is prohibited from doing directly by virtue of The Public Utilities Review Commission Act, producing a result which is contrary to the essential purpose of the act.

Mr. Minister, you stand condemned by the very body that you have brought into being.

My question to you, Mr. Minister, is: in the light of the fact that the court of appeal will be ruling on this question, if you have no respect for your public utilities review commission, will you at least show some respect for the judicial process and postpone the implementation of the increased deductible until after the court of appeal has ruled

on the subject?

HON. MR. ROUSSEAU: — Well, Mr. Speaker, it's actually . . .

AN HON. MEMBER: — . . . in fact inappropriate for me to comment on a matter that's before the court of appeal, as the member has so rightfully indicated. And my position hasn't changed over the last few months, and no statement will be coming from me at this point in time.

MR. SHILLINGTON: — A supplementary, Mr. Minister. If it is inappropriate to so much as comment on it, does the minister feel it is not also in appropriate to undercut the whole basis for the appeal by increasing the deductible, the very thing that's being complained about?

I know that the coaching coming from the member beside you is not of great assistance. Let me repeat my question: if it is inappropriate to comment on the subject, does the minister not feel it's also in appropriate to undercut the whole basis of the appeal by increasing the deductible in any event?

HON. MR. ROUSSEAU: — No, Mr. Speaker, I don't agree with the hon. member's statement. The timing for the increase in the deductible has, as he well knows, been delayed somewhat — for some four months, I believe it was — and we're still not to July 1. I'm not making any changes or statements, and the court of appeal is reviewing the situation, and what will happen he will find out in due course. I will be prepared to let him know at the appropriate time.

MR. SHILLINGTON: — New question, Mr. Speaker. Let me quote again one of the flowery comments that the public utilities review commission is handing you, Mr. Minister. It briefly states:

It is submitted that if the SGI is not bound by the provisions of The Public Utilities Review Commission Act in setting the level of the deductible, the object of that act as it applies to SGI would be defeated, contrary to the intention of the legislature to provide a mechanism for the determination of just and reasonable rates.

Someone opposite asked who filed it. A firm by the name of Rendek, Kaufman and Embury.

My question, Mr. Minister, is: with the public utilities review commission questioning your legal right to increase the deductible on July 1, and the court of appeal in the midst of deciding whether or not you have the legal right, do you not think that the decent and the prudent thing to do would be to wait for the increase until after the court has ruled?

HON. MR. ROUSSEAU: — Not necessarily, Mr. Speaker.

MR. KOSKIE: — Mr. Speaker, I'd like to direct a question to the minister in charge of SGI. You have indicated, Mr. Minister, that you plan to proceed with the increase on July 1. The matter is been pursued before the court of appeal. It has been indicated that it

probably won't be heard until November, so what I'm asking you: will the corporation be providing a contingency program or plan whereby the funds which have been taken in by the increase are set aside, in the event that the court of appeal rules that you had no right to increase from 350 to 500, so that you'll have the special fund to refund all of the premium holders? Have you set up a contingency plan?

HON. MR. ROUSSEAU: — Mr. Speaker, the hon. member is definitely speculating and prejudging the decision of the court of appeal which will, as he's indicated, be held in November. We are proceeding. It doesn't require a special fund to set aside to refund should the court of appeal rule against us, and if we lost the case the court of appeal refunds will automatically have to be made. I think that's well understood. But the question is: has management decided to set aside a special fund? It is really not necessary.

MR. KOSKIE: — I would like to ask the minister; in view of the court of appeal action, and in view of the probability or the possibility of having to refund thousands of people in this province of their premium, have you made an estimate of the cost that you are laying on the taxpayers of Saskatchewan as a result of opposing the public utility review commission, the body which you set up?

HON. MR. ROUSSEAU: — Well, Mr. Speaker, we definitely have the information that the hon. member is referring to, and we are aware of the amount of money that is involved. We're well aware of that. We have been aware of it for some time, and the reason for increasing the deductible from \$350 to \$500 was so that we wouldn't have to increase the rate on the premiums by 15 per cent. Instead, we've decided that we would charge the people of Saskatchewan — and I mean all of the drivers and the owners of vehicles — only a 6.7 increase, as I announced in this Assembly before. The \$500 deductible would take care . . . The increase, from \$350 to \$500 would take care of the additional sums required to make up the difference between 6.7 and approximately 15 per cent. What the hon. member is obviously saying is that he doesn't believe that the drivers who cause and have accidents should be held responsible. And furthermore, rather, he believes — and as the opposition has indicated so many times — that everybody should pay and everybody should have to pay the 15 per cent increase in rates that would be necessary as a result of the mismanagement of SGI when they had it when they were government . . . (inaudible interjections) . . .

I know, Mr. Speaker, that the issue is a very sensitive one, a very sensitive one for the members opposite, that they want to know why we're doing things and what we're doing about things about corporations that they mismanaged while they were government. I'm attempting to tell him what the solutions are, but he doesn't like the answer, obviously.

HON. MR. BLAKENEY: — Supplementary question to the minister in charge of SGI which administers the automobile accident insurance fund. My question to the minister is this: is the automobile accident insurance fund and SGI making plans to obtain information from people whose losses exceed \$350 and do not exceed \$500? My question is relatively simple, Mr. Minister. As you will know, there will be a large number, some probably hundreds of accidents where the damage falls between \$350 and \$500 happening between July 1 and the time that the court of appeal renders a decision. Are your claim service centres or other adjusters keeping a record of all of the claims which fall into that category so that you can refund the money if you lose the case, or are you going to force people 6, 8, 10 months after the accident to file their claims with SGI?

HON. MR. ROUSSEAU: — Mr. Speaker, the hon. member indicates hundreds of accidents that will occur, that will fall in amounts of damage between \$350 and \$500. I don't know what crystal ball he is using to determine where he gets the figure of hundreds of accidents that fall into that category. However the question relating to whatever few there may be, I will take notice of and find out whether or not that situation has been addressed.

HON. MR. BLAKENEY: — One supplementary. Would the minister, in the course of taking notice of yet another question, advise the House whether SGI is giving these people any advice as to whether to pursue in small claims court the amount of money they may be able to claim against another driver and then may be able to get back from SGI and get double payment on that account? Would you pursue that point as well?

HON. MR. ROUSSEAU: — I think the hon. member is a little confused, because if it's a claim against another driver there is no deductible. The deductible only applies on collision on the property damage of the owner's vehicle. So it it's a claim, if you have an accident that's caused by somebody else and your category falls under the \$350 or \$500 damage you don't have to be concerned, because it's liability and property damage that pays for it. So obviously you're very . . . (inaudible interjection) . . . Well, of course it is; of course it is. Why are you looking so stunned? Of course it is. Property damage pays for the accident on your car is it isn't your fault, as you well know.

You know, Mr. Speaker, they complain about taking notice of a question. If they don't want me to take notice, and have the wrong information, perhaps they'd have something to complain about.

HON. MR. BLAKENEY: — Mr. Speaker, a supplementary. Following that bizarre answer by the minister which, if true, would mean there would never be any claims involving deductibles before courts, and we know there are dozens and hundreds, will you examine that question?

AN HON. MEMBER: — You don't take a claim in if it's your own fault, to court.

HON. MR. BLAKENEY: — Mr. Speaker, I will ask the minister again: will he consider the issue which arises when SGI deny a claim, assert that it is a driver's fault when he doesn't agree with that, then takes it to the small claims court — which is a very, very frequent procedure — and recovers from the other driver? That is a very common procedure. Will he examine what will arise if that occurs between July 1 and the time when the court of appeal renders its decision and if the court of appeal renders a decision different from what the minister declares the law to be?

HON. MR. ROUSSEAU: — Well again, Mr. Speaker, I believe what the hon. member is referring to is a situation where it's a 50-50 blame put on by the adjuster at SGI and then the claim is taken to court to decide who is going to pay what. I believe that's the situation. Well, let me inform the hon. member that in total those claims represent less than 3 per cent. And I'm not talking in total, I'm talking from one dollar to thousands of dollars, and he is picking a figure, an amount between \$350 and \$500, which would be minuscule, to say the least, in numbers. However, since he's asked that I pursue that situation, my answer to the hon. member is yes, I certainly will.

INTRODUCTION OF BILLS

Bill No. 101 — An Act respecting the Consequential Amendments to certain acts resulting from the enactment of The Vehicles Act, 1983

HON. MR. GARNER: — Mr. Speaker, I move first reading of a bill respecting consequential amendments to certain acts resulting from the enactment of The Vehicles Act, 1983.

Motion agreed to and the bill ordered to be read a second time at the next sitting.

Bill No. 102 — An Act respecting the Consequential Amendments to certain acts resulting from the enactment of The Public Trustee Act and to repeal The Administration of Estates of Mentally Disordered Persons Act.

HON. MR. LANE: — Mr. Speaker, I move first reading of a bill respecting consequential amendments resulting from the enactment of The Public Trustees Act and to repeal The Administration of Estates of Mentally Disordered Persons Act.

Motion agreed to and the bill ordered to be read a second time at the next sitting.

Bill No. 103 — An Act to establish the Office of the Public Trustee

HON. MR. LANE: — Mr. Speaker, I move first reading of a bill to establish the Office of the Public Trustee.

Motion agreed to and the bill ordered to be read a second time at the next sitting.

Bill No. 104 — An Act to amend The Trade Union Act

HON. MR. McLAREN: — Mr. Speaker, I move first reading of a bill to amend The Trade Union Act.

Motion agreed to and the bill ordered to be read a second time at the next sitting.

SOME HON. MEMBERS: Hear, Hear!

ORDERS OF THE DAY

GOVERNMENT ORDERS

COMMITTEE OF THE WHOLE

Bill 62 — An Act to amend The Saskatchewan Farm Ownership Act

Clause 1

MR. CHAIRMAN: — Would the minister introduce his officials — the minister of Agriculture?

HON. MR. BERNTSON: — Yes, Mr. Rasmussen, director of farm ownership board.

MR. LINGENFELTER: — Well, Mr. Chairman and Mr. Minister, I only have a few comments on this bill which, as the minister has pointed out in his second reading speech, plugs one of the loopholes where people could get around the amount of land

that non-resident could own in the province of Saskatchewan. And I'm glad to see that he is supporting this most progressive legislation on farm ownership in Canada, something that was brought in by the previous government as we have mentioned before, and we have no difficulty with supporting this bill. In fact, having brought the bill in, we fully support the amendment which will stop this loophole and block it so that people cannot take advantage of it.

I know that, in opposition, those same members had a much different line about controlling non-residents' ownership of land, and we find the change and the new attitude of this government encouraging in this one area and I wish that it would spread to other areas where they would come to their senses on other issues.

Clause 1 agreed to.

Clauses 2 to 6 inclusive agreed to.

The committee agreed to report the bill.

THIRD READINGS

Bill No. 62 — An Act to amend The Saskatchewan Farm Ownership Act

HON. MR. BERNTSON: — Mr. Speaker, I move the bill now be read a third time and passed under its title.

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. Berntson that Bill No. 87 — **An Act to amend The Horned Cattle Purchase Act** be now read a second time.

MR. LINGENFELTER: — Mr. Speaker, I have a few short words on this earth-shattering bill. As I understand it, and in reading the bill and listening to the words of the minister, three main things are being done here. We are changing the existing trust fund and calling it by another name, the horned cattle fund, and I don't think that anyone in the province will have a great deal of difficulty in accepting that.

The other major change is to increase the number of representatives on the advisory committee from eight to 10, and here again the groups who are being included, the Canada Cow-Calf Association, and an extra membership being given to the Saskatchewan Stock Growers Association, does not cause us a great deal of concern.

The one area, I suppose, if we have any concern about the bill — and I will have more questions to ask in committee on this — is section 6, a clause providing for protection for the cattle producers and agricultural societies, 4-H clubs, from livestock dealers who are facing bankruptcy, and those going into receivership. And I find it interesting that the government would make that change at this time in light of the fact that farm bankruptcies throughout the country, and in fact in Saskatchewan, have increased a

great deal. In fact, the latest statistics would show that they are up, and up significantly.

I think that many people will wonder why the government is choosing at this time to change section 6 to take that protection away, especially from farmers who are facing a rough economic time in the cattle industry, as well as such groups as 4-H clubs and agricultural societies. And I think that all the questions that I will have on section 6 I will be dealing with in committee, and therefore, I see no great problem with the bill, but do have questions about section 6 of it.

HON. MR. BERTSON: — Mr. Speaker, just to set to rest any concerns that the member opposite may have about additional risk as a result of the removal or deletion of section 6, I think it is he said, under The Animal Products Act, Bill 88, which we'll be dealing with next, there is in fact a provision set up for those very things, which is where that particular protection belongs, in our view. Last year, as you know, there were hundreds of thousands of dollars of losses shown by Saskatchewan sellers because of bankruptcies in buyers and marketers, etc., etc. So there is a fund being developed under Bill 88 to look after that very situation that the member opposite raises concern with, in addition to the already in place \$25,000 bonding provision.

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

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Bertson that Bill No. 88 — **An Act to amend The Animal Products Act** be now read a second time.

MR. LINGENFELTER: — Mr. Speaker, this bill as well is not of an earth-shattering nature, and members of our caucus will be supporting it. I have some questions here again which we'll be asking in committee. I do have some questions about amendments which will provide authority for animal keepers to create liens against animals when there are questions to be asked there — whether or not the new section will do the proper job of protecting, as the minister has indicated is being taken out of another act and being put into this one. I do have some questions to ask him as to the way that that will work, and whether or not the farmers are, indeed, being protected, and 4-H clubs and agricultural societies are indeed going to be protected as they were under the previous bill.

I will accept his word on the second reading, that he is saying that they will be, but I do have questions to ask on that in committee.

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

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Bertson that Bill No. 89 — **An Act to amend The Provincial Lands Act** be now read a second time.

MR. LINGENFELTER: — Mr. Speaker, this bill has a fairly important impact on a great number of farmers and ranchers in Saskatchewan, and I think that the minister is going out of his way to protect some very large land-holders in the province of Saskatchewan by opening up the sale of agricultural land, grazing land, to people who basically can afford it in the province of Saskatchewan. And in doing that, I think it's fair to say that he

is helping those who are already established and already have money and can afford the high values that he is placing on this land.

There is one complaint that I have had to date from individual farmers since this bill has been brought in, is the fact that they are being asked to pay a very high price for the land. And many farmers are saying that that price is being charged in order that this money can flow into the government coffers in attempt to balance budgets which this government has allowed to get out of proportion and out of hand.

Now they are attempting to sell off the heritage of the province — the grazing land — in my part of the country as well as in the rest of the province, in order to get a large amount of money — charge the very highest price — which of course the people who have money will be able to afford to pay but many of those smaller operators will not be able to afford. And here again we see the attitude of this government that would protect those who already have assets and money. And the people who will suffer from this, of course, are the young farmers, many of them who were waiting for some of this lease land to come up. And under the previous policy, some of the larger holdings in the province may have gone to the smaller starting farmers and starting ranchers in the province of Saskatchewan.

From now on this will not be the case. In fact, many of the large holdings down in my country — and there are places where individual ranchers have 100 quarters of land. And under the previous policy some of that land — maybe 10 or 15 quarters they would have lost. Maybe 50 quarters they would have lost under the previous policy, and two or three young farmers would have been able to establish themselves in that part of the country.

And how the minister can explain that this is a new means of getting young people onto the farm — which was the promise made during the last election campaign — and I can tell you that there are a large number of young farmers and young individuals who are waiting to start farming and waiting for rental land to come up through the grazing lease policy, who will not now be eligible. And those people are not terribly pleased. In fact, they're disappointed. And I hear the minister of culture and youth muttering from his chair.

And there are many other young people who are not happy with things that are going on in Saskatoon, to deal with the hockey teams. And I think it's another example of people who are disappointed in not only the Minister of Agriculture, but other ministers. And I would challenge the minister of culture and youth, if he has things to say on this bill which has a great impact on his constituency, I well imagine — he would be an authority on it — to rise to his feet and explain why you are taking away the privilege of many young people to get started on the land, by selling off the heritage of the province, and selling off much of the land which would have been used to start young farmers.

There are other areas of this bill that are hazardous. I think, as well. One of them removes the 90-day period which is allowed for removal of improvements on land, once the lease expires, or once the lease is given up. And I'm sure the minister will rise in his place and say that he's taking it out so that he can make it much longer and make a much better arrangement. But if you're saying that you're giving them a better break, why don't you write into the legislation exactly what you mean? Why take out the 90-day provision and leave it up, as I understand, to the discretion of the minister? I think that that is not a move that makes a terrible great amount of sense.

But I think the basic problem with this bill will be the fact that a large amount of the heritage of the province of Saskatchewan . . . And I say this personally because great tracts of land in the south-west are presently held by the Crown, and the ranchers in that area of the province have done very well, and most of them will tell you that, by using the lease land and making good use of it and taking good care of it. And I think there is a concern that much of the land that will be sold — the grazing land — will now be broken up and we could get into the problem which they are facing right now in areas like Colorado where large tracts of marginal land are being broke up, and in fact legislation is now being brought in, and been brought in, in the state of Colorado, to restrict the types of land that can be broken there for agricultural purposes.

But I suppose this government, being very heavy-handed, will rush into this without having looked at all the alternatives and all the impacts of it, and we will have to deal with the problem of marginal land being broken up when we get back into office in a few short years.

So, having highlighted the problems with the bill, it is not our intention to stop the bill. We will be voting against it for the reasons I have mentioned, that it helps those who already have a great deal, and does not help those who are trying to get started, and also the heritage of the province which we are losing as a result of this bill. We cannot vote in favour of it.

MR. MARTENS: — Thank you, Mr. Speaker. The bill before us today has initiated a lot of concern relating to the sale of Crown land in my constituency, constituencies that surround me. During the past six or seven months it's been some of my responsibility to look into why it should be done and the means by which we accomplish the procedure to deal with the Crown land that is there and how we work to pass it on from one generation to the next — how we pass it on as lease land; how we pass it on as Crown land.

I'd just like to point out a number of things that relate to that that were indicated by the member from Shaunavon, and I would like to suggest that he should have perhaps been in wit me speaking to the ranchers from his constituency. They encouraged me in every way possible. Through their work and through their development, they've done a lot of work relating to that. They've had lease policy adjustments before the former administration for years, and they could never get anywhere with it.

The sale policy for example, Mr. Speaker, as we have it outlined, is going to make it available to people in a much broader scope than what we've formerly been accustomed to. And I think in relating to that we need to address some very key issues. Where are the funds going to go when the transactions take place? We, in the agriculture caucus portion of our government, have initiated some responses to that in developing an agriculture heritage fund. These moneys will flow into that, and I think that's a very positive use of those kinds of funds, where we place in rotation some of the funds that will be coming in in relation to that.

The member from Shaunavon mentioned reassignment. There's one thing that has initiated a lot of problems in my constituency — far more than anything else — is the lease policy relating to land bank and lands branch, which the former administration had. Those people were in constant problems with dealing with that administration in the rules that they set up. They had backlogs of people that were having a problem dealing with getting the land through, because the rules just were so terribly restrictive that they couldn't make any adjustments.

Allow me to use an example of what kind of problems they would run into. I know of an instance where they have 140 quarters of land for sale, where there is one individual that owns it, and plans were in place to have three people own it afterwards. But the restrictions placed on the transfer of that property were so restrictive, so binding, that they couldn't even do it. So what they did in fact is they put a thumb on the proper transfer — and it becomes smaller when you go from one to three — that that is what they did and that's the impact that their policies had on this program.

There's another thing we have to address, Mr. Speaker, and that is that in dealing with 1982 renewals they had become more and more restrictive in how they handled it. They had grazing leases that were one-year leases, and in 1981 they had 800 of them. In 1982 we were forced to include another 800 in that same emphasis, because they had such a restrictive program in their administration.

The other thing that is necessary to address is that of the 10,000 lessees in the province a lot of that was single-quarter holdings, which could have been moved under their policy, but they were as restrictive as they possibly could be and people did not want to buy it. through that we worked out a number of programs, through the Minister of Agriculture, and I'm proud to be a part of that government that did that, because we emphasized the ownership responsibility, the privilege of owning that, that these people always wanted.

What I was to point out as an instance — and I think this relates to the majority of these ranchers — is that the people who were on these ranches and these leaseholders turned out to be share-croppers. I had a gentleman come to me and tell me, he said, 'You know, 20 years ago when I was a rancher in that area, I had the largest net worth of any of them. What has happened to me today? I'm the poorest one.' Because the inflation did not give him any benefit of recapping any of the long, hard hours that he spent on operating that farm or ranch unit. And the former administration said, 'We want to keep that all for ourselves.' And we, on this side of the House, have said, and we have consistently said, that the ownership and the capital gain should go to the individual and then afterwards we can get it back in taxation. And that's a far better way of doing it — when it's sold — than when it's kept by the government.

There was another thing that was mentioned here regarding breaking marginal land, and I want to take a special issue with that because we've negotiated and discussed with the wildlife federation and through the Department of Environment some very capable ways of handling this. And the rationale behind it, I believe, is important because we, and the Department of Agriculture, and the lands branch, have said to the Department of Environment that you have right of first refusal on any sale of any breaking. Now that, Mr. Speaker, is more than what they did. And they were very pleased with what we had done. In fact, we have catalogued a great deal of the land that is marginal and that will be allowed or maintained within the jurisdiction of the provincial government through the Department of Agriculture and also through the Department of Environment.

And that, Mr. Speaker, is a step forward, and the wildlife federation and the people in the Department of Environment recognize it as a step forward, and I believe that it really was.

There are probably a lot of other areas that need to be dealt in relation to this. I just

would encourage the members opposite to ask questions during committee of the whole because it's an important issue in this province. We're dealing with land that constitutes about 10 million acres in the province of Saskatchewan, and I think it's an important issue to discuss. Therefore, Mr. Speaker, I will be supporting the bill.

SOME HON. MEMBERS: Hear, Hear!

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

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Berntson that Bill No. 91 — **An Act to establish a Horse Racing Commission for Saskatchewan** be now read a second time.

MR. KATZMAN: — Mr. Speaker, I'm pleased to rise on the second reading of a bill which establishes a horse-racing commission in Saskatchewan. Being a Legislative Secretary to the minister, I have been involved in consulting with the industry and hearing what their concerns are and their questions. Mr. Speaker, the other day when the Leader of the Opposition got up and talked about regulations in an industry. I would agree with the member that there is a lot of regulations in this legislation. The member also knows that the horse-racing industry is one of the most regulated industries in this country and only functions well under them. We had the choice in the legislation to put several of the things that are normally put in regulations publicly there to be seen in the bill as law. Therefore we came out front with them rather than pass the legislation, allowing a lot of regulations to be passed, and therefore trying to hide them. It was done openly and up forward.

I have before me a book which is 142 pages and comes out to 248 regulations. That's just the amount of regulations under the Criminal Code of Canada, and the thoroughbred that just affects them. That's the Criminal Code. There is also a book that's not large. It's all on the rules of the thoroughbred association. And there's a book that's that size that is also on the harness horse regulations. So it is an industry that is well regulated, and they prefer it that way so they know what the rules are when they get into it.

Mr. Speaker, I have a submission before me from six very strong groups in the province that are involved in racing. They are: the Saskatoon Prairieland Exhibition; the Regina Exhibition; the Horsemen's Benevolent and Protective Association, which is the organization representing the thoroughbred people in Saskatchewan; the Saskatchewan Standardbred Horsemen's Association, which is recognized as the representative of the standardbred racing; the Canadian Thoroughbred Horse Society, which is the breeding division of the thoroughbreds, and the Canadian Standard Horse Society which is the breeding division of the standardbreds.

I also have here a letter from the Saskatchewan Quarterhorse Racing Association. And basically what they say in their briefs:

The industry (and they're referring to themselves) supports the creation of a provincial racing commission by an act of the legislation which would replace the existing Saskatchewan Racing Commission as the rule and regulation body respecting horse industry in Saskatchewan.

Mr. Speaker, as the minister said yesterday or when he made his seconding speech, the intent is that the industry will pay its way, and the costs of administration in this act will be borne by the people who use the industry, be it the better, and so forth.

In 1982, Mr. Speaker, there were 62 days of harness racing in Saskatchewan. The handle was \$5,111,562. The thoroughbred horses ran 91 days in Saskatchewan, raising \$14,869,579. It may sound . . . but that's roughly for round numbers, \$20 million, Mr. Speaker. The spin-off of that industry is important to Saskatchewan be it for the purchase of hay or whatever.

As the minister said in his speech, when the racing used to be in Saskatchewan it was combined with Alberta, Edmonton, and Calgary, and prior to that, was combined with Winnipeg as well, and therefore we had very short meets in Saskatchewan. Presently, as I indicated earlier, we have 155 days approximately in Saskatchewan. Mr. Speaker, last year, for the first time, other groups of horses raced in Saskatchewan; the quarterhorses, the Appaloosas, and this year for the first year for the first time in many years, places besides Saskatoon, Regina, and Moose Jaw will have pari mutuel betting. These are not big communities that are going to have racing, Mr. Speaker. These are communities of . . . Melville is one of them. And Melville's race dates are July 1 and 2, and I believe. And it was interesting to note when their track was inspected the other . . . about two weeks ago by the federal government's representative, they indicated that that was one of the nicest tracks in western Canada for the community of its size, and complimented them on the excellent job that Melville and its people had done.

Mr. Speaker, also for the first time there will be horse-racing in Hudson Bay, Saskatchewan. We're not talking for the big cities now; we're talking where the small communities will be able to be allowed to have the sports that they wish to have and be allowed to have them governed by the rules that make the industry competitive and fair for all. I believe the dates for the racing in Hudson Bay are July 8 and 9. And once again this will bring an industry, and tourism, and so forth to the community.

On that note, I do have some statistics about Saskatoon and Regina. The race-track employs approximately 422 people; the racing commission, 15; breeders, 260; owners and trainers, 795; and others, 151. Just taking the pay, or the money — or pay-roll, I should say — of the breeders, the breeders pay out a pay-roll of \$2.704 million; as well as the owners and trainers receive \$6.53 million; the others, \$891,799. Attendance at the race-track in 1982 was 197,185 people.

Mr. Speaker, business generated in the cities of Regina and Saskatoon, calculated upon the amount of days that are spent at the track; the harness people spend \$2,677, 500 — sorry, that's the thoroughbred people; the harness people spend \$1,026,000; others spend roughly \$315,000. So the industry gives employment both in racing, hotels, small businesses, restaurants, and so forth, in the communities it serves. As I indicated earlier, Mr. Speaker, for the first time small communities are coming back into pari mutuel racing. Many years ago, places like Yorkton, North Battleford, Prince Albert, and others had racing. Due to establishment of the commission other communities are now looking to expand their fair days, and give their participants more things to watch, more things to attract them to the community, and more things to enthruse them to come and take part in the local exhibitions and fairs. North Battleford, Swift Current, both thought about having racing this year, but due to the condition of the track and the lead time, are not able, but are looking forward to going to it.

Mr. Speaker, in your own constituency, many years ago there used to be a one-day meet in standardbreds, I believe, in Beechy. And they used to borrow a day from, I believe the Moose Jaw track and it was a good day and fun was had by all; we used to make the Beechy days a pretty interesting time for all those concerned, and with that attitude, I think we can improve the industry. And this bill because — one major thing — it is intended to be a bill that will allow individuals that are appointed to the commission the importance of being non-representatives of either side of the active industry — people of good sound judgement who will help better the industry for the people involved, be they spectators or be they the breeding public or the drivers, and so forth.

Mr. Speaker, I have had the privilege, as has the agriculture committee, in meeting with a lot of these people. And they have been very straight up and said, 'We don't want a hand-out. We want the regulations to be straight up. We want to make our industry grow.' Saskatchewan can take no shame in the quality of animal it breeds, or the quality of driver or rider it has produced. I can say in my time that I have had the good fortune while I was a 4-H leader of teaching a young lady by the name of Joanie Philips to ride. Today, up until about two years ago when she had an accident, she was one of the outstanding riders in the North American circuit. Ray Remon, also from Saskatchewan, one of the top harness drivers in North America, and the record books show it.

We have never taken a back seat in this industry, as far as the breeding and the producing of quality animals have concerned. And once again, through negotiations this year, with the industry themselves, they have agreed that they will start to put part of the revenue which they get to improve the breeding of the industry. They have agreed that it is important that the breeders be recognized for quality animals and for races to be held which represent Saskatchewan-bred animals. And they have agreed among themselves to take part of the purse money that they would normally receive on all the other purses and put it towards that idea.

Now breeding of horses, Mr. Speaker, is something that you don't just do today. Before you see returns on your investment, the average is seven to eight years. It doesn't happen tomorrow; it's long-range planning. And that's what the industry needed, and that's why this industry came to the government. It came to the previous government as well, and we should give them credit. I believe it was in 1976 where the former government agreed to assist in certain ways to help the industry grow. Unfortunately, the former government cut the assistance off at the wrong time, when the industry was just getting over that tough hump, and therefore it stopped them from going that extra step that would have made it work, and they were stymied. They have come to this government and asked for — to start that procedure again, to long-range plan something.

Mr. Speaker, the Leader of the Opposition, when he spoke the other day, said that the commission should only have rights to affect the Saskatoon and Regina race-tracks, or only where pari mutuel betting is required.

Mr. Speaker, I know the Leader of the Opposition grew up around the horse industry and has seen some of it, as we chatted earlier and he spoke with me privately. And he knows that there is other parts of the industry. I'm not sure though that he was aware of what's called 'grading races.' And these are races that must be supervised by all the rules of pari mutuel to get horses' times and qualify to run in the major races.

It's so important with the thoroughbred industry and the harness industry today as it is with the quarter-horse industry, the Appaloosa industry and the Arab industry,

which are just coming on to the race-tracks in this province.

In other parts of the world, the richest races in the world are not thoroughbred races, but are quarter-horse races. And in some of those states where these are had they do not even have betting. And, therefore, that's all graded races, and it's all geared to timing. Therefore, that option must be left open. And under the laws it requires the provincial and the Canadian governing bodies to make sure that they are run under the same rules as pari mutuels, and therefore that must be kept in the legislation to qualify these grading races.

The Leader of the Opposition made much to-do about that, but I think it was because he did not understand the changes in the industry, and I submit that was his reasoning. Things have changed in the industry. The importance of triple ratings and AA ratings on times are very important in several of the industries on the breeding side.

Mr. Speaker, several other things came out during the meetings with the industry. I don't know if the members are aware that across Canada there is many different kinds of racing and in some provinces there is no thoroughbred racing at all. Ontario, Saskatchewan Alberta and B.C. are the only places where thoroughbred racing still continues. All other provinces have standardbred racing and all other provinces west of Ontario are now moving into the quarter-horse, Appaloosa and some Arab racing. That is a growing industry and these people are willing to go to the small communities to be able to do their job right. And by having an impartial commission which is not, as the accusation used to say, owned by and ran by the two exhibition boards for their benefit — which I don't believe was the truth of the matter, but that was the accusation left out there — will help all the communities in the province.

Mr. Speaker, I suppose I could stand on my feet for many hours and speak about this bill and what it should do for the industry. But I think those of us have been around the industry must also remember that in the tough years the Saskatchewan breeder didn't leave Saskatchewan; he stayed home. He kept the industry alive during the tough, lean years. Hopefully this commission and the five-year plan that is now being looked at to generate the industry and to assist in the breeding and bring top quality horses into this province on a larger scale will improve the industry.

Mr. Speaker, you can go down to the race-track in Saskatoon and have a steak dinner while you watch the races. That didn't exist before, and that has only come into play this year. It came into play because of the co-operation of the horsemen's benevolent society and the exhibition. You can now take your family for a steak dinner at the race-track and enjoy the races. It's becoming a family affair and you can enjoy it.

I think, Mr. Speaker, before I take to my feet, even though there's only \$20 million going through the pari mutuel window in the province — and going up every year — it is a major employer of people. And it employs, especially in the thoroughbred industry, a very large portion of native population, who have the abilities that most of us don't have to deal with animals and understand them, and therefore it's an important industry to those people because of the employment opportunities it gives them. Mr. Speaker, it's an important industry for Saskatchewan. My own personal suggestion would be it's about a \$40 million industry to this province. And that important in many ways because of the spin-offs.

The commission should make the thing more fair and plan ahead, and have the abilities to assist small communities, be it Maple Creek or anywhere else that is interested in going that way. So, Mr. Speaker, I must compliment my minister who's brought in the bill because of the wishes of the people in the industry, for their benefit. And the one thing that they did ask though, is that when we brought the bill in, that we recognize one important factor and that was to have an advisory committee which is not had anywhere else in Canada — the advisory committee to advise the commission — and let them be the people of bias from their own organization, be it the thoroughbred, or the race-track, or so forth. Let them be advisers to the commission so that all the industry will be allowed to speak and have their concerns heard. And I compliment the minister for that, and I suggest, Mr. Speaker, that this bill is one step in making this industry solid, productive, and better for them. I thank you, Mr. Speaker.

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

SECOND READINGS

Bill No. 85 — An Act to amend The Superannuation (Supplementary Provisions) Act

HON. MR. ANDREW: — Mr. Speaker, The Superannuation (Supplementary Provisions) Act is an annual type of act that comes before this legislature. This act applies to public service, the Saskatchewan Power Corporation, Sask Tel, workers' compensation board, liquor board — superannuation plan commonly referred to as the old plan, as well as the public employee superannuation plan referred to as the new plan. With the exception of one, the amendments are of a housekeeping nature. Two of the amendments deal with the service eligibility requirement at age 65 and the adjustment of a spouse's pension integrated with the old age pension plan. These apply to the old plans.

Another amendment gives employees in the plan the same rights to retire with 35 years service that is allowed to employees in the old plan. The major amendment in this bill provides for supplementary allowances to increase the pensions of superannuates' spouses and children. This supplementary allowance is based on the same principle used to provide increases last year, and that is specific dollars for each year of service. This method gives a higher percentage increase to those in the lower pension level based on equivalent service. The superannuate employee will receive \$19.20 annually for each year of service up to 35 years, which provides a maximum of \$672 per year or \$56 per month. This average increase will amount to \$42 per month, which is 6 per cent increase.

The spouse of deceased superannuates or employees will receive 60 per cent of 11.50 annually for each year of service used in the pension formula up to 35, for a maximum of 402.50 each year or 33.54 per month. The average increase will be about \$20 per month, which is 6.4 per cent increase. The 60 per cent is based on the normal pension paid to a spouse which retires from 50 per cent last year.

This same amount will be paid to the children receiving 60 per cent pension where there is no surviving spouse. Also, each child of a surviving spouse will receive 10 per cent of the superannuate's increase which is based on the normal pension paid to that child.

The method used in these increases is consistent with the principle inherent in our unit benefit plan that uses services to establish basic pension. The legislation demonstrates

the effect of inflation on pensioners is being recognized, that there is a concern for the retired civil servant and the spouse and children of that civil servant. This piece of legislation, of course, that we moved last summer, I believe, is exactly the same and consistent with that. It deals with those employees who have worked for the government and retired, and because of the nature of their old plan would not receive an increase. This is an increase that has been going for some time now, and added year after year.

With that, Mr. Speaker, I move second reading of Bill No. 85.

MR. SHILLINGTON: — Thank you very much, Mr. Speaker. The members of the opposition caucus will not be opposing this bill. It might have certainly been possible for us to argue that something more generous should have been done. That, no doubt, would have led to a spirited response with the Minister of Finance trotting out all our increases and how niggardly they were, and I'm not sure that the superannuates would be any richer for the exchange.

So, with that comment, Mr. Speaker, let me reiterate that we are not going to be opposing the bill.

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

Bill No. 86 — An Act to amend The Heritage Fund (Saskatchewan) Act

HON. MR. ANDREW: — Yes, Mr. Speaker, The Heritage Act, The Land Bank Repeal Act, The Farm Purchase program Act — we'll follow all three in order. Much will be the same, and like The Superannuation Act I'm sure that we will find a very non-contentious act here as well.

When we took office, Mr. Speaker, our ears were still ringing with NDP rhetoric about the heritage fund. We heard this perhaps four to five years, Mr. Speaker, that the heritage fund was our assurance of a strong future, that the heritage fund was our hedge against tough times, that the heritage fund was being managed in a careful and prudent way. That's what we heard.

When we blew the dust off the heritage fund, Mr. Speaker, and had a look at it, what did we find? As far as the people of Saskatchewan were concerned, there was nothing in the heritage fund for them. They had been led to believe that there was something there for them in tough times, for the future. But quite frankly, Mr. Speaker, there wasn't.

If I can paraphrase what I just said, Mr. Speaker, I think we, like all people of Saskatchewan on April 26, felt that there was a large sum of money there. Of course, as all people in Saskatchewan now know, that was not in fact the case. What we found was an incredible situation, Mr. Speaker. A private arrangement had been made. The former NDP government and the crown corporations had basically formed this hidden society, if you like, and had basically spent or used the entire proceeds of that heritage fund. By the end of fiscal year 1981-82, 81 per cent or \$919 million of the heritage fund asset were tied up in crown corporation loans and investments. And what was the effect of that policy? The cash-gorging crowns, with full direction and blessing of the NDP, intended on taking over the economy with it, Mr. Speaker. Not a policy of creeping socialism, but one of running socialism. A policy carried out in the smoke-filled boardrooms, if you like, of the crown corporations. The people of Saskatchewan, quite

frankly, were left out of the game.

This government, Mr. Speaker, has nothing against crown corporations. The members opposite suggest that we're going to sell them all off, that we will destroy them. We haven't done that, Mr. Speaker, and we don't intend to do that, Mr. Speaker. But we will not encourage a pampered sector of the economy that doesn't play by the same rules as everyone else plays by, Mr. Speaker, the hard financial rules of the market-place. No more sweetheart deals, no more money under the table.

Over the past months, I and my officials have spent much time reviewing the heritage fund and how it could be improved. We looked at many options. Paramount in our deliberations were the following. One, how do we improve the benefits of the heritage fund to the people of Saskatchewan, Mr. Speaker? In doing this, how can we increase the accessibility of Saskatchewan residents to the fund during tough times? Number three, how can we direct the assets of the fund to investments that will pay long-term economic dividends to the province of Saskatchewan? And, four, how can we ensure that the financial management of the heritage fund is carried out in the same careful, prudent manner as we apply and use for the Consolidated Fund? The Act to amend The Heritage Fund (Saskatchewan) Act, which is before us today, will help achieve these goals. The heritage fund is not being weakened by these amendments, Mr. Speaker, quite the contrary. It is being made far more meaningful to the Saskatchewan people, both today and into the future.

Allow me to outline the general proposals of the act. Number one, first of all the co-called 80-20 rule is being eliminated. As you recall, Mr. Speaker, this rather artificial rule set a ceiling on the size of the dividend that could be paid or transferred from the heritage fund to the Consolidated Fund in any one year. The intent of the rule was to force savings in the heritage fund of at least 20 per cent of its estimated annual non-renewable resource revenues. While saving is a desirable goal, the effect of the 80-20 rule is to force savings in poor economic years as well as in good economic years. No business could operate in this highly restricted and somewhat illogical operation. In short then, the rule is being eliminated to apply and to allow greater budgetary flexibility between the government's program financed by the Consolidated Fund. The people of Saskatchewan will have a greater access to the heritage fund resources during tough economic times. This is not to prevent, and it is not intended to ignore, the opportunity for savings to take place in the heritage fund when it makes sense to do so, quite frankly, Mr. Speaker.

Secondly, the amendment will create an agricultural division of the heritage fund. This division will not only provide access by Saskatchewan people to the fund, but it is a sound example of how we wish to redirect the heritage fund investments to areas that would provide both current and future economic benefits. Surely there is no better example of our common heritage, past, present, and future, than our agricultural industry. More specifically, the new agriculture division would be used to fund the farm purchase program. Other future initiatives in agriculture may be possible through this division over time.

Financially, the division will consist of assets from the resource division of the heritage fund — proceeds from the sale of the land bank and lands branch land. As well, the division will receive payments of loans made to The Land Bank Act. Expenditures from this division will consist of interest rebate under the farm purchase program — payments to farm purchase program fund to make up the difference between interest payments of loans made to establish the land bank, and the lease payments received on

that land, or loans, grants, or expenditures with respect to agricultural matters.

Third, the amendment will create the research and development division. This initiative was announced in the March budget. It is part of a package designed to redirect our economy's future again. Mr. Speaker, this a type of alternative to the heritage fund required to ensure that our future is a desirable future. The capacity of the heritage fund to provide for extensive research and development activities will help set the stage for a bigger and brighter future. The research and development division will consist of \$50 million of earmarked securities already held by the heritage fund. The interest in capital gains realized on these securities will fund the research and development activities.

Again, Mr. Speaker, these changes do not weaken the heritage fund. These changes instead redirect it, position it, to play a more meaningful role in the current and future economic life of the province of Saskatchewan.

I suppose if I could sum up what this bill is about Mr. Speaker . . . As I said at the start, when we took office, we, along with the rest of the people of Saskatchewan, were under the misunderstanding that the previous government over 11 years had built a large sum of money in the heritage fund. We found that not to be the case. We could have, I suppose, opted to simply eliminate the heritage fund because you would have been eliminating not much there. We have opted to use the principle of the heritage fund, Mr. Speaker, but to use that principle for people, not for crown corporations. And I suppose if you can describe this legislation, you can describe it in those terms.

We think the heritage fund should be used for the people. And we see it being used for the people both now, but more importantly in the future. And surely that's what's in the future, for young farmers, Mr. Speaker, to own their own farmland; in the future, Mr. Speaker, to help small companies, joint ventures, or whatever you like, with regard to research and development with regard to high technology. We believe that is an industry of the future in this province; we believe that's an important and appropriate way to allocate moneys of the province of Saskatchewan.

And with that, Mr. Speaker, I move second reading of the bill, an act to amend the heritage fund of Saskatchewan.

MR. SHILLINGTON: — I can't help commenting on the minister's statements with respect to what the former opposition perceived the heritage fund to be. Their ignorance was self-induced. Had they read the annual report or any of the other material which was available to them, they would have known precisely what that fund was invested in. Their failure to understand that is simply, Mr. Speaker, their failure to read what was given them — and perhaps their laziness when in opposition.

AN HON. MEMBER: — No, no — deceit.

MR. SHILLINGTON: — Their deceit. All right, I'll take the member's word for it. And I say to the member, you are victims of your own . . . you are your own victims.

Having said that, nevertheless it's undeniable that you have made a mess of the finances of this province which is mountainous in size, and unprecedented in size, Mr. Speaker. You have a deficit which was just unthinkable before you came into office, and that may augur for some sort of a waiving of the 80-20 rule. Having made the mess, you have to try and deal with it as best you can. I think we would have been happier if you

had simply waived the 80-20 per cent rule for this year. If you had to do it for another year, if you're not able . . . (inaudible) . . . come back and ask. I think that would have been a preferable method of doing it. To eliminate it entirely leaves this corner of the Chamber with a dark suspicion that we will never again see anything like an 80-20 rule, and you will simply go on like drunken sailors — thank you very much — as you have for the last 18 months, and not mend your ways.

We believe that the 80-20 rule had merit, and that it may be . . . It may be that this year you can make an argument for waiving it, but that it should have been restricted to this year; if you had to do some other year, all well and good. But it should have been eliminated on a year-to-year basis, and thus maintain the principle that a certain percentage of this should be saved and put into longer term projects. We may, Mr. Speaker, deal with that concern by way of an amendment in the committee of the whole.

With respect to the minister's goals with respect to research, agricultural research and high-tech research, we support your goals, quite frankly. We wait to see how you achieve them. I could express the cynicism that everyone else expressed about whether or not you're even going to achieve such high-flown goals, but no one can argue with the goals themselves. With respect to putting the money from the sale of provincial lands into the heritage fund, we think that's appropriate and would have been aghast had anything else actually been done with it.

So in the end result you leave us with a mixed bag, some of which we support and hope against hope that you achieve, some of which we have some real concern about. We have, I think, attempted to resolve that by voting in favour of the bill and introducing amendments in the committee of the whole. So that will be our position, Mr. Speaker, when the vote has been called.

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

Bill No. 94 — An Act to amend The Land Bank Repeal and Temporary Provisions Act

HON. MR. ANDREW: — Mr. Speaker, this is in conjunction with The Heritage Fund Act. The amendment will direct the flow of moneys received from the sale of the former land bank land to new agriculture division of the heritage fund. Previously, such money would have gone to the farm purchase program. This more or less mechanical change support the government's policy directing the establishment of the proposed amendment to the Saskatchewan Heritage Fund. I therefore move Bill 94, An Act to amend The Land Bank Repeal and Temporary Provisions Act 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.

Bill No. 95 — An Act to amend The Farm Purchase Program Act

HON. MR. ANDREW: — Yes, Mr. Speaker. Again, while revenues from the sale of former land bank will be directed to the agriculture division of the heritage fund, this amendment directs certain moneys to the farm purchase program fund. These include: lease payments, penalty on arrears of lease payments, interest payments on loans formerly granted the land bank commission for capital improvements to land, as well as

penalties of those interest payments. The farm purchase program fund will continue to be the mechanism used to pay off the debt associated with the acquisition of the former Land Bank Act, where lease payments received are not sufficient to cover the debt costs associated with the land, the agriculture division of the heritage fund will make up the difference to the farm purchase fund.

One future change of note is that the farm purchase program fund, by this amendment, will be able to assume the costs of selling Department of Agriculture lands branch land. An example of this would be advertising costs associated with what's up to sale. This amendment is mechanical in nature, and is designed to facilitate the government's policy stance with respect to the heritage fund. With that I move Bill 95, as Act to amend The Farm Purchase Program Act, 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.

Bill No. 96 — An Act respecting the Provision of legal Services to Certain Persons in Saskatchewan

HON. MR. LANE: — Thank you very much, Mr. Speaker. I know that his is a somewhat non-controversial piece of legislation, that members may wish to expedite proceedings in their attitude of co-operation. I know that the members opposite share with the government the concerns and the need for improvement in our legal aid system. Mr. Speaker, I'm sorry, I didn't . . . (inaudible interjection) . . . the hon. member, the hon. member makes the statement that the only thing he shares with the government is this room and he would like to end that. Let me assure the hon. member that after the next provincial election, he won't have to share this room with us because he'll be back in private law practice making an honest living . . . (inaudible interjections) . . . And I know, Mr. Speaker, that the NDP don't want to hear this, but there's little doubt that but for good luck, as opposed to good management, he's sharing this room today.

Mr. Speaker, for some time now the provision of legal aid to people who cannot afford representation before the courts of the land has been an accepted practice . . . (inaudible interjection) . . . The hon. member asked me from his seat, Mr. Speaker, where is his opponent in the last election. I suspect that he's out knocking on doors right now getting ready for the next one, Mr. Speaker, and if the hon. member opposite was . . .

MR. SPEAKER: — Order, please. I believe that the minister is on his feet to discuss Bill No. 96, and I would ask him to stay on that subject, please.

HON. MR. LANE: — I apologize, Mr. Speaker. I know that the bill deals with legal aid, but I was trying to give a little political aid to the member opposite and some advice. He didn't listen to me about the election. I'll get back on the topic, Mr. Speaker.

For some time now provision of legal aid to people who cannot afford representation before the courts of the land has been an accepted practice. It is a provincial responsibility, because administration of justice is a matter of provincial responsibility. Across this land, to a greater or lesser degree, an interesting variety of strategies are used to make sure that those who cannot afford legal aid are indeed represented.

The history of legal aid in Saskatchewan is a relatively short one, with the provincial statute being first introduced in 1974. Legal aid in Saskatchewan existed in other

forms for many years prior to 1974. One should not forget the service of the legal profession in providing counsel to those who could not afford representation. And even though the provincial governments have assumed responsibility for legal aid across this country, there still is a strong tradition of voluntary support.

The Community Legal Services (Saskatchewan) Act was devised in 1979, and I understand that a further revision had in fact been planned for 1981-82. Thus, legal aid has had a rather unstable history existence in Saskatchewan, particularly in 1978 when the previous government had sufficient difficulties that they had to change the act in an attempt to control unrestrained spending.

I don't want to downgrade, nor do I intend to downgrade, the valuable contribution of those who have worked in legal aid in Saskatchewan, either as staff people in what have been called legal aid clinics or the generous voluntary efforts of the lay people in the community. I do, however, want to comment on the reasons for introducing a new bill at this time.

The first and most important reason is to ensure the equitable delivery of services of legal aid throughout the province through a coherent legal aid plan. One of the most important tenets to which we all surely subscribe is that each of us stands equal before the courts of the land; that each of us can expect equal treatment in the administration of justice. Plus it is essential that a coherent plan, which applies equally to all citizens of Saskatchewan, be in existence. This in no way denies the fact that in certain areas of the province the priorities may be a little different, or that more frequently, service will be provided in one aspect of the law as opposed to another. But it does seem to me a reasonable expectation of the public to be assured that if in one area of the province legal aid is available for divorce actions that the same service be available in all other areas.

AN HON. MEMBER: — Not necessarily so.

HON. MR. LANE: — Not necessarily so, says the opposition. I'm somewhat surprised that the NDP would take that position. However, it's very, very interesting that when we talk about essential services to the public, that the NDP for the first time have now said that they do not say that essential services should be applicable across the province.

Similarly, with regard to child apprehensions. Surely it is minimum expectation that if in one area legal aid is available for child apprehension matters, it will be available in all other areas. In the criminal area there is less opportunity for local option, because of the requirement of the federal-provincial agreement that all matters under the Criminal Code are eligible for legal services if the client is financially in eligible. Even there, however, it can be rather disconcerting to the public that in one area a decision will be made not to provide legal services for a particular category, whereas that same category does not receive legal aid in another part of the province.

Just as important as the public confidence in the evenness — the quality of service — no matter in what part of the province. The MacPherson report did express substantial concerns about the unevenness of the quality of legal service being delivered. This does not make a direct personal attack on individuals concerned. It was a criticism of a complicated system in which there could no be any effective direct supervision and professional development right across the province.

These and other undesirable shortcomings in the present plan are as a result of the ambivalent role of the legal services commission. By statute, the legal services commission had significant responsibilities. It must not spend more money than it was allocated. It had a responsibility for the quality of legal service. It had a responsibility to ensure that only eligible clients are in receipt of service. It had a responsibility to ensure that the federal-provincial agreement was not affronted.

But these responsibilities are separated from the power or authority which lies in the hands of the employing boards. The separation of responsibility and authority constitutes a breach of a basic principle of management.

One could argue that these powers have simply been delegated and that the commission has only a watch-dog role. But if one looks at the current legislation, the only powers that lie in the hands of the commission — of any real consequence — are the power to withhold funding and the power to revoke the appointment of a board. Rather Draconian measures to deal with problems.

In our view, these powers are completely inappropriate in the ongoing operation of an organization. And I was in the position, as Attorney-General, of having to pull a board because of improper operation. Mr. Speaker, those were the only options. There was no option to go in and correct the operation. The option was to pull the funds . . . (inaudible interjection) . . . That's your act. You ask me why . . . That's your legislation, and in fact, Mr. Speaker, as I say, a rather inappropriate response to problems.

These powers, in our view, are completely inappropriate in the ongoing operation of an organization. They are, indeed, the final solution to long-standing problems and naturally in good management one doesn't want to have to call on that final solution in order to solve every problem.

The commission has the power to give prior approval to the appointment and dismissal of solicitors. But the commission does not have the power to actually select solicitors or dismiss them, they and the other staff in the employ of the boards, who have that sole power to employ and dismiss.

It has been admitted that the role of the boards as employers has been most uneven. At times boards are guilty of transgressing into areas of administration, which are properly the responsibility of the legal directors. This leads lay people into difficult areas of evaluating the professional decisions of solicitors.

On other occasion legal directors have fallen into the undesirable habits of making decisions and simply announcing to their boards what is indeed going to happen. Policy then slips over into the staff area while, as I have mentioned earlier, administration is improperly assumed by the employer.

To comment on financial management may be dismissed as bloodlessly bureaucratic. But in or view the management of public funds, no matter what the organization, is a prime concern and a prime priority.

The broadened powers which we are contemplating giving the Provincial Auditor is evidence of this. It is not merely a matter of making the books balance at year end. It is the larger issue of productivity, or the efficient use of funds available with respect to this plan.

The primary concern is over the uneven distribution of financial resources to boards and clinics throughout the province.

The NDP might argue that under the present legislation the commission has the power to redistribute funds and withhold more and grant more in another area. But of course when one is dealing with 13 individual employers one cannot make such major adjustments without doing a grave disservice to both the employers and the employees.

But let me turn back to what it is we hope to accomplish by passing this piece of legislation. First, we hope to establish an efficient and an effective commission through whom direct services will be supplied throughout the province. And what about the commission itself? We are expanding the membership of the commission. We have given new point to the primary duty of the commission to provide legal and related services to people and organizations who are financially unable to obtain those services through their own resources. By assigning the listed duties and power directly to the commission we can have the expectation that the commission will indeed develop an efficient and equitable program of services to the people of Saskatchewan.

The membership appointments have been so designed that no one particular group can hold sway or dominate over the others, and that the number of direct appointments by the Government of Saskatchewan is in a minority. The government is eager to have an independent, imaginative, and highly effective commission and staff, through the commission, with direct responsibility for financial management and for the allocation of human and financial resources.

Under the new legislation, the commission will be able to assign funds on the basis of perceived pressures and loads and to utilize its staff in the most effective and the most efficient way — for example, on detached assignment, making an opportunity for experienced counsel to work with junior counsel on particularly challenging cases in different areas. The commission more readily will be able to arrange for transfers of people. Those who feel the need for change of environment will find this opportunity highly desirable. The legislation will require that it is the commission which will determine the basic range of services which will be provided across the province, always keeping in mind that solicitors will have to use their professional judgement in dealing with the priorities.

This legislation, Mr. Speaker, will clear up in the minds of the public an understandable confusion about what legal aid services are indeed available across the province, how those services are made available, and what to do if indeed those services are refused, and then what appeal mechanisms are in place.

I expect that as a result of this legislation the legal aid plan will have a much more visible presence in the province of Saskatchewan. Immediate responsibility for the delivering a basically sound legal aid program is always responsibly constrained by the funds made available to it by this legislature.

The new legislation will encourage the commission to review the geographic areas in which legal aid is provided; not, as some have accused us, of providing a way of closing down areas. But if the commission deems it fit, it can, under the new legislation, explore different geographic modes of delivering services.

This legislation will provide an opportunity for the legal directors in charge of legal aid offices to work directly with the commission staff in developing systems that will improve the quality and productivity of the system. Such consultations will become part of the necessary work of improving the delivery of legal services.

The comments made by Mr. MacPherson in his report can be answered by the functioning of the commission under this new legislation: professional discretion in dealing with the merits of the case, professional development, responsibility of legal directors, the establishment of a unified system of accounting, and so on.

But now the rhetorical question: what about the local boards? A choice had to be made in drafting the new legislation as to whether or not to retain the local boards as advisory groups, being, as they are, offshoots of societies or corporations. The legislation reflects our decision to dismantle that structure and to establish in a very simple and direct way advisory committees for each area consisting of up to 13 members. Members of the advisory committees will hold office for a stable, extended period of time. The number of members on the local advisory boards was a suggestion made to us by members of board within the legal aid plan.

The commission is empowered by this legislation to pay appropriate remuneration for expenses. Three members representing the interests of the advisory committees will be elected to the commission by a committee of chairpersons of the advisory committee. There is no restraint on who those three representatives may be. I would point out that the advisory committees have a very important role to play in the areas. They want the advisory committees to be an appeal mechanism through which people can challenge the denial of services.

The legislation gives the advisory committees the power to advise the commission respecting the legal aids of the larger communities. They may undertake to inform the public with respect to services available in the area. They may, working with the commission in such organization as the Public Legal Education Association of Saskatchewan, arrange for programs on providing information and advice in the legal area. The opportunity for community input into the legal aid plan in Saskatchewan is very much alive.

The new legislation not only encourages the legal aid plan to claim costs assigned to it as did the previous legislation, but it does not discourage the claiming of eligibility through misrepresentation.

Generally, the clarity and precision in definition, and the requirements in carrying out the terms of this act, have been significantly improved.

In summary then, what the proposed legislation does, in keeping with the central recommendation of the MacPherson report, the new act will make the commission the body responsible for the direct delivery of services, and relieve the boards of the task of managing the clinics. The hon. members opposite may criticize. But I ask the hon. members opposite to recall the previous studies done by the former government which in fact, Mr. Deputy Speaker, made it clear that there was a problem between the local boards and the commission, and that they hoped that in fact these problems will be dealt with. But in fact the problems were not dealt with. I would hope that the members opposite would recognize that at some point, at some time, the problems between the local boards, the autonomous local boards, and the established commission had in

fact to be dealt with.

The hon. members say that it increases the bureaucracy. In fact, Mr. Speaker, it makes one organization, the commission, responsible for the operation of the plan, not 14 different organizations. The NDP believe that 14 different organizations running the legal aid plan was the way to go. We suggest, Mr. Deputy Speaker, that it's far more efficient, and far more effective, and far better for the recipients of legal aid to have one central commission which in fact will ensure that services are supplied and that they, the recipients, are getting the best legal advice possible.

Advisory committees will be established to communicate to the commission the concerns and needs of the local communities, and to promote legal education, and an understanding of the legal services in the community. With the commission itself directly administering the plan, the new act should thus ensure a more effective financial management or a more equitable distribution of resources, and more even delivery of services, and more direct control over the quality of services.

With an expanded — I suggest expanded — and more representative commission the new act responds to a major concern of the MacPherson report. The new act confirms the duties of the chairman to include the functions of the chief executive officer, and a separate position of provincial director will be dropped from the old legislation. The new act will be drafted to remove certain obscurities and interpretation, including a revised definition section so as to make it more readily understandable to its users.

The government has no desire to intrude into the delivery of legal aid in Saskatchewan. We expect that the strong representation from the legal profession on the commission will in fact ensure that. Nor does the government wish the delivery of legal aid to become an insensitive bureaucratic machine. We believe that strong public representation on the commission will prevent that.

Mr. Deputy Speaker, we place a great deal of authority in the hands of the legal aid commission and in return for that, we, as a government, representing the people of this province have a high level of expectation of performance of that commission to ensure that through the implementation of this legislation, the commission will be able to function in a most productive, effective way in the delivery of quality legal aid to those eligible.

Mr. Deputy Speaker, the issue is very simple. The issue is very simple whether the people of Saskatchewan should have an efficient and an effective legal aid program administered consistently throughout the province, that are aware of the public demands, and aware of the financial situation of the legislature at any time. Mr. Speaker, no longer can Saskatchewan afford to have 14 different legal aid plans across the province, which was proposed by the NDP. Some jurisdictions were giving tax advising to the recipients of legal aid. Others wouldn't give tax advising to the recipients of legal aid. Some boards are directors will run effectively and efficiently, and others cause problems after problems. There's little doubt, Mr. Deputy Speaker, that the choice is quite simple. Do we want an effective, efficient, legal aid plan that applies across this province, or do we want 14 separate legal aid plans going 14 separate directions as proposed by the former government opposite? Mr. Speaker, it is with a great deal of pleasure that I move second reading of Bill 96, The Legal Aid Act of 1983.

SOME HON. MEMBERS: Hear, Hear!

MR. KOSKIE: — Thank you, Mr. Deputy Speaker. I want to make some brief comments today, and to continue my comments in great detail on subsequent occasion. But I think what the minister has clearly indicated here is that there is an entirely restructuring of legal aid as we had it and how it was set up before in the province of Saskatchewan.

And I want to say that the legal aid system that we had in Saskatchewan — was a unique system of legal aid, unique from other provinces. It was not dominated by government, nor was it dominated by the private bar. Unique — it was locally controlled. And today, what we see here is the government moving for central control. A commission which will, I submit, even though the minister has indicated, will in fact be dominated by government appointees. And what he is saying, is the strength of his changes will bring uniformity. And throughout this province the strength of the local control was indeed . . . For instance at La Ronge, they could in fact with their local board put emphasis in the area of the greatest needs of that community and that culture. And here he says we'll set up a central control, we'll appoint a chairman, and what we are going to do is completely give constant and uniform uniformity. And he says, you know, you can't have a system, one, unless you have this uniformity. Well, I want to say that I haven't seen them, and perhaps the next move by this government is in respect to home care.

We have local home care boards, 45 of them throughout the province, delivering the services and emphasizing the services that is needed in that home care area, and that's called local autonomy. And that's what we had in the legal aid system before — local people making decisions for local people. And now we have taken away the uniqueness of the plan, just because he indicated he had one problem. One problem, and this minister wipes out a system that is unique across Canada, rather than taking a look, having representation, having public hearings, as has been requested, in order to determine whether or not — rather than wiping out local autonomy, local improvement, and going for the total central control. He wouldn't have any public hearings. He was afraid because he knew if he went to those communities he would be rejected in the central control approach.

It's interesting to see, Mr. Deputy Speaker, he indicated that the quality of service was uneven. Well, I would like to indicate to him that I would think that if you went through the private bar in Saskatchewan that you would find in various areas, uneven services being provided, because that is obvious. I wrote it down.

A MEMBER: — What kind of justification is that?

MR. KOSKIE: — Well, I'm saying exactly what you have within the private bar — uneven services. In one area you'll have good supervision; in another area you may not have. 'Equitable distribution of legal services,' he says, 'throughout the province. Essential services applicable to all.' And what he is saying then is that he totally disagreed with the concept of local boards deciding the emphasis in respect to the program. That's exactly what he's saying. Totally disagreed with local autonomy. That they didn't know what they were doing. Get rid of 'em. Put it into a central control. That is what he has said. And then he says there was a separation of authority. The boards had some authority, the commission had some authority, and after all the commission did have complete authority. They had the funding — the control of the funding — and through that, of course, governments control various organizations. Every organization in social services is dependent upon the department, and the department effectively regulates the direction and expansion of them in respect . . . and the services they

provide, by the funding.

And so what he has done here in one fell swoop is to completely, completely wipe out the local autonomy, the local input, the local boards. That's what he has done. And what he has done is really indicated the direction of this government. Really what he is saying: 'We've been elected with a massive majority. We know what's best for you out there in Saskatchewan, and so we are going to wipe out local autonomy.' As I said, Mr. Deputy Speaker, I want to only make a few comments, because the comments made by the Minister of Justice . . . I want the people of Saskatchewan to have an opportunity to take a look at the devious road that he is treading on. And I'll tell you that there are a large number of people that are concerned, and during estimates I tried to steer this minister in a direction that was consistent with what the people of Saskatchewan wanted, and I documented all of the concerns that were raised in this province. And, obviously, his course could not be changed. But we have before us now the bill and the principle is very clear. And there's one overriding principle here, is that Minister of Justice wants to control the legal aid system in this province. He is completely determined that that's the direction it's going to go, not concerned, I indicate, with the needs of those who are being served. Because at no times did he meet, as I indicated before, with the natives, with the poor, with the university groups — all the representative areas that were in fact receiving the benefits of an effective legal aid system.

The other thing that perhaps . . . What is behind this is another cut — a Tory cut — because initially, when the former Justice MacPherson brought it in, the first reaction that he made is, 'I'm going to save a million bucks — a million bucks.' He didn't look and analyse the report of Mr. Justice MacPherson and say that I think that I'm going to be able to improve services. 'No,' he said, 'I think I can cut and save a million bucks.'

And I want to say that what is happening here is the undercutting of the whole social program system that was built up from 1944 till 1982 under the auspices of the CCF and the New Democratic Party. There is, I want to say, and when you look at the actions of the Minister of Justice, yet another program was cut. He cut the program in respect to the John Howard Society. Now he has cut another group, the freedom group, which were in fact counselling, counselling ex prison mates. He has cut the bush camp for young offenders. The whole direction here in this bill is evident of the direction of this government. It's a right-wing movement and the direction is to decrease local autonomy, put it in control of the bureaucrats, and the minister take it away from the control of the local community, and that's what is indicated here.

Mr. Deputy Speaker, I indeed will have a considerable amount more to say on this. I want an opportunity to discuss this with the interested citizens of Saskatchewan, and accordingly, I beg leave to adjourn debate.

Debate adjourned.

Bill No. 99 — An Act respecting the Reciprocal Enforcement of Maintenance Orders

HON. MR. LANE: — Thank you, Mr. Deputy Speaker. The NDP opposition have indicated that the government's moves in the justice field are reactionary right-wing. I'm very interested . . . We'll be very interested, Mr. Deputy Speaker, to understand and find out where the NDP stands on the new Reciprocal Enforcement of Maintenance Orders Act, 1983. Because, Mr. Deputy Speaker, in our view one of the significant problems on, particularly the case of marriage breakups has been the refusal of one spouse to make

maintenance or alimony payments. And some spouses have in fact gone out of their way to avoid making payments and honouring either their legal or moral obligations. We intend, as a government, to take some action to try and improve the ability of spouses to in fact be able to collect maintenance, particularly with regard to spouses that have either intentionally left the province to avoid their obligation or that have moved to other provinces or other jurisdictions throughout North America that in fact signed the reciprocal enforcement of maintenance agreements.

Mr. Deputy Speaker, it'll be very interesting to find out where the NDP stand, because they call this right-wing legislation, and you heard them say that. They generalized, Mr. Speaker, and they said that the justice system was a right-wing approach, and they are saying that this new Reciprocal Enforcement of Maintenance Orders Act is right-wing legislation. I dare, I dare, I dare the NDP to stand up in this House, Mr. Deputy Speaker, and in fact vote against this legislation and vote against the efforts of this government to try and make the spouses honour their agreements and their obligation to pay maintenance. And particularly I want to see whether the NDP are going to stand up and vote against the efforts of this government trying to help females, women, try and collect their maintenance. And I'm very interested, I'm very interested to find out where the NDP stand because everybody in the province heard them say that this is right-wing legislation.

Mr. Deputy Speaker, the government is presenting this bill, which has been modelled on the draft act prepared and recommended by the Uniform Law Conference of Canada, as a continuation of Saskatchewan's commitment to reciprocal enforcement of support orders. Saskatchewan's role dates back to 1957, and in 1968 Saskatchewan passed the then uniform act, which will be repealed by the enactment of the proposed legislation.

In 1978 the Uniform Law Conference prepared and recommended draft legislation, which we have now amended to suit Saskatchewan's requirements. This uniform act, with the appropriate amendments, has been enacted in Ontario and proclaimed, enacted in Manitoba and Alberta and is awaiting proclamation, and is expected to be introduced in New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland in 1983. Saskatchewan must keep pace with other jurisdictions, and in our view we must proceed with this bill now, whether the opposition is opposed to it or not.

This legislation is significant in ensuring that support is provided to dependent spouses and children. It allows for the enforcement of support orders made in one province or jurisdiction, against a defendant in another province, and therefore is a guarantee of economic stability to the single-parent family. It also aids in keeping families off the provincial welfare rolls, where financial assistance can be enforced against the absent spouse or parent. It also enhances the public perception of the operation of the court, as it operates to ensure that court orders for support are in fact respected.

The present legislation clarifies . . . The bill clarifies areas of confusion that arose as a result of different interpretations of the previous uniform act in the various jurisdictions, and as well adds provisions which cover areas of support, enforcement that were not covered in the previous act.

For instance, previously if a provisional support order made in Saskatchewan was sent to Ontario for confirmation and enforcement, and the court in Ontario refused to confirm the order, it was unclear whether the matter could be reopened. But section

4(6) of the bill provides that the matter of support can be reopened within six months from the denial of confirmation.

Previously, as well, the law was unclear in the various jurisdictions as to whether matters of finding a parentage could be dealt with during confirmation hearing proceedings. Now section 5(1) clearly states that these matters can be dealt with, but that such finding of parentage only affects support and does not import legal status respecting inheritance, etc.

Thirdly, previously if an order was made in Saskatchewan and the claimant moved out of Saskatchewan but the respondent remained here, the claimant would have to engage private counsel to enforce the order in Saskatchewan, and the reciprocal legislation did not apply. Now section 3(3) allows the order to be enforced in Saskatchewan, as with any other claimant resident in a reciprocating jurisdiction.

Previously there was no right to interim maintenance where a confirmation hearing was adjourned for further evidence. Now the courts and the act give such a right in section 6(8).

Fifthly, previously a respondent in Saskatchewan wanting to vary a final order from Ontario, registered in Saskatchewan, would have to go back to the original court in Ontario to apply for the variation. Now the act provides for a method of provisional variation, which eliminates this problem, in section 8(7). In fact, previously if neither party was in Ontario but the order had originally been made in Ontario, both parties would have to go back to the Ontario court to apply to vary the order. Now if the parties agree, the order can be varied in Saskatchewan pursuant to provisions in section 8.

These are some of the instances where the new act will assist both the respondent and the claimant to deal with support issues. The act does not bring about substantive changes to the present procedures in law, but does clarify areas of inconvenience and delay, to ensure that support orders can more efficiently and effectively be dealt with by the courts.

Mr. Deputy Speaker, I call the hon. members' attention to amendments that this government has introduced with regard to The Queen's Bench Act, whereby it will now be a matter for contempt of court if one of the spouses refuses to make alimony or maintenance payments — that the courts can now hold that individual in contempt. This government believes that spouses have an obligation to their children, to their spouses, to supply support — adequate maintenance and support — and that they cannot avoid that responsibility merely by moving to another jurisdiction. And they cannot avoid that responsibility by simple refusal to pay.

These amendments — and I urge the hon. members to consider them in context with our amendments to the Court of Queen's Bench — will, in fact, make it easier for spouses to enforce maintenance order, for children to enforce maintenance orders, wherever they be in Canada. And I suggest that the hon. members opposite, in the NDP, in fact recognize this as progressive legislation, recognize this legislation as necessary, and recognize that spouses on separation, or divorce, have an obligation to their children and their families, and that this legislation is worthy of passage, deserves passage by this Assembly. Mr. Deputy Speaker, I hope the hon. members opposite will reconsider their position and, as I say, recognize this bill as progressive and necessary and will change their minds and support this legislation.

Mr. Deputy Speaker, I move second reading of this bill.

SOME HON. MEMBERS: Hear, Hear!

MR. KOSKIE: — Mr. Deputy Speaker, I want to make a comment, particularly in respect to the closing comments by the Minister of Justice, where he asked and he hoped that the members opposite in the NDP would change their minds and support this. I wonder under what pretence does he allude to knowing what's in our mind before we have had the opportunity, in fact, to discuss it. It was just a cheap political shot, because in the previous act he was under substantial attack for substantive reasons.

I want to say in respect to this act here, as the Minister of Justice has indicated, there is no substantive changes. This act has been around for a number of years, and what we are doing here is merely upgrading some of the provisions in conjunction with other provinces and reciprocal states. And certainly we are in concurrence. This has been a major problem in the enforcement of maintenance orders by wives and children, where often the individual would be rather transient after an order was received, would leave the jurisdiction and there would be difficulty in the enforcement. The Reciprocal Enforcement of Maintenance Orders Act is just that. It helps to upgrade and to allow for the enforcement of the orders of those which the court has deemed fit that a maintenance order should in fact be granted.

Certainly, we on this side are in favour of the upgrading, of providing better co-ordination with the other provinces as they upgrade their legislation. And accordingly, we will have no difficulty in supporting this particular legislation.

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

Bill No. 100 — An Act to amend The Land Titles Act

HON. MR. LANE: — Mr. Deputy Speaker, it's with great pleasure I moved second reading of Bill No. 100, An Act to amend The Land Titles Act. This bill is designed to accomplish three main objectives. It contains provisions, firstly, which will see our policy with respect to regulatory reform move forward by eliminating some of the reasons for rejection of documents in the land titles offices. By removing some of the strict requirements which currently impede dealings with land, the transfer and development of land will be made easier. All of these amendments will assist the offices in coping with burgeoning work-loads generated by an improved economy. These amendments have the further benefit of specifying with greater clarity some of the rules to be followed in land titles offices and therefore will make land transactions more understandable to the general public.

Specifically, the bill will simplify procedures by eliminating the certificate of charge. That amendment is contained in section 12 of the bill. A certificate of charge is a certificate prepared and issued by a land titles registrar certifying the priority of registration of the lender. Historically, certificates of charge were required for three reasons. Firstly, when the Territories' Real Property Act of 1886 was passed, the certificate of charge made the new land titles system easier for lending institutions to accept. Under other systems of land holding, lenders keep the title deeds. Under the land titles system introduced in 1886 in all of western Canada, the title deeds are kept by the land titles offices. The certificate of charge was a concession given to lenders to encourage their support of the new land titles system. It's trite to say that today lenders

have the utmost confidence in and support for what is known in western Canada as the Torrens land titles system.

Secondly, prior to 1958, certificates of title were maintained in large books. One title contained many parcels of land, and there could be many endorsements on the back of each title. When a mortgage was granted, due to the size of the title and the number of endorsements, it was difficult for a bank to determine its priority position. In 1958, certificates of title were converted to separate documents in a reduced form allowing easy access to title information. No other mechanism existed for a bank or lending institution to readily determine its priority position until the invention of the photocopy machine which made a certified photocopy available to any mortgagee.

Since the original reasons for the existence of a certificate charge no longer exists, it is proposed to eliminate it entirely to improve efficiency in the land titles offices. It is estimated that at least four person-years will be saved throughout the system by this amendment. I might advise that the province of Alberta did away with the certificate of charge in 1977.

Secondly, under section 20 of the bill, it will no longer be necessary to have an affidavit as to whether the registered owner is alive or dead. This requirement was not removed when the reason for its existence, The Succession Duty Act, was repealed in 1976.

Thirdly, by an amendment to section 88 of The Land Titles Act in section 8, the possibility of a court application being required to prove that a registered owner of a property is not a bankrupt, a mentally incompetent person or a defendant under a maintenance order, who happens to have a similar name to the unaffected owner is eliminated, by permitting an affidavit simply to be filed stating that the registered owner is not the same person as the one who is bankrupt, mentally incompetent, etc.

Under other amendments proposed by this bill, it will be possible to remove a bankruptcy assignment from the system by filing a discharge order, rather than requiring another court order solely for land titles' purposes. The amendments also provide new mechanisms by which a registered owner may recover a wrongfully withheld duplicate certificate of title. It is made easier to calculate the value of a leasehold interest in land by virtue of the amendment to section 21 of the bill. The act also permits partial discharges of certain instruments such as maintenance orders and easements.

A second objective of the bill, not related to the objective of facilitating land transactions, is to provide an additional mechanism for cancelling plans without affecting mines and minerals. At present, a minor development plan could take up to one year to process because of the demands of The Land Titles Act. These problems are addressed by amendments proposed in sections 10 and 11.

Finally, the bill makes certain amendments of a housekeeping nature, dealing primarily with the forms contained in the schedules of the act. I am sure that the hon. members will wish to address as well the question of the service at the land title, and I would like to advise the hon. members that because of the improvement in the economy, and because of the great success of the government's farm purchase program, and the great success of the government's housing incentive programs, there has been an overwhelming demand on the land titles system in the province of Saskatchewan. The Department of Justice will be taking recommendations to treasury board in the very near future to deal with the particular problems.

AN HON. MEMBER: — It's about time.

HON. MR. LANE: — The hon. member says it's about time. Let me suggest . . . (inaudible interjection) . . . yes, it is about time that the economy improved in this province, and we're glad, Mr. Deputy Speaker, that the economy has improved. I would also like to say that I'm overwhelmed in the success of the government programs of the farm purchase program and the \$3,000 grant to builders of new homes. That's a small price to pay to lands and the land titles because of the great success of the government programs, the government programs that I hope that the hon. members again will change their mind and recognize as programs not only desired by the people of Saskatchewan, but I believe universally welcomed by the people of Saskatchewan. I urge all hon. members to support me when I move second reading of this bill.

MR. SHILLINGTON: — I think, Mr. Minister, the opposition is basically in favour of most of the changes you have made. Let me first of all deal with the backlog in the land titles office; it is a very serious problem. I called Moose Jaw land — I'm not picking, putting the hammer on Moose Jaw; they're no worse or not better than anybody else . . . but I called Moose Jaw yesterday wondering when an instrument that I had sent in might be registered. I was told they were working on the 12th, and falling behind each day. And it is a serious problem. That means, Mr. Deputy Speaker, they're three weeks behind.

If you have an instrument rejected, it's going to be an utter disaster because it'll be six weeks getting it through. So the minister has that right. That is a serious problem and I hope it's addressed at the earliest opportunity.

The certificates of charge — I have long wondered why we haven't abolished these things. They are universally required by all lending institutions out of force of habit and they are universally a nuisance. And I think that we're well rid of them. most of the other things as well. I'm not going to go over them in detail. Affidavits as to whether a person is dead or alive — I've learned something. I never was sure why that was on the back of a transfer. And I've learned something now. Now that it's finally abolished I finally know why I've been filling them out on occasion.

The other changes, I think, will speed up the work of the land titles office. That is badly needed, as I have said, and as the minister has candidly admitted. And I feel we'll be supporting this bill, Mr. Deputy Speaker.

MR. KOSKIE: — I just want to raise one point which will be of convenience to the Minister of Justice and that, Mr. Minister, I'll be raising and perhaps there's an explanation I didn't understand when I read through it. And that's in section 4, and if you turn to the second page, subsection (2.1). You know, where you have the consolidation of the title and where you own a piece of land and then if you buy another piece of Crown land they may consolidate that into one title. Now it goes down to subsection (2.1) and it says:

Where the registrar grants a single certificate of title pursuant to subsection (2), the certificate of title so granted shall be subject to the encumbrances affecting the certificate of title of the registered owner as it existed prior to the registration of the conveyance from the Crown.

What I'm really wondering: whether what you're doing is extending the encumbrance from what was on what he previously owned on into the consolidated, including the

Crown.

But I'll just raise that and I'll raise it 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.

The Assembly adjourned at 4:47 p.m.