

**LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**  
**June 2, 1983**

The Assembly met at 2 p.m.

Prayers

**ROUTINE PROCEEDINGS**

**REPORTS OF COMMITTEES**

**Standing Committee on Non-Controversial Bills**

**Bill No. 53 — An Act to amend The Non-profit Corporations Act**

**MR. SHILLINGTON:** — Mr. Speaker, as chairman of the standing committee on non-controversial bills, I present the third report of the committee, which is as follows.

Mr. Speaker, as chairman of the non-controversial bills committee, I wish to report Bill No. 53, An Act to amend The Non-profit Corporations Act, as being non-controversial.

**MR. SPEAKER:** — When shall this bill be read a second time?

**HON. MR. BERNTSON:** — Mr. Speaker, I move that second reading and consideration in committee of the whole on the said bill be waived.

Motion agreed to.

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

Motion agreed to and bill read a third time.

**Bill No. 52 — An Act to amend The Religious Societies Land Act**

**MR. SHILLINGTON:** — Mr. Speaker, as chairman of the non-controversial bills committee, I wish to report Bill No. 52, An Act to amend The Religious Societies Land Act, as being non-controversial.

**MR. SPEAKER:** — When shall this bill be read a second time?

**HON. MR. BERNTSON:** — Mr. Speaker, I move second reading and consideration in committee of the whole on the said bill be waived.

Motion agreed to.

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

Motion agreed to and bill read a third time.

**Bill No. 59 — An Act to amend The Property Improvement Grant Act**

**MR. SHILLINGTON:** — Mr. Speaker, as chairman of the non-controversial bills committee, I wish to report Bill No. 59, An Act to amend The Property Improvement Grant Act, as being non-controversial.

**MR. SPEAKER:** — When shall this bill be considered a second time?

**HON. MR. BERNTSON:** — Mr. Speaker, I move that second reading and consideration in committee of the whole on the said bill be waived.

Motion agreed to.

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

Motion agreed to and bill read a third time.

**Bill No. 60 — An Act to amend The Senior Citizens School Tax Rebate Act**

**MR. SHILLINGTON:** — As chairman of the non-controversial bills committee, I wish to report Bill No. 60, An Act to amend The Senior Citizens School Tax Rebate Act, as being non-controversial.

**MR. SPEAKER:** — When shall this bill be read a second time?

**HON. MR. BERNTSON:** — Mr. Speaker, I move that second reading and consideration in committee of the whole on the said bill be waived.

Motion agreed to.

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

Motion agreed to and bill read a third time.

**Bill No. 63 — An Act to amend The Rural Municipality Act**

**MR. SHILLINGTON:** — Mr. Speaker, as chairman of the non-controversial bills committee, I wish to report Bill No. 63, An Act to amend The Rural Municipality Act, as being non-controversial.

**MR. SPEAKER:** — When shall this bill be read a second time?

**HON. MR. BERNTSON:** — Mr. Speaker, I move that second reading and consideration in committee of the whole of the said bill be waived.

Motion agreed to.

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

Motion agreed to and bill read a third time.

**Bill No. 64 — An Act to amend The Municipal Revenue Sharing Act (No. 2)**

**MR. SHILLINGTON:** — Mr. Speaker, as chairman of the non-controversial bills committee, I wish to report Bill No. 64, An Act to amend The Municipal Revenue Sharing Act (No. 2), as being non-controversial.

**MR. SPEAKER:** — When shall this bill be read a second time?

**HON. MR. BERNTSON:** — Mr. Speaker, I move that second reading and consideration in committee of the whole on the said bill be waived.

Motion agreed to.

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

Motion agreed to and bill read a third time.

#### **Bill No. 65 — An Act to amend The Western Development Museum Act**

**MR. SHILLINGTON:** — Mr. Speaker, as chairman of the non-controversial bills committee, I wish to report Bill No. 65, An Act to amend The Western Development Museum Act, as being non-controversial.

**MR. SPEAKER:** — When shall this bill be read a second time?

**HON. MR. BERNTSON:** — Mr. Speaker, I move that second reading and consideration in committee of the whole on the said bill be waived.

Motion agreed to.

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

Motion agreed to and bill read a third time.

#### **Bill No. 66 — An Act to amend The Statute Law**

**MR. SHILLINGTON:** — Mr. Speaker, as chairman of the non-controversial bills committee, I wish to report Bill No. 66, An Act to amend the Statute Law, as being non-controversial.

**MR. SPEAKER:** — When shall this bill be read a second time?

**HON. MR. BERNTSON:** — Mr. Speaker, I move that second reading and consideration in committee of the whole on the said bill be waived.

Motion agreed to.

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

Motion agreed to and bill read a third time.

**Bill No. 71 — An Act to amend The Exemptions Act**

**MR. SHILLINGTON:** — Mr. Speaker, as chairman of the non-controversial bills committee, I wish to report Bill No. 71, An Act to amend The Exemptions Act, as being non-controversial.

**MR. SPEAKER:** — When shall this bill be read a second time?

**HON. MR. BERNTSON:** — Mr. Speaker, I move that second reading and consideration in committee of the whole on the said bill be waived.

Motion agreed to.

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

Motion agreed to and bill read a third time.

**Bill No. 72 — An Act to amend The Homesteads Act**

**MR. SHILLINGTON:** — Mr. Speaker, as chairman of the non-controversial bills committee, I wish to report Bill No. 72, An Act to amend The Homesteads Act, as being non-controversial.

**MR. SPEAKER:** — When shall this bill be read a second time?

**HON. MR. BERNTSON:** — Mr. Speaker, I move that second reading and consideration in committee of the whole on the said bill be waived.

Motion agreed to.

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

Motion agreed to and bill read a third time.

**Bill No. 74 — An Act to amend The Small Claims Enforcement Act**

**MR. SHILLINGTON:** — Mr. Speaker, as chairman of the non-controversial bills committee, I wish to report Bill No. 74, An Act to amend The Small Claims Enforcement Act, as being non-controversial.

**MR. SPEAKER:** — When shall this bill be read a second time?

**HON. MR. BERNTSON:** — Mr. Speaker, I move that second reading and consideration in committee of the whole on the said bill be waived.

Motion agreed to.

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

Motion agreed to and bill read a third time.

**Bill No. 76 — An Act to amend The Regulations Act**

**MR. SHILLINGTON:** — Mr. Speaker, as chairman of the non-controversial bills committee, I wish to report Bill No. 76, An Act to amend The Regulations Act, as being non-controversial.

**MR. SPEAKER:** — When shall this bill be read a second time?

**HON. MR. BERNTSON:** — Mr. Speaker, I move that second reading and consideration in committee of the whole on the said bill be waived.

Motion agreed to.

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

Motion agreed to and bill read a third time.

**Bill No. 69 — An Act to amend The Beef Stabilization Act**

**MR. SHILLINGTON:** — Mr. Speaker, as chairman of the non-controversial bills committee, I wish to report Bill No. 69, An Act to amend The Beef Stabilization Act, as being non-controversial.

**MR. SPEAKER:** — When shall this bill be read a second time?

**HON. MR. BERNTSON:** — Mr. Speaker, I move that second reading and consideration in committee of the whole on the said bill be waived.

Motion agreed to.

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

Motion agreed to and bill read a third time.

**Bill No. 77 — An Act to amend The Surrogate Court Act**

**MR. SHILLINGTON:** — Mr. Speaker, as chairman of the non-controversial bills committee, I wish to report Bill No. 77, An Act to amend The Surrogate Court Act, as being non-controversial.

**MR. SPEAKER:** — When shall this bill be read a second time?

**HON. MR. BERNTSON:** — Mr. Speaker, I move that second reading and consideration in committee of the whole on the said bill be waived.

Motion agreed to.

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

Motion agreed to and bill read a third time.

### **WELCOME TO STUDENTS**

**MR. MULLER:** — Mr. Speaker, this gives me a great deal of pleasure to rise in this House and welcome 21 grade 6 students from Christopher Lake, their teacher Dorothy Dennison, parents Dorothy Finlayson, Mr. and Mrs. Lou Bell, and Mrs. June Muir; and I hope they have an educational stay in this legislature this afternoon. I wish them a safe trip home. I'll be meeting with them for pictures and refreshments at about 2:45. Would the legislature please greet them.

**HON. MEMBERS:** Hear, Hear!

**HON. MR. MAXWELL:** — Thank you, Mr. Speaker. It's my pleasure to introduce to you and to other members of the Assembly a group of 38 students from Turtleford School in the town of Turtleford, back in my constituency of the same name. This happy group are seated behind me in the west gallery, Mr. Speaker. They are accompanied today by teacher William Kresowaty, Gail Wionzec, and parent Marilyn McDonald.

We certainly wish you a very happy stay in Regina. Thank you for bringing the sunshine with you, and happy to say I'll be meeting you at 2:30 in the rotunda. Would you please join with me in giving a very warm welcome to the students from Turtleford.

**HON. MEMBERS:** Hear, Hear!

**MR. YEW:** — Thank you, Mr. Speaker I would like to introduce to you, and through you to members of this Assembly, a group of 43 students from my constituency, the Cumberland constituency. They are grade 6 students who attend Creighton School, and they are seated in the east gallery. They are accompanied today by their teacher, Irene Coderre. I look forward to meeting with them with our young guests, later this afternoon for refreshments, and also for a visit. I hope that they enjoy their visit to Regina, and I know that we all wish them a safe journey back to Creighton. Mr. Speaker, I ask all members of this Assembly to join with me in welcoming this group of guests here today.

**HON. MEMBERS:** Hear, Hear!

### **QUESTIONS**

#### **Amendments to The Trade Union Act**

**MR. SHILLINGTON:** — Thank you very much, Mr. Speaker. A question to the Minister of Labour on the amendments to The Trade Union Act, to which you gave first reading yesterday. Bill 104, or the chamber of commerce bill, as that bill is becoming known in Saskatchewan. The legislation, Mr. Minister, takes you down the road to one of your cherished goals, that of right-to-work legislation. I want to ask you, Mr. Minister, about your story — and I'll be generous enough to use that word, 'your story' — that this legislation will improve the rights and protections of workers. My question, Mr. Minister, is: can you point to one of these amendments, just one, which was actively asked for and sought by Saskatchewan workers or their representatives?

**HON. MR. McLAREN:** — Mr. Speaker, I was very surprised that the chairman of the non-

controversial committee missed 104 on his list. Mr. Speaker, the amendments that we have come with are out of a tremendous number of briefs, and good briefs, that we've received from unions and employer groups and individuals and workers and so on, and we have taken out of all those the 17 or 18 amendments that we thought were going to be what was needed to create some industrial peace in this province. And that's what we have come with, and to my knowledge so far . . . I'm getting a lot of response from the workers out in the province right now and they are very favourable.

**MR. SHILLINGTON:** — A supplementary, Mr. Speaker. Mr. Chairman, I didn't ask you about your private conversations with workers. It may come as some surprise to you to know that we don't trust your version of what you . . .

**MR. SPEAKER:** — I would ask the member to realize that we are in question period, and that debate is not allowed, and if you have a question I would like you to get directly to it.

**MR. SHILLINGTON:** — My question, Mr. Minister, is: do you have any evidence which you can table in this House that any one of these amendments which you introduced were sought by workers individually or their representatives collectively?

**HON. MR. McLAREN:** — Mr. Speaker, I'd be happy to debate this in committee of the whole, and if you really wanted it I could provide a number of letters from employees, but I have no intention of doing it because they are signed letters, even. They were not ashamed to put their names to the letters, and I'm not going to open up that trust that they had with me in taking the action to talk to me about it, or wrote to me about it.

**MR. SHILLINGTON:** — New question, Mr. Speaker. I take the minister's refusal to table even the briefs as proof-positive that none of these amendments were sought by workers or their representatives. Mr. Minister, by way of question, you say these amendments will protect individual worker's rights. Let me refer you to one of the amendments which gives the labour relations board the power to have an employer supervise strike votes. Can the minister please tell me how that legislation will protect the rights and protections of workers? How does that amendment protect workers?

**HON. MR. McLAREN:** — Mr. Speaker, employees or anyone that feels that they have been discriminated against can apply to the labour relations board, and that is not saying that the labour relations board will accept their story. They have the opportunity of preserving it. If the labour relations board sees that there may be some discrepancies in how the votes were conducted, at least they have a democratic process to go through to do it in the confines of a ballot or a voting booth, and expressing their opinion. And if that isn't a democratic process I don't know what is.

**MR. SHILLINGTON:** — New question, Mr. Speaker. Another amendment would allow an employer with a strike vote a few days off to hire . . .

**MR. SPEAKER:** — Order, please! I would like to refer to the hon. member to *Beauchesne's* page 132, paragraph 359 sub 12. And it said:

Questions should not anticipate a debate scheduled for the day, but should be reserved for the debate.

And I would rule that the questions, basically, are out of order because this item is scheduled for debate on the order paper and you will be given that opportunity later.

**HON. MR. BLAKENEY:** — Mr. Speaker, I would like to direct a question to the Minister of Labour and I would like to direct the question to the minister concerning The Trade Union Act amendments which he has introduced into this House and the question I ask is this: are you prepared to present this legislation for public hearing and public scrutiny over the summer, and introduce it at the session of the legislature later this year?

**HON. MR. McLAREN:** — Mr. Speaker, I have no intention of doing what the Hon. Leader of the Opposition is asking.

**HON. MR. BLAKENEY:** — Supplementary, Mr. Speaker. In view of the fact that this legislation will touch the lives of many hundreds of people, and in view of the fact that the amendments to The Vehicles Act will touch the lives of many hundreds of people, and in view of the fact that your colleague and seat-mate had the good sense to have a white paper, to send out a questionnaire to Saskatchewan residents, to issue a layman's draft of the legislation, and provide ample opportunity for public discussion, will you follow the same course as you seat-mate, the Minister of Highways, and follow as similar course of action with respect to this legislation?

**HON. MR. McLAREN:** — Mr. Speaker, I think I've gone through the process. In fact I know I've gone through the process. In the last eight or nine months I've been talking to many, many groups around the province — individuals, union workers coming into my office. And we could carry this on forever. At this point in time, we've come down with 17 or 18 amendments that, generally speaking, are the priority items in any people's minds. The general public was fed up with the amount of work stoppages that are occurring in this province. All we're asking is for some responsibility with unions, employers, and employees to be put into place, and some co-operative approach to solving our economic problems; and if that can happen we wouldn't even need a trade union act.

When you start looking at the number of lost man-days of work over the last 10 years, and when you start looking at the families that have lost out on their income to pay their mortgages, and pay for their cars, and get their children to universities — that's got to have a tremendous impact. And all we're doing is trying to lessen that amount of lost income and still leave the union act, The Trade Union Act in place. As long as there's section 36, clause 1 in there, there is no 'right to work'. They still have the right to organize. They still have the right to choose the union of their choice. They still have the right to collective bargaining . . . (inaudible interjection) . . . That isn't 'right to work.' And when they . . .

**MR. SPEAKER:** — Order, please. I believe that when the question is out or order the answer also is approaching debate and is also out of order, and I would ask that this subject be left.

**HON. MR. BLAKENEY:** — Mr. Speaker, I want to ask another question, and invite you to rule it either in order or out of order. This concerns the questions of whether or not the minister should properly submit this bill to public hearings and to a white paper — which has nothing to do with the content of the bill.

My question to you, sir, is this: in view of the fact that this bill will, as you freely admit, touch the lives of many hundreds and thousands of people across this province, do you not feel it appropriate to provide an opportunity for those same lives and those same citizens to have an opportunity to present their case to a tribunal, to a royal



commission, to any other body which would hear public presentations?

**HON. MR. McLAREN:** — Mr. Speaker, we are not destroying The Trade Union Act. All we're doing is adding and making some amendments to it. You talk about my seat-mate — he's coming with a whole brand new vehicles act, and I would suggest that it probably needs a white paper. If I was coming out with a new trade union act, I'd go the same route that my colleague has done.

**SOME HON. MEMBERS:** Hear, Hear!

**MR. SHILLINGTON:** — Mr. Minister, you alleged that this bill is opposed by the executive members of trade unions but supported by workers, and yet, Mr. Minister, the timing of the introduction of this bill in the House is designed to minimize the opportunities that workers will have to make their views known, because you've introduced it in the dying days of the session. Mr. Minister, I ask you again: if you believe that this bill is supported by the vast majority of workers, will you give them an opportunity to say so and let this bill stand over until the fall?

**HON. MR. McLAREN:** — Mr. Speaker, the timing of this bill will be up to my House Leader. I'm sure that the members opposite will have ample time to look at the 18 amendments to a trade union act.

**MR. SHILLINGTON:** — New question, Mr. Speaker. I wonder if the Minister of Advanced Education and Manpower can shed some light on this. It had to do, Mr. Minister, with the information you tabled in this legislature a week ago Friday last, information that you and a number of senior civil servants travelled to Atlanta, Georgia to study that southern state's economic development model. Can the minister please inform this Assembly when this trip took place and whether the information you gathered on this trip had anything to do with the amendments to The Trade Union Act which we have now had first reading?

**HON. MR. CURRIE:** — Mr. Speaker, I will admit to having been taken by surprise, perhaps to even shock, having been asked that question, because as I fail to see too much relevance between the trip that I made to Atlanta, and to Orlando, and The Trade Union Act, the legislation we're talking about. I went there specifically for the purpose of taking a look at educational programs and/or attaching training to, establishing some relevance to, industry. That's what I devoted my attention to, entirely.

**SOME HON. MEMBERS:** Hear, Hear!

**MR. SHILLINGTON:** — New question. The relevance, Mr. Minister, is that The Trade Union Act . . . I can see the minister's having trouble hearing. New question, Mr. Speaker. The relevance is that this Trade Union Act is, of course, part and parcel of the open for business philosophy. My question to you, Mr. Minister, is: did you file a written report to your colleagues in cabinet, and if so, will you table the same in the legislature?

**HON. MR. CURRIE:** — Mr. Speaker, the answer is the negative: no, I did not.

**SOME HON. MEMBERS:** Hear, Hear!

### Winter Road for Northern Saskatchewan

**MR. THOMPSON:** — Thank you, Mr. Speaker I direct my question to the Minister of Highways and Transportation. It's regarding a situation that's developing up in the far northern part of Saskatchewan due to the closure of Uranium's Eldorado mine and the stores that have closed down. I have a band council resolution, by way of information, Mr. Speaker, that has been sent to the provincial government and the federal government requesting a winter road from Wollaston Lake to Fond-du-Lac and Stony Rapids-Black Lake area.

Mr. Minister, could you comment on the band council resolution at this time, and could you indicate whether your department will be taking steps to provide a winter road to the citizens of Fond-du-Lac, Black Lake, Stony Rapids, and that uranium city area?

**HON. MR. GARNER:** — Well, Mr. Speaker, I have not seen the resolutions from this band. I'm quite prepared to take a very close look at this resolution. I am meeting on almost a weekly basis with the Minister of Northern Saskatchewan to ensure that we can solve and assist the people of northern Saskatchewan in any of their transportation problems. And by all means I'm quite prepared to take a look at that resolution and review it.

**MR. THOMPSON:** — Supplementary, Mr. Speaker, to the Minister of Northern Saskatchewan. I would assume then that the Minister of Highways and Transportation has not received this band council resolution. It's dated May 10, 1983, which is three weeks ago, to the provincial government. I direct this supplementary to the Minister of Northern Saskatchewan. Due to the fact that the high cost of supplies into them areas, and the band council resolution states out quite clearly that they are now paying 80 cents a pound for supplies, and that will probably go up to \$1 a pound . . . Would the Minister of Northern Saskatchewan indicate whether he has seen the band council resolution, and if not, when he does see it will he support the band council resolution to supply a winter road to the citizens of that far northern area?

**HON. MR. MCLEOD:** — Well, Mr. Speaker, I can say to the hon. member that I haven't seen the actual band council resolution but I have been made aware of the concerns that they're expressing. The concerns of that band are the same concerns as you have indicated have been expressed from all over the communities in the Athabasca basin. The problem we have — as the hon. member also will know very well — presently is the situation at Uranium City, that everyone in this house and everyone in the province is, I'm sure, well aware of, that the population certainly hasn't stabilized yet. The predictions are that it would be about in the 250 to 300 level. We know that we have to look very carefully at all modes of transportation in terms of getting supplies to that whole basin. We know that that's a problem that's on our plate. We accept that responsibility. As my colleague, the Minister of Highways and Transportation, has said, 'we're looking at that all the time.'

So as you will know, about the winter road, we made an announcement at one stage that there was unlikely there would be a winter road across Lake Athabasca again after the past winter. What we have said subsequent to that is: at the time that we announced that Uranium City would be the regional centre for that area we have said that we would look at all modes of transportation to see which is most cost effective, and we are still doing that. I can assure the hon. member that that's under consideration at all times.

**MR. THOMPSON:** — New question, Mr. Speaker, to the Minister of Northern Saskatchewan. By way of information, whether uranium City stabilizes or it doesn't

stabilize, the fact is that they have lost the source of supplies, Northern Transportation Company, who runs the barges from Fort McMurray, will no longer be coming in. that barge, when it did come in to uranium City, supplied Fond-du-Lac and Black Lake and Stony Rapids twice yearly, in September and, I believe, in July.

The main concern expressed in the band council resolution is the fact that they need to get these supplies in and they just can't afford to pay 80 cents a pound right now — and will be going up to a dollar with air freight — and their main request is that the Government of Saskatchewan and the Government of Canada provide a winter road from Wollaston Lake to Fond-du-Lac. My question is: will you support this band council resolution from the Fond-du-Lac band to put in a winter road in for the upcoming winter?

**HON. MR. MCLEOD:** — Well, Mr. Speaker, what I've indicated to the hon. member is . . . I'll just reiterate what I've said. All modes of transportation into that area are under consideration. You mentioned the barge system. Certainly there are discussions going on between our government and the federal government who operates the barge system out of Fort McMurray. So there's the barge system, there's air transportation, and there is the possibility of a inter road, whether is' across Lake Athabasca or from Wollaston, coming from the east side. All of these things are under consideration. I can't say to you today which way we'll go, but we are very much aware of the problems of the remote northern communities in terms of the costs of getting supplies to them. We're aware of that and we're addressing the problem.

### **Funding of New National Metis Alliance**

**MR. YEW:** — Thank you, Mr. Speaker I'd like to direct my question to the Minister of Justice, the minister responsible for the new Indian and Native Affairs Secretariat. My question is . . . A prominent PC Tory political organizer — who was on the government pay-roll, by the way — has now feebly established a national Metis alliance of Canada — or whatever — in order to undermine and destroy the popular and democratic Association of Metis and Non-Status Indians in Saskatchewan. My question is, Mr. Minister: has your department provided any funding to this new Tory front organization — the national Metis alliance of whatever?

**HON. MR. LANE:** — It's obviously had a tremendous impact on the hon. member. First of all, to the best of my knowledge, the individual that the hon. member has raised the matter before, the individual is not on the pay-roll of the government. That's the first inaccuracy and error in your statement. Secondly, I'm not aware of any funding. Thirdly, I believe, Mr. Speaker, that we're seeing today an example of the true NDP position that people cannot go out on their own and organize and get institutions or organizations established, that the NDP selectively chooses ones that are of their choice, and if anyone else goes out to try and start any organization, they are condemned by the NDP as an organization.

I will defend, Mr. Speaker, I will defend the right of anyone to go out and establish organizations and exercise their right to freedom of assembly and freedom of speech, and this government will stand behind anybody that wants to make that effort. And I'm very much ashamed of the opposition opposing that type of activity.

**SOME HON. MEMBERS:** Hear, Hear!

**MR. YEW:** — Supplementary, Mr. Speaker. My question to the Minister of Justice was: did you or did you not provide any funding to the national Metis association of this new

organization? And if you have, for what purposes?

**HON. MR. LANE:** — As I indicated in my answer, if the NDP opposition had been listening, that to the best of my knowledge no funds were supplied. That means no moneys were supplied; no dollars were supplied, no cents were supplied; no credit cards were supplied. And that's what I said in my answer, and I hope that the hon. member will get up and apologize to the people of this province for the position he's taking against people going out and organizing for their own self-interest, and as I say exercising their right of freedom of speech and freedom of assembly.

**SOME HON. MEMBERS:** Hear, Hear!

**MR. YEW:** — Mr. Speaker, a new question. It's been quite noticeable over the past year that your government has consistently had adverse communications in relationships with existing parent native organizations. My question to you, Mr. Minister of Justice, is: are you deliberately trying to undermine the parent native organizations such as FSI and AMNSIS (Association of Metis and Non-Status Indians of Saskatchewan)?

**HON. MR. LANE:** — Mr. Speaker, I find it very strange that the NDP would take the position that this government is trying to undermine natives' organizations when the president of the AMNSIS publicly stated that relations were no better or no worse between this government and the previous government. And he made it quite clear, Mr. Sinclair made it quite clear, that the ongoing difference between any native organization and any government were no better or no worse.

This government has, in fact, increased the payments to native women's organizations, more so than ever in the history of this province.

Thirdly, we have made it clear that this government supports, for the first time in Saskatchewan's history, economic development on the reserves, as a matter of policy; that in fact over \$2 million is being given to the bands of this province for economic development. This government stands for economic development of the native people; this government stands for economic responsibility and some economic independence.

I know it's a big change from what the hon. member's policies were in the past, but a change in policy was long overdue, Mr. Speaker. I suggest to the hon. member that he has been inaccurate and in error in every position that he's taken today and I would hope that he would reasonably go back and reconsider his position.

**MR. YEW:** — New question, Mr. Speaker. As a preamble, the Minister of Justice indicates that they have allotted to the native community, to the band councils, \$2.1 million, and I commend them for that. However, the former . . .

**SOME HON. MEMBERS:** Hear, Hear!

**MR. YEW:** — However, for the record, I also remind the hon. member that the former administration, the NDP government of this province . . .

**MR. SPEAKER:** — Order, please. Does the member have a question? This is a supplementary, and I think that the member realizes you are not allowed a long preamble.

**MR. YEW:** — My apologies, Mr. Speaker. I indicated it was a new question. That's why I lead off with a preamble. However, the former administration had earmarked \$24.5 million for the native community. Now, my question to you: are you telling me and the native community of this province that you will resolve all native problems and social and economic conditions of the unemployed, the high sky-rocketing welfare roll of this native . . . of this province in the native community by that \$2.1 million?

**HON. MR. LANE:** — No, I would suggest that all the money in the world would not resolve the problems that exist, and I don't believe that it's within the scope of any government to solve all the problems that exist, and we make no pretensions that we're going to be able to solve all the problems that exist. And I don't think that the NDP opposition stands up and says that it solved all the problems that exist.

I did indicate to the hon. member and gave him the statistics during committee of finance which showed that in the last 10 months, or the first 10 months of the PC government, more money was spent on economic development — direct economic development for the natives — than in all 11 years of the NDP government, that there has been a redirection of funding directly to economic development.

And I suggest to the hon. member, I appreciate the fact that he is commending us for our efforts. We are attempting to get direct economic development. I make no pretensions that our approach is going to be any better or any worse than anyone else's. I do believe that the Indian leadership now is of the ability and the capability and the maturity to start to take advantage and initiate economic development, and this government intends to support them in every way that we can.

**SOME HON. MEMBERS:** Hear, Hear!

## ANNOUNCEMENTS

### House-Media Ball Game

**MR. KLEIN:** — Mr. Speaker, as is traditional, it's my duty as Government Whip to report on last night's baseball game between our MLAs and members of the press. Now to make a long story short, Mr. Speaker, the MLAs crushed their feeble media opponents, and as a matter of fact, we actually toyed with them. Very briefly, Mr. Speaker, I would like to take this opportunity, however, to name just a few of the game's many, many stars.

Hot on the corners for the MLAs were two members from Saskatoon: Saskatoon University, Rick Folk; and the member for Saskatoon Riverside, Jo-Ann Zazelenchuk. But defence isn't the only thing the MLA team had going for it. The bats were hot too, and the game was highlighted by several extra base hits. As a matter of fact our Minister of Finance, the Hon. Bob Andrew, made more than several vicious cuts.

**SOME HON. MEMBERS:** Hear, Hear!

**MR. KLEIN:** — Impressingly enough, however, the winning run was scored by NDP member, Fred Thompson. I would like to point out, however, that he crossed home plate on an extra base hit by the PC member for Cut Knife-Lloyd, Michael Hopfner.

Now, Mr. Speaker, the media changed their tactic quite dramatically for baseball from

their hockey team strategy. Firstly, Mr. Speaker, in hockey they had more than quite a few left-wingers. But it was painfully obvious that last night all, save one, batted from the right side. I'm envious of the female representation in this Assembly. They supplemented their ranks with women who are by far their superior ball players.

Eva Lukomski, from the *Leader-Post*, pitched the entire game. This was an exceptional feat when you consider the awesome power that she faced, and even Joe Ralko of Canadian Press could only withstand the pressures of catching for three innings. George Bentley, of Broadcast News, made an excellent, eye-closed double play. And in fairness to their morale, our pitcher, MLA Duane Weiman, who's from Saskatoon Fairview, allowed a grand-slam home run by his own volition, to Michel Potvin of CBC Radio Canada.

Unfortunately, a slight rhubarb did result also, and Danny Oldfield of the CBC proved to be no belly match at all for our umpire, Ralph Katzman, the MLA from Rosthern.

In summation, Mr. Speaker, the biggest flash the media made followed at a gathering after the game, and a presentation of the trophy was made to our captain, Keith Parker, the MLA from Moose Jaw North, and the big award for the night went to the NDP — Fred Thompson, MLA, Athabasca.

**HON. MEMBERS:** Hear, Hear!

**MR. KLEIN:** — Understandingly, he accepted the prize, which was a blue shirt.

In closing, Mr. Speaker, I would point out that the MLAs were disappointed with the absence of the Saskatoon *Star-Phoenix*. We were also disappointed, but, as suspected, being that the MLAs won so handily, we noticed the total lack of coverage of this exciting event in today's press. Thank you.

**MR. THOMPSON:** — Thank you, Mr. Speaker. I, too, would like to say a few words about the game last night. I found it a very interesting game, and it's always nice to be on the winning side. I guess I shouldn't have said that, Mr. Speaker. But I do want to say, in scoring the winning run I did have a lot of help, and most certainly that winning run would never have come about if it hadn't been for the tremendous infield that we had. Rick Folk at third base had no problems handling baseballs. As he does with curling rocks and golf clubs, he did a fine job, and, as our coach on first base who has played semi-pro ball, he proved that he is quite capable of handling some tremendous shots that the press were batting out there. It was a close game. It was well played, and I really enjoyed that game.

In closing, I want to thank all the members of the Conservative Party who allowed me to play with them . . . (inaudible interjection) . . . And I don't know who paid the press catcher, but when he threw the ball and hit me on the head, it was pretty accurate. It got me square on the jaw. But anyway, it was a good game.

I want to thank the Kleins for their generous hospitality after the game, and the press for providing refreshments, and in closing, I know that the press is waiting for next year.

But I want to close with a little bit of caution that we did not have the member for Kelvington-Wadena playing for us, nor the Deputy Premier, not the member for Shaunavon or Regina Centre. And them four players, I hear, will be around next year, so we most certainly will be looking forward to that game next year and I think that we will

be able to repeat . . . (inaudible interjection) . . . Right. That was our B team last night. Thank you, Mr. Speaker.

**HON. MEMBERS:** Hear, Hear!

## **MOTIONS**

### **Referral of Bills to Standing Committee on Non-Controversial Bills**

**HON. MR. BERNTSON:** — Mr. Speaker, before orders of the day, I move, seconded by the Minister of Finance, by leave of the Assembly:

That the order for second reading of Bill No. 98, An Act respecting the Consequential Amendments to Certain Acts resulting from the enactment of The Northern Municipalities Act be discharged and the bill referred to the standing committee on non-controversial bills.

Motion agreed to.

**HON. MR. BERNTSON:** — I move, seconded by the Minister of Finance, with leave of the Assembly:

That the order for second reading of Bill No. 101, An Act respecting the Consequential Amendments to Certain Acts resulting from the enactment of The Vehicles Act, 1983, be discharged and the bill referred to the standing committee on non-controversial bills.

Motion agreed to.

**HON. MR. BERNTSON:** — Mr. Speaker, I move, seconded by the Minister of Finance, with leave of the Assembly:

That the order for second reading of Bill No. 102, An Act respecting the Consequential Amendments resulting from the enactment of The Public Trustee Act and to repeal The Administration of Estates of mentally Disordered Persons Act be discharged and the bill referred to the standing committee on non-controversial bills.

Motion agreed to.

## **ORDERS OF THE DAY**

### **GOVERNMENT ORDERS**

### **COMMITTEE OF THE WHOLE**

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

##### **Clause 1**

**MR. CHAIRMAN:** — Would the minister introduce his officials please?

**HON. MR. ANDREW:** — Yes. Mike Costello and Ron Davis.

**HON. MR. BLAKENEY:** — Mr. Chairman, I want to ask a couple of questions about this. As I understand the bill, it will have the effect of removing the limitations on the ability of the government to draw down out of the heritage fund in any one year. I'm not sure that I understand what the bill does in this regard, and I could refer to section 5 of the bill where it repeals section 16 and 17 of the act, but I will ask the questions here because there are a number of other sections may interrelate.

Is it correct to say that the effect of this Bill 86 will be to permit the transfer from the heritage fund to the Consolidated Fund of 100 per cent of the income received by the heritage fund in any year from its sources of revenue which are royalties, land sales and the like; and if that is accurate, is it also permitted to transfer any of the capital standing in the heritage fund to the Consolidated Fund for expenditure in a current year?

**HON. MR. ANDREW:** — The first thing is that 100 per cent of the revenue or the income can be now taken from the heritage fund into the Consolidated Fund, but this does not allow us to draw capital from the heritage fund into the Consolidated Fund.

**HON. MR. BLAKENEY:** — Mr. Chairman, and Mr. Minister, I must say that I regret the need for making that change, and I acknowledge that if we are running significant deficits in the Consolidated Fund. It is perhaps not reasonable — if they're likely to continue — to run up surpluses in the heritage fund. But does the minister feel that there will be a need to transfer funds from the heritage fund to the Consolidated Fund, right up to 100 per cent of the revenue of the heritage fund on a consistent basis, or is this thought of as a contingency measure?

**HON. MR. ANDREW:** — Well, I suppose in response, that this year we haven't taken the full 100 per cent. We left a small amount there. Our only argument is this: is if you have savings, fine, that's a good mechanism. If you don't have savings and are in fact going to have to borrow money, then it doesn't make sense to save it in one area and borrow at twice as much in the other area. As to when that will come down, I suppose we've had that debate before, as to when we'll be able to get a balance.

Clearly, I think you've expressed my views that I think this government — and collectively all governments — must address the question of the deficits. When we get to that point of the balance I suppose . . . I would hope sooner rather than later we are able to save some extra money. Because what that does more than anything, I suppose, is signal the return to a significant recovery. But when that recovery will come and how strong it will come, I suppose we can hope, but we have to wait and see as to exactly what the numbers do.

So this is not necessarily a temporary thing, for one year. Clearly, when we're able to balance the whole thing then I would certainly want to see more and more money saved in the heritage fund.

Clause 1 agreed to.

Clauses 2 to 4 inclusive agreed to.

#### **Clause 5**

**HON. MR. BLAKENEY:** — Mr. Speaker, I would like to move an amendment.



Mr. Chairman, I would like to move an amendment to section 6 of the bill and it will read as follows. It will in effect put in a new section 16 and 17 for the ones that are repealed and it will say:

That the fund dividend in 1984-85 fiscal year and any subsequent fiscal year must not exceed 80 per cent of the estimated revenue to be credited to the fund pursuant to the clauses therein listed: 19(a) to (c); 22(c) to (f); and 24 (c) to (e).

And it then goes on to say in provincial development expenditures:

The total of all payments from the fund for the provincial development expenditures for the '84-85 fiscal year and the subsequent fiscal years must not exceed 20 per cent of the difference between the estimated revenue to be credited to the fund in that fiscal year pursuant to clauses 19(a) to (c), 22(c) to (f), and 24(c) to (e), and the fund dividend in that fiscal year.

The effect of the amendment, Mr. Chairman, is — if I may paraphrase it — to repeal section 16 and 17 for one year, and to reinstate it for the next year. It has the effect of repealing sections 16 and 17 for the fiscal year 1983-84.

I do that, Mr. Chairman, I move this amendment in order to make clear what I would like the bill to do — to acknowledge that we have a deficit this year and that, accordingly, it is not totally reasonable to accumulate a surplus in the heritage fund, and to have a deficit in the Consolidated Fund but that we need not anticipate that this will continue indefinitely.

The minister has indicated his aim is to balance the budget over four years. I would have thought that the budget number 3 would, under those circumstances, need to be balanced, otherwise budget number 4 is going to have a tremendous surplus, because we're already in deficit of more than \$500 million. And if we're going to make the four years, on average, even, we're got to pick up \$500 million in two budgets. I would think that the next budget, the '83-84 budget, would have to be at least balanced.

And we don't need to dwell upon that in detail, save only to say that its purpose is to meet the point made by the minister: that it is prudent, if you're having a deficit in the Consolidated Fund, to take all the money out of the heritage fund in that year in order to keep down the deficit, I acknowledge that. I make the point that it is not prudent to assume that that will be necessary indefinitely into the future, and that I would like to legislate this for a one-year period and to reinstate the old system for '84-85 and subsequent fiscal years. I would not want to think that we were expecting to have, as a regular part of the finances of the province, a deficit which would require the transfer of all the money from the heritage fund.

That being the argument, Mr. Chairman, I so move the amendment as I have read it and as presented.

**HON. MR. ANDREW:** — I would, Mr. Chairman, simply call on all members of the Assembly to defeat this amendment. I think we have to look at it for what it says. Number one, I am not very likely to unveil what the budget is going to be for next March. I am not about to commit, at this particular point, no options within that budget. I think the hon. member agrees that, in the event that expenditures are higher than revenues, that it

makes more sense to use the dollars that are rolling into government rather than saving some at a lower rate and borrowing money to cover it at a higher rate. That doesn't make a lot of sense, I think, to me and to the hon. member. He makes the view that, I suppose, the nature of this proposed amendment would be to force a balanced budget next year. I don't make any commitment to that next year.

I think that all members, in looking at this particular amendment, should recognize that in order to do this we eliminate one potential. And when we toured around this year looking at how to develop the budget, there's basically three options. The options are: (1) to run a deficit, (2) to cut further programs, (3) to further increase taxation. What the hon. member's amendment would ask us for is to eliminate those two options — cut programs further or increase taxes further.

Now I'm not convinced that, at this point in time, I'm prepared to commit to raising taxes \$200 million, \$300 million. I'm not prepared to admit that we should cut programs because in order to cut programs of that magnitude, we're going to be cutting programs into health and education, social services. And I take it from that, and I think the only interpretation one can take from it is the hon. member is in effect asking us to cut social programs. That's what he's asking for in this amendment.

We've been through this debate many times. I don't believe that what we want to do is in fact cut social programs. I think the members opposite would dearly love us to cut social programs so they could then attack politically a government that doesn't care any more, a government that's destroying medicare. I could assure the members opposite that that is not going to happen under this administration. We've been through that debate a number of times. I simply ask the members of this Assembly, all members of this Assembly to join with me in defeating this amendment.

**HON. MR. BLAKENEY:** — Mr. Chairman, and Mr. Minister, I'm sorry that I did not make my position clear. I'm not asking for cuts. I'm asking that this measure which is being taken this year of taking all of the money out of the heritage fund be acknowledged to be a temporary measure and that it be for one year, and that if it is needed for subsequent years, undoubtedly the legislature will deal with that. I am asking the legislature to make the decision that this is a temporary requirement, and accordingly I'd put a time limit on it. If the minister thinks that '83-84 is the wrong one and he wishes to make it for two years — fine. But what I object to is the minister making it permanent, deciding that, in effect, there will be no commitment to placing any sum of money aside for any future expenditure from the heritage fund. That's what the minister's proposal does. While I understand the need for it this year, and it may well be next year, I do not believe we should make it permanent, and accordingly I have moved the amendment which would acknowledge that this was a temporary need and not a permanent need.

**HON. MR. ANDREW:** — Well, I simply make this point, Mr. Speaker. You can go to any jurisdiction across the country. Let's take British Columbia as an example that had an accumulated surplus in excess of a billion dollars. They didn't opt to go to the route of a heritage fund, but I think even the hon. member would agree that the government of the province of British Columbia were probably as keen on saving money as any government across this country. That's, I suppose, stemmed from the history of the former premier, WAC Bennett, out there. That in fact was eroded over the last couple of years to the point where the deficit in the province of British Columbia is exceeding probably a billion dollars.

That system does not change whether there's a heritage fund or there's rules of a heritage fund. That system changes because of the cyclical nature of the Canadian economy, and I think as all know, the cyclical nature of the Canadian economy probably went through its greatest turbulence in the last five years.

What we hold in the future, clearly, some of it is under our control, a great deal of it is not under our control. That's just common sense and reason. Any government — and I think in particular, government in Saskatchewan or government in Alberta or government in British Columbia — are, when good times return; when the demand for potash and the prices of potash escalate; should the price of oil get back on that incline that we saw in the last decade; then clearly money will be set aside. You don't need legislation to do that. It's the way you manage the government. Legislation is going to make no difference; you simply come in and change the rules as we have done here. The question is not legislation.

The question is whether or not you have the dedication of trying to put together a budget that you think is sensitive to the nature of the economy as you see it, sensitive to the nature of the wishes of the people, and the population of the province as you see it. If those are wrong, if your read of the needs and the reaction of the economy is wrong, then clearly the system is that the people will vote you out of office. My view is the read that we have had, the budget that we have delivered is a proper budget, is a reasonable budget, is consistent with the economy as we find it today, and is consistent with what we believe the people of this province want from their government.

From that, I simply say this amendment would call for one thing. Each year we come back in another piece of legislation, and too often, I think, in government we want to get to a situation . . . We want to get to a situation where we do everything by passing laws. The world out there doesn't run by whether or not you pass a law. The world out there runs by how you run your show.

And I simply say to the members opposite; if we don't run the show the proper way, the people will run us out. I believe we're doing it the proper way. I suppose that's the matter of the political debate of the time. That's the pressure one faces and no legislation or no rule is going to make any difference to that.

**HON. MR. BLAKENEY:** — Well, Mr. Chairman, and Mr. Minister, I don't deny what the minister has said. I just deny the assumptions or I regret the assumptions which underlay what he says — or which underlie what he says — because this provision has been in the heritage fund since its inception. It has caused no difficulty previously. The economic circumstances are different, and while we could argue about whether or not the government is following the appropriate course of action, it has decided to follow this course of action, and, having done that, it has decided to take 100 per cent from the heritage fund. So far, so good.

What I am attempting to find out is whether or not the government is willing to make any commitment of any kind to the effect that that is a temporary measure — whether it is willing to suggest that it will ever go back to the previous system of having a heritage fund in the sense of setting aside 15 per cent or so of the total dollars that come in from fast-depleting resources, like royalties on conventional oil, in order to provide a financial base for five to 10 years hence. And what the minister seems to be saying is, 'No, those days are over. We are no longer going to accumulate any money from

resource revenues. We are going to take it all into current revenue, and we do not ever contemplate the day when we will be able to set aside any resource moneys for capital expenditures, either of the long-term variety to create assets for future generations, as the phrase used to go, or the shorter-term variety of provincial development expenses.'

And it may well be that this is in fact a statement of where we are, but I certainly regret it if it's true, and the purpose of the amendment is to attempt to find out from the minister whether he will commit himself at all to any period in the future when he would aim to save even a per cent or two of that money for capital investment.

**HON. MR. ANDREW:** — What I would simply indicate is this: when surpluses are achievable, then certainly we will strive for surpluses. I make no commitments to anything. I will see what nature of economy develops and I will react to that economy the best way I see how. In that regard, I notice from the paper last night that Premier Bennett in British Columbia, and I made reference to British Columbia being as committed as anyone to save in dollars, indicates a deficit this year — '83-84 budget yet to be presented will be in the area of a \$3 billion to \$4 billion deficit. I think that reflects what the economy across the country is in fact experiencing and how we have to react to it.

How do we spend money with regard to the heritage fund, if we are going to use the heritage fund to buy another potash mine, or whether we're going to use the funds of the Government of Saskatchewan, somehow, to promote a company, whether it's through incentives to the private sector — that's the option you must have with the government as to how you see stimulation to take place. The only thing I say, and I think the hon. member is . . . that the real reason for this deficit or for this amendment is so that each year it comes up in the House again, legislation just as we see with the pension program. Each year you have to pass a piece of legislation in the House. The dividend from the heritage fund to the Consolidated Fund is debated in the House. There is a proper forum to debate that, whether it should have been more or should have been less, and I think there's an appropriate time at that point in time to in fact debate that.

How we manage the economy, how do we manage the fiscal situation of the Government of Saskatchewan, is how you're going to do it. And whether you're spending and building a hospital from the heritage fund or from the Consolidated Fund seems to me to not make a great deal of difference. Whether you're going to use money from the heritage fund to buy, enter into some joint venture — be it whatever it might be — whether it comes from the heritage fund or the Consolidated Fund doesn't seem to me to make a great deal of difference. What does at the bottom line make a difference is looking at the two of them and whether you can bring to a balance the total revenues versus total expenditures. I've indicated to the hon. member, I've made it clear across this province, that I would like nothing better than to be able to have a significant decrease in that deficit down to a balancing situation. But I am not prepared to balance the budget on the backs of the health care and on the backs of education and on the backs of social welfare. I won't do that. I do not subscribe to the theory that we should significantly increase taxation in this province at this point in time. I do not subscribe to that theory, and I will not be boxed in, if you like, or committed to doing those particular things.

I simply say we will handle the economy and handle the fiscal situation the best we see

how, and that's how we intend to do it.

**HON. MR. BLAKENEY:** — Mr. Chairman, and Mr. Minister, may I make one brief comment in reply to the minister. He refers to British Columbia, and I would like all hon. members to think of British Columbia and the fact that when they had resource revenues coming from natural gas in substantial amounts, they took it into current revenue, and they set nothing aside, and now they have enormous deficits. And they would very much like, I think, to have some of that money that they spent when they were spending 100 per cent of their resource revenues on current account. It wouldn't make a large difference, but it would all help.

And, in the same way, I would like to think that Saskatchewan had some cushion. While I acknowledge that cushions are for times when the times are a little tough and this may well be a reasonable year to say that times are a little tough, but this is not to suggest that we ought to abandon the idea of the cushion, particularly from resource revenues which are enormously volatile, as we all know, and as people in British Columbia know to their sorrow. And they would know very well that if they had the same resource flow from natural gas and from timber that they had a couple or three years ago, they wouldn't be having their problems.

And the purpose, essentially, of the heritage fund was to put money in and to allow a more or less level amount to be taken out, so that our expenditures, so that our social expenditures which the minister wishes to protect, would not be subject to be placed under pressure because resource revenues this year were going down. And it's inevitable that it happens some year. So I think that the B.C. example is an excellent argument for the idea of a resource fund, the idea of putting something aside. And, while I freely acknowledge that this year is perhaps it's unreasonable to ask a government to put some aside, I wish the government would consider not abandoning the idea and putting a time limit on the period during which they feel they will have to use all of the resource revenue for current purposes. And that's all I'm going to say.

## **WELCOME TO STUDENTS**

**MR. YEW:** — My apologies to the Minister of Finance, and also to the members of this Assembly. I mistakenly introduced a different group of students earlier this afternoon. Mr. Chairman, I would like to take this privilege now to introduce to you and to this Assembly, a group of 43 students from my constituency — the Cumberland constituency. They're from Creighton. They are grade 6 students who attend the Creighton School; they are seated on the east gallery. They are accompanied today by their teacher, Irene Coderre, and Pam Backman, Doris Martin, and David Woodward. I look forward to meeting with them later today, this afternoon, for refreshments and a visit. I hope that they enjoy their visit in to Regina and I know that the hon. members of this Assembly will wish to join me in expressing a good hearty welcome to this group of students who have travelled so far to join with this Assembly this afternoon.

**SOME HON. MEMBERS:** Hear, Hear!

## **COMMITTEE OF THE WHOLE**

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

#### **Clause 5 (continued)**

**HON. MR. ANDREW:** — I suppose only to respond to it is that clearly the deficit situations around the western world find themselves in significant problems. Everybody . . . I think people should be concerned about the significance of those deficits. We have to resolve ourselves as to how we could control these. Perhaps one of the main areas that we have to look at now is for governments to in fact control their expenditures. And how do they do that, as I think all members will agree, is a very, very difficult challenge; and a challenge that is perhaps ten-fold more difficult for many jurisdictions and countries around the world than it is for us here in Saskatchewan.

In the event that we can save money, clearly, we're going to try to save money. Any government has to do that. I guess what you have to bear with me is that how we do that is going to be how we're judged as a government, and I simply would leave it at that.

Amendment negated on division.

Clause 5 agreed to.

Clause 6 agreed to.

#### **Clause 7**

**HON. MR. BLAKENEY:** — Mr. Speaker, I ask a couple of questions which deal with section 20 of the act, section 7 of the bill, and I'm now dealing with subsection (8), which is half-way down the page.

Subject to subsection (9), the Minister of Energy and Mines may make grants, loans, equity investments, or other payments . . .

And I think those are new words, and I ask what is contemplated by 'other payments.'

**HON. MR. ANDREW:** — I'm advised that nothing was intended by this other than the standard drafting type form. In other words, it's not designed as the Minister of Energy to have some free hand in spending a lot of money. That's not the intention. Apparently, it's the drafting technique used and that's the reason for it.

**HON. MR. BLAKENEY:** — Mr. Chairman, and Mr. Minister, I refer now to that subsection (8), the same one I referred to earlier, and clause (c), and what the provision says is:

. . . the Minister of Energy may make grants, loans, equity investments . . . to fulfil any contractual or trust obligation of the Crown that is related to non-renewable resource revenue or mineral resources.

That is sort of directly drafted, and I'm asking what it was meant to cover. Does it have anything to do with Indian land claims or the like? It seems to be a very specific piece of draftsmanship.

**HON. MR. ANDREW:** — I am advised that it's the old Bill 42, compensation payments to the oil companies, that this is required to be paid from this. It was formerly paid apparently by OC, and that was seen to be not legal, and therefore this is the purpose of this particular section to cover that off. You can refer to page 127 of the *Estimates* is where that thing is set in as well.

Clause 7 agreed to.

Clause 8 to 10 inclusive agreed to.

Clause 11 as amended agreed to.

## **Clause 12**

**HON. MR. BLAKENEY:** — Mr. Speaker, Mr. Chairman, I'm not quite clear as to how this fits into The Farm Purchase Program Act, Bill 45, that we passed a while ago.

It appears to me that under Bill 45 you can pay some money without appropriation, and under this one it requires to be appropriated, and I don't want to pursue this with any diligence, since undoubtedly we will sort it out later. But I simply didn't know how it was intended to fit in with Bill 45.

**HON. MR. ANDREW:** — Mr. Chairman, I simply direct this request to the hon. member. I do have a previous commitment. The Minister of Agriculture is here, that will be able to hand the rest of the questions. I take it the bulk of the questions will be fairly technical in nature from here, as it relates to the particular clauses of the fund.

**HON. MR. BLAKENEY:** — Mr. Chairman, and Mr. Minister, this was in fact my last question, and it is clearly a technical one that doesn't raise policy, and if the minister would drop me a note on it, or have one of his staff drop me a note on it, that's fine, and having said that, I'm perfectly happy to dispose of this bill.

Clause 12 agreed to.

Clause 13 agreed to.

The committee agreed to report the bill.

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

Clauses 1 to 3 inclusive agreed to.

The committee agreed to report the bill.

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

Clause 1 agreed to.

## **Clause 2**

**HON. MR. BLAKENEY:** — Mr. Chairman, and Mr. Minister, I wonder if the minister could give us just a quick explanation of just how this farm purchase program fund is going to work. In broad terms, what do you expect to come into this fund, and what do you expect to go out of the fund?

**HON. MR. BERNTSON:** — Mr. Chairman, essentially what's going into the fund is lease fees for land bank land, interest on loans and penalties on arrears for those loans. Paid out of the fund is interest to the department of Finance on the long-term debts against the land bank land, and cost of advertising of vacant lands for sale, and maybe a couple

of other minor things, but those are the essential major things.

Clause 2 agreed to.

Clause 3 agreed to.

The committee agreed to report the bill.

### **Bill No. 81 — An Act respecting the Operation of Vehicles**

#### **Clause 1**

**MR. CHAIRMAN:** — Would the Minister of Highways please introduce his officials?

**HON. MR. GARNER:** — Okay, Mr. Bill McLaren, Mr. Bill Sheard, Mr. Barry Hornsberger, and John Weir. I also have Mr. Ken Shultz here, Mr. Carl Shiels, and Mr. Terry Pollock.

**MR. CHAIRMAN:** —Thank you.

**MR. LINGENFELTER:** — Yes, Mr. Chairman. Mr. Minister, I was out of the House when our critic in the area commented on Bill 81, but I would like to just go over in brief form a few of the issues that I find with the bill and a few of the areas that we have some concern with.

First of all, in looking at your notes and listening to your speech on the bill in the House, I agree with you that the project which is undertaken here to revise The Vehicles Act was not an easy one. This project has been going on for some time, both under the previous administration — as you have mentioned — and under your guidance, with a great deal of work done. And I would like to congratulate you on the policy of bringing out a white paper on the bill and having input into it. I think that it need be said that other ministers of your cabinet would be well advised to follow the lead that you have set out here. I suppose the question period today would have been an indication of that and the lack of it being done with amendments to the labour act. I would just like to say that I'm sure that the public and many people in the province appreciate the opportunity to have some input into this area.

The one thing that does concern me — and I'm sure that you, Mr. Minister, are concerned about the accidents that occur on the road as a result of trying to mix alcohol and driving — but it bothers me a little that at the same time as we are tightening up — as I think we should be — in the area of drinking and driving, that another minister of your government has two bills before the House — Bill 92 and Bill 93: 92, which will extend the number of outlets in the province; and Bill 93, which will allow for alcohol to be served at Taylor Field. This kind of double standard . . . I think that you would be well advised to encourage your colleagues in cabinet, as you have the public of Saskatchewan, to become aware of the problem associated with attempting to drink and drive at the same time. Because I think it's a little ludicrous for the minister in charge of The Liquor Act to be allowing liquor at Taylor Field, and you to be standing outside of Taylor Field putting the hard hand on them because of the fact that they have been drinking in the Taylor Field, and now they come out and another minister nabs them for the fact that they are then going to drink and drive.

I think there is a big conflict here in the minds of people as to what this government really believes in when it comes to the consumption of alcohol and opening up of



alcohol in the province of Saskatchewan; or whether in fact your version of it — that it's a great problem and we should be doing something about it — is the way to go.

Another area which I think, Mr. Minister, you are directly responsible for and you could do something about the safety of the roads, is to do with highway construction. You will be well aware of many pieces of roads in the province that are in dire need of repair. At the same time, your budget is not being increased to any extent. In fact, if you take out the highway traffic board and other areas that are being added to your budget, you would indeed find that there is no increase in real dollars. In fact, in 1981 dollars, you are looking at a cut-back in actual amounts of pavement that will be put on roads — the number of cubic yards of pavement put on roads — as well as the number of years of earth that will be moved in road construction. The filling of pot-holes is increased, that area of spending. But four-laning of highways on very heavily used areas, whether it's to the Alberta border from where you left off on that project or whether it's east to the Manitoba border, I think you have a responsibility there in improving the roads, and I use those only as two examples where we now have new signs up on the road, the Red Coat Trail signs, but the road is in worse condition than it has been for many, many years.

So in talking about safety, I think that, while we can change the act and we can improve the act, and I can agree with you doing that, I think yourself getting money for road construction is a very important part of your job as minister. I know that in getting into cabinet, the first budget or two may be difficult, but I hope that next time around, the increase in highway construction, not in patching of roads, but in highway construction, will get the 15 or 20 per cent injection of capital that we need and that the injection is not in terms of roads and actually building up the grades on some of the roads that are becoming ever-increasingly difficult to drive on.

The main point that I would like to raise today, and I intend to, when we get to the appropriate clause, move an amendment, unless the minister has taken our advice and will be moving his own amendment, but that is to deal with the problem associated with fatalities or the possibility of fatalities in school buses. I think that there are many people, and I get letters off and on from constituents whoa re concerned about the fact that school buses in the province of Saskatchewan do not have seat belts.

I think that at a time when we are insisting that people who drive in automobiles, cars, and trucks wear seat-belts because it is safe . . . I know that the minister agrees with this; he has said it many times in this House since he has become part of the government and part of cabinet that he has been convinced that seat-belts work in automobiles and vehicles in Saskatchewan. I would encourage him to extend this philosophy and belief to school buses in the province of Saskatchewan, and to the many thousands of students who travel for many miles every week in school buses in the province of Saskatchewan.

While the accident rate in school buses and involving school buses has been kept to a minimum, I think because of very good drivers in the province of Saskatchewan, and I think to a great extent as well, the fact that drivers in general in rural Saskatchewan are very cautious when they are approaching school buses. Yet I think the statistics would show that the accidents over the last number of years would warrant the wearing of seat-belts by students. I would just like to give some statistics here.

In 1979, the total number of accidents involving school buses was 156; in 1980 was 157, and in 1981 was 100. And while it wasn't until recently at Strasbourg, when we had the terrible accident that took the lives of one driver and one student, we had up till that time been very fortunate in avoiding deaths in school buses, even though several deaths had resulted from collisions which have involved school buses and other vehicles. And I would encourage the minister to look at changing his stand in this area, as I know other people are looking at and making judgements on whether or not their views over the past years are actually accurate.

I have here a news clipping from May 28 which is titled, 'Trustees may change stand on seat belts,' and it goes on to say:

The Saskatchewan School Trustees Association is willing to reconsider its opposition to the mandatory use of seat belts on school buses following this week's fatal accident at Strasbourg, association executive director Jake Volk of Saskatoon said Friday.

And I would urge the minister to look at the amendment which we are proposing today, and to look at it seriously, and if he can find his way to support it, either support our amendment or move quickly to move his own amendment which we would agree to support at this time.

**HON. MR. GARNER:** — Well, Mr. Chairman, I have a few brief remarks that I would like to share with yourself and the Assembly. I am not going to try and stir the waters too much. I think we have to qualify the difference between the new Vehicles Act and the amendments to The Trade Union Act. That's exactly what they are — amendments. I believe my colleague has done a very adequate job of handling this and negotiating and discussing with many groups.

The Vehicles Act, I would like to clarify, is a brand new bill — a brand new piece of legislation. That's why we went the route of the white paper. The member opposite talked about, I guess, a double standard, not being consistent, when he talks about my colleague, Mr. Sandberg, and some of the goals we have before us from him. I think there is a big difference here, Mr. Chairman, that what we're saying is we're not trying to control individual social habits. What we are trying to do is regulate their driving habits. People still have that freedom of choice, but will not have the freedom of choice when it comes to drinking and driving in the province of Saskatchewan, and I don't believe that by this government that it is a double standard.

Thirdly, Mr. Chairman, the member opposite wanted to discuss the highways budget. Well, I don't think this is really the time nor the place to discuss the highway budget. I mean, I just would like to clarify for all members of this Assembly and for the media that the province of Manitoba this year did take a 10 per cent reduction in their capital expenditure; the province of Alberta took a 12 per cent total decrease in their total transportation budget; where our capital program in the province of Saskatchewan was not a drastic increase but an increase. Last year there was \$108 million spent on capital. This year there's \$110 million spent on capital. Mr. Chairman, I think this is what this is pointing out to all members of this Assembly, and the people of Saskatchewan: that while our neighbouring provinces' budgets are going down in either transportation or capital program, the province of Saskatchewan is moving ahead, is going up that graduated scale with an increase in capital, and, Mr. Chairman, to maybe wrap this point up . . . It's a little different philosophy than what was developed by the previous government where, as soon as we got close to an election,

up went the budget; and as soon as the election was over, down it went.

Now, for individuals in the province of Saskatchewan . . . Talking about the road contractors in the province of Saskatchewan, Mr. Chairman, they didn't know where they were at with the NDP. Under the Devine government, the Progressive Conservative government of the province of Saskatchewan, the industry knows exactly the direction this government is going, and we're going up and straight ahead, Mr. Chairman.

One more point, Mr. Chairman. It has to do with the member stating that the roads have all fallen apart. Well, we've been governing this province for one year; the roads don't all just fall apart in one year. I'd simply like to state that the members opposite, through their playing politics with the transportation budget in the province of Saskatchewan, did not have enough foresight to look into bringing in a constant program, whether it comes to twinning of the roads in the province of Saskatchewan or going with pavement overlays.

Last point, Mr. Chairman, that I would like to discuss, and it is the seat-belt aspect on school buses. I think the members of this Assembly are quite aware that I have arranged a meeting with SSTA. That meeting is set for June 17 to discuss school bus safety in all aspects, Mr. Chairman, throughout the province of Saskatchewan, not only just seat-belts. I don't believe that we can railroad or ram something through to the individuals of Saskatchewan without proper discussion. To my knowledge, after discussing it with Mr. Volk, the previous ministers had not met with SSTA regarding this, but I'm prepared to go into more detail with this, Mr. Chairman, when we get to that section of the bill.

**MR. SHILLINGTON:** — Mr. Chairman, I will have given you copies of three amendments which have to do with different sections of the legislation. I only propose to deal with one under subsection (1) because it is a problem of a somewhat general nature which may affect . . . (inaudible interjection) . . . It's the constitutionality of the blood test.

Mr. Minister, I wonder if you have had an opportunity to review the constitutionality of this section. I say to you that there is grave doubt in the minds of many of the profession — I mean by the legal profession — that it might be unconstitutional, and I wonder, Mr. Minister, if you have given any consideration to this issue, and if you've received any legal opinions. If so, would you be prepared to file the same for the benefit of this Assembly?

**HON. MR. GARNER:** — Mr. Chairman, the advice that we have is that we have a very good constitutional position on this section, and the member is quite entitled to bring forth his amendment because I believe the problem has got to be solved. Someone has to stand up and take a positive, direct course in the Government of Saskatchewan. We are prepared to accept that responsibility at this time. I believe corrective measures have to be taken, and they have to be taken in the very, very short term, Mr. Chairman. So that's why I will not be accepting this amendment, and I will be asking all members of the Assembly to vote against this.

**MR. SHILLINGTON:** — Mr. Minister, the issues which I raise under the amendments I can raise under the individual sections. I just want to raise that issue, because I thought you might be in a position to share with us the legal opinion which you have. That's not without precedent. And I don't know whether the minister is so ashamed of his legal talent that he's not prepared to make it public.

**AN HON. MEMBER:** — . . . (inaudible) . . . didn't you ask me?

**MR. SHILLINGTON:** — Well, the member from Qu'Appelle is not, unfortunately, the Minister of Highways, so we have to deal with the minister who is bringing forth the legislation.

**AN HON. MEMBER:** — You could've asked me, and . . .

**MR. SHILLINGTON:** — Well, I don't know if the chairman would let me ask you . . . (inaudible interjections) . . .

Mr. Minister, I was hoping . . . I only raise the matter now rather than under the appropriate sections because I was hoping that you'd be able to share with us the legal opinion you have. Because my view is differently than the advice you have received and many lawyers I've talked to do not share your easy confidence that you're going to breeze past the courts with this amendment.

I want to propose an amendment to subsection 1, Mr. Chairman; it is one to change the name to 'An Act to Assist and Foster the Welfare of the Legal Profession Act,' because that's what the bill may be.

**HON. MR. GARNER:** — Mr. Chairman, this does not surprise me, you know. Just the other day we had second reading of this bill, and all members of the Assembly rose and voted in support of this legislation — unanimous support of this Chamber, Mr. Speaker. Now it looks like we're seeing a flip-flop done; it looks like we're seeing a flip-flop done now. Mr. Chairman, they talk about this government being inconsistent, and I'm trying to create waves in the water, but it looks like the members opposite are going to be inconsistent here this afternoon and not be supporting the new Vehicles Act, which in turn is going to be saving lives in the province of Saskatchewan. It looks like the members opposite, Mr. Speaker, want drinking-driving to take place in the province of Saskatchewan. We don't happen to want that.

As far as the consultation is concerned, Mr. Chairman, I have consulted with the Attorney-General's office, who I have the greatest deal of confidence in, our own lawyers of highway traffic board, and Mr. Chairman, I am not prepared to accept this amendment because I believe it is imperative that the new Vehicles Act move ahead and move ahead right away.

**MR. SHILLINGTON:** — Well, I would have thought even the minister was not so full of bluster and hot air that you couldn't understand the difference between opposing the bill and raising a concern about whether or not this Assembly has the constitutional power to do it. Mr. Minister, we are not, by this motion, opposing the measures which you are enacting. What we are saying to you is there is very serious doubt about the constitutionality of this provision. By introducing unconstitutional legislation you create a good deal of inconvenience and confusion for the public and we suggest you could forestall all of that by a reference to the courts. Now you say you're not prepared to do that because you've got it chapter and verse — the old Testament — that this thing is constitutionally sound.

I'd simply ask the minister, not whether or not you think we're against it — we're prepared to let the public make up their own mind about that, not whether or not you think

it's a good thing — we've listened to that, painfully. My simple short question, Mr. Minister, is: do you have a legal opinion that you're not so ashamed of that you're prepared to file?

**HON. MR. GARNER:** — Well, Mr. Chairman, and members opposite, B.C. felt it was not going to be challenged. They have moved ahead on it. They have recognized it. And I am just . . . Just by the documentation here, it was unanimously approved by all members of their legislature in B.C.

The member opposite wants to talk about hot air and that. Well I'll tell you, Mr. Chairman, I've got a heck of a lot more faith in the Attorney-General of this province and the lawyers working for highway traffic board than I have for the member opposite or any legal minds that he could maybe bring forward, Mr. Chairman.

The only thing that it looks like to me now that the NDP is trying to do — they are not only trying to confuse the people of Saskatchewan, it looks like now they're trying to use their old scare tactics as they did in some of the previous elections — to scare the people of Saskatchewan, use a fear technique, a fear approach, Mr. Chairman, to scare the people of Saskatchewan. It's not going to help them out this time, I guarantee you. My concern is the safety of the people of Saskatchewan. I'm not here to play politics in this Assembly with the new Vehicles Act. The members opposite, if they can and will, they would do it, but they are not going to on this bill.

**MR. LINGENFELTER:** — Mr. Chairman, on that issue I can assure you that the attempt to make the bill as meaningful as possible is the only reason that the amendment was brought in, because I can almost guarantee the minister that he will be with his act in court very quickly, because I can assure you that someone, very soon after being charged, will appeal it. And we will see that we will have a huge court battle, and the lawyers of the province will be very happy, and I suppose you are getting good advice from various people because maybe that's in their best interest. But our interest is, is in protecting the rights of the people and making sure that the bill is in fact constitutionally sound and to avoid that kind of a problem in a court challenge. Mr. Minister, you having been warned that this is going to happen, when it does happen, there words will possibly mean something to you, even if they don't at this time. Because it's almost guaranteed that there will be a challenge. It will be challenged as being unconstitutional, and you in fact will have wasted a great deal of time and a great deal of money and a great deal of controversy. And all we're doing is attempting to make the bill better, which would help you as well, because it's not good politics, even for you, to be involved in this kind of a harangue, and I don't see why you don't accept the amendment. But if you don't want to, I suppose that's fine as well.

**HON. MR. GARNER:** — Well, Mr. Chairman, there are two or three points. I mean, in the survey that we released to the people of Saskatchewan — and to me, they are the people that I am concerned about — 71 per cent of the thousands of people that responded to that questionnaire requested this. They realized the serious problem there is on the highways of Saskatchewan. Mr. Chairman, this just starts to lead me to believe that it's the same old game again, just the same old game. It looks like, Mr. Chairman, that we have the NDP, the NDP trying to bail out their friends in Ottawa — the friends, the Liberal Party of Canada. That's the direction. That's what they're playing — politics.

Mr. Chairman, I would like to share with you an editorial from B.C. It's the *Vancouver Province*, July 30, 1982. The headline is, 'To Catch a Drunk':

The public should strongly support the provincial government's common-sense proposal to enable police officers to obtain blood samples of suspected impaired drivers, even when they are unconscious or otherwise injured.

I'll share another paragraph with you, Mr. Chairman, because it's quite obvious that the members opposite aren't concerned about this because it looks like they're going to lose their little game of playing with people's lives again. I quote again:

Some people will see the move as a violation of civil liberties. They will argue that drivers, in effect, would be forced to provide potentially self-incriminating information. But this defence of a loophole through which many drunk drivers escape the consequences of their actions is unacceptable to us. There is far greater public good in catching and punishing these killers and keeping them off the road than there is in defending abstract niceties. The civil rights of their victims and potential victims are far more important. Other people have the right to live and use the roads without fear of being mown down by besotted drivers.

Mr. Chairman, I have documentation here to support this. Once again I would like to reassure you and members of this Assembly and the people of Saskatchewan that we have consulted to a great deal, not only the Attorney-General's office, but the lawyers at highway traffic board. They have recommended to us that we are on very safe ground. That's why this government is, shall we say, taking the bull by the horns and going to move ahead on this very serious issue facing the people of Saskatchewan.

Clause 1 agreed to.

Clause 2 as amended agreed to.

Clauses 3 to 12 inclusive agreed to.

### **Clause 13**

**MR. LINGENFELTER:** — Mr. Chairman, it would be agreeable to us to go page by page, up to 128 anyway.

Agreed.

Pages 11 to 18 inclusive agreed to.

Page 19 with amendment agreed to.

Pages 20 to 57 inclusive agreed to.

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**MR. LINGENFELTER:** — Mr. Chairman, I have given a brief outline of why I would be promoting and proposing this amendment to section 128. I will just go over, very briefly, again, the fact that you will be well aware that many people in the province would like to see the introduction of seat-belts, and seat-belts being made mandatory on school buses. I'm sure that you, coming from a rural constituency, will have had

pressure and letters from your own constituents on this issue. In checking the number of miles travelled by students in my own constituency, I find that on an annual basis, about two million miles are travelled by students in the constituency of Shaunavon. I think that we have been extremely fortunate in the fact that in my constituency — and I think in yours as well — the number of accidents have been very minimal.

Two years ago we did have a serious accident involving a half-ton truck and a school bus at an intersection close to Shaunavon where no lives were lost, but several children were injured. And people in that case said that a number of the injuries would not have occurred had seat-belts been involved in those instances. And for that reason and the fact that I think it's becoming more and more agreeable by the people of the province that we should be moving towards seat-belts, as difficult as that may be . . . And that's not to say that I don't agree with people who say that there will be difficulty, both in terms of the money involved in putting seat-belts into buses, as well as the responsibility that will then be placed on the school units to keep them in working condition, as well as the responsibility on bus drivers to see that they are used, but I think nevertheless sometimes as a government you have to do things that are difficult and maybe even have hooks in them politically for you. But I would encourage you to support this amendment and to move quickly to see that seat-belts are made mandatory and used on school buses in the province of Saskatchewan.

**HON. MR. GARNER:** — Well, Mr. Chairman, I just think two or three points I would like to make on this. The bill does state . . . When the member opposite states:

The Lieutenant-Governor in Council shall make regulations requiring the installation of seat belts in school buses.

That's in his amendment.

Section 128 of the bill: The Lieutenant-Governor in Council may make regulations. . . ' I think we're almost basically saying the same thing. I believe it is already covered there. Mr. Chairman, but I don't think at this tie that we want to lock into something until I've at least had a chance to talk to SSTA (Saskatchewan School Trustees' Association) and find out their viewpoint. After contacting Mr. Volk and expressing my concern, he was as deeply shocked as I was at that tragic loss of life. And we're going to look at the whole . . . (inaudible interjection) . . . We're going to look at the whole aspect of school bus safety, but if the member opposite wants to interject . . . I didn't want to read these letters into the record, Mr. Chairman, but I can see the member opposite is forcing me to do this now.

Mr. Chairman, I have a couple of letters here. One letter is dated September 21, 1981, to a Dorothy Bettcher, resolutions committee chairperson, Spiritwood, Saskatchewan. And it says:

Dear Madam:

Thank you (and this is going to take a little while, Mr. Chairman, but I think it's very important to point out to members opposite and to the people of Saskatchewan) for bringing of the 1981 SYND . . .

Now we should maybe clarify that. That would be the Saskatchewan Youth of the New Democratic convention.

. . . to my attention, because the matter of freight rates and grain

transportation rates are best discussed by the Hon. Gordon MacMurchy, Minister of Agriculture (at the time; thank goodness that's not here now) and minister responsible for the transportation agency. I will ask him to respond to resolution no. 1.

And, Mr. Chairman, I'm not going to read all the resolutions. I'm just going to read one of the resolutions . . . (inaudible interjection) . . . Well, okay, if you would like to hear them all then. If you insist, then that's fine. I didn't want to belabour the House and take additional time and cost the taxpayers of Saskatchewan . . .

**AN HON. MEMBER:** — Read them, they're junk anyway.

**HON. MR. GARNER:** — Well, I don't think you could say they were junk. I think it's going to prove the inconsistency of the members opposite.

With regard to examinations for school bus drivers, we feel that the current licensing standards are sufficiently rigorous to assure a high level of confidence on the part of Saskatchewan school bus drivers. This is supported by the exceptionally good accident record of school buses in the province. In addition, all bus drivers, including school bus drivers, are currently required to submit medical reports. Under existing medical standards, conditions such as heart attacks, epilepsy, and other medical problems which affect their ability to drive would exclude them from the required licence classification or endorsement.

On the matter of school buses, recent amendments to the Canadian motor vehicle standards require all new buses to provide increased occupancy protection in the form of passive restraint systems. This includes higher seat backs with greater padding, and more secure anchorage of the seat to the floor. The passive approach is considered to be as effective as seat-belts in large vehicles such as school buses, and eliminates the problems of misuse and abuse of seat-belts by student passengers.

Mr. Chairman, I think we had better just clarify this and read this once more for the members opposite.

The passive approach is considered to be as effective as seat-belts in large vehicles such as school buses, and eliminates the problems of misuse and abuse of seat-belts by student passengers.

The provincial regulations pertaining to school buses has also been upgraded in recent years to require better securement of seats and seat cushions in older buses. These improvements are expected to further improve the already excellent safety record of school buses in the province.

Thank you for your interest in traffic and school bus safety. Yours very truly,

Original signed by R. J. Long — R. J. (Bob) Long, Minister in charge.

Mr. Chairman, I think I should also in fairness read you the resolution that this outlined.



**AN HON. MEMBER:** — I've got a Safeway flyer to read as well . . .

**HON. MR. GARNER:** — Well, the member opposite, Mr. Chairman, won't even allow me to read something as important as this into the record. Now he wants to go to Safeway and go shopping. I'm talking about the lives of the school children. You know, Mr. Chairman, that shows what a bunch of hypocrites we're dealing with in this Assembly. I'm talking about young school children, over 60,000 of them every day that get on school buses in the province of Saskatchewan and the member from Regina Centre wants to talk about a Safeway flyer. That's how sincere — that's how real sincere — Mr. Chairman, they are about the new Vehicles Act, about seat-belts in school buses. This letter is just going to further prove their inconsistency, and their could-care-less attitude of safety of the people of Saskatchewan.

Now back to the resolution, Mr. Chairman:

3. Be it resolved, that all buses be modified so as to allow seat-belt installation with seats anchored securely.

Be it further resolved, that seat-belt installation be made mandatory on buses, and the wearing of such belts be optional.

Now, Mr. Chairman, here we have, 1981, signed by the former member opposite. Now as soon as there's an accident, what is the opposition prepared to do? Jump on the bandwagon; let's play politics with the lives of the children of Saskatchewan. Mr. Chairman, I'm not prepared to do that with the lives of the children of Saskatchewan. No politics is being played by this government in The Vehicles Act, or in the transportation of schoolchildren in the province of Saskatchewan. If members opposite want, I've got another letter I could read them from another minister.

**MR. LINGENFELTER:** — The minister may have to read that letter. When you talk about flip-flop, the example of this minister . . . And I remember very well sitting in this House when he was complaining about the use of seat-belts — mandatory use of seat-belts — in the province of Saskatchewan in opposition . . . (inaudible interjection) . . . Yeah, and the Minister of Highways. And then, all of a sudden, when he got into government, he had this flash of light, blinding light, that decided in his mind — not for political reasons, never for political reasons, not this minister — but he suddenly decided that he was then in favour of seat-belts. He is the one who should rise in this House and preach about, and preach to people about changing their minds, because he is so pure, and he can do this boisterous thing here in the Assembly.

But, Mr. Chairman, I think the issue at hand is a serious one. If the minister were serious, he would accept this very reasonable approach to what is a serious problem. He would accept the amendment which we are proposing here, which would allow the requiring of the installation of seat-belts in school buses. He says that in section 128, it's already there. And I would like to ask him how in the world he would explain to me in this bill that that is already included in section 128. If he would do that for me and explain to me where it is, maybe we don't need the amendment.

**HON. MR. GARNER:** — Okay, Mr. Chairman, it looks like the member opposite has a little problem reading, so we'll take him to school again. Section 128(1):

The Lieutenant-Governor in Council may make regulations: ((f) of that

section, look on page 59) prescribing the specifications and standards of safety equipment worn by drivers or occupants of vehicles;

Mr. Chairman, this does give us the power in regulation, after consultation — not jumping on a political bandwagon — after consultation, does give an order in council through regulations the power to implement this. It's already in the act; it's being covered.

Mr. Chairman, I'm going to take a minute. You know, the member opposite wants to play the role of holier-than-thou, you know. The people of Saskatchewan are not prepared to accept that, Mr. Chairman, not prepared to accept that. Not prepared, Mr. Chairman. My prime concern is the new Vehicles Act — I cannot and I will not accept the tragic loss of life that takes place in the province of Saskatchewan.

Mr. Chairman, I have been the minister but a little over a year. They were the government for over 10 years. Where was the new Vehicles Act? It was sitting on some shelf, because they didn't have the courage, they didn't have the guts, to take it off the shelf and save some lives in the province of Saskatchewan.

**MR. LINGENFELTER:** — Mr. Chairman, the minister says that it is included in the bill, and very obviously he would have a hard time convincing anyone that there's anything about seat-belts in buses in this bill, because there isn't. It's like the minister in running The Liquor Act through the House, trying to say that there's not going to be liquor served on Sundays, because he hasn't read the bill. And here again is another example of a minister trying to say that seat-belts in school buses is included, when in fact it's very obvious that it isn't. And I just think that the minister is trying to find a reason for not supporting this amendment and that's fine, if that's what he chooses to do. But I think that he should look very carefully at the possibility of including this in the bill. And he says that there was an opportune time for us in government to have carried this out, and yes, there were a few things we hadn't completed when we left office, just as in two years when we boot you out there'll be a couple of things that we will have ready to go the minute that we get back into power. And no one will ever say that they've completed all of the things that they intended to do as a government. But when you leave office, Mr. Minister of Highways, in a couple of short years, we will find things that you have not completed as well and we will hearken back to those.

But getting back to the issue of seat-belts in school buses, I think it's a simple matter. We vote in it and either you vote with us on this issue or you vote against it. And I think that we should let 'er roll.

**HON. MR. GARNER:** — Well, Mr. Chairman, I will be requesting that all members of this Assembly — reasonable intelligent members of this Assembly — vote against this amendment. I mean, we have clarified where it's in there, section 121, 1(e) and (f). I mean, it's right there, Mr. Chairman. I have already committed that I'm going to meet with SSTA and discuss it with them, not only seat-belts but school bus safety.

You know, and it does surprise me a little bit when the members opposite says they had a few more things to do. Well, I guess one of them of them was to screw up their courage. They couldn't do that. And now they've stated dreaming about becoming the government of the province of Saskatchewan. I mean, we'll let them go off, Mr. Chairman, into dream-land. We will continue to govern this province and govern it, I believe, in a very responsible way, as we have done about in bringing this Vehicles Act in. We've gone through a white paper, a request for individuals and that through our advertisement in

the paper asking the people what they want. We've gone to a layman's draft. I don't think there's been amore democratic process ever used to bring a piece of legislation to this Assembly. I know it's not the NDP way. It is the Progressive Conservative way.

Amendment negated on division.

Page 58 agreed to.

Pages 59 to 77 inclusive agreed to.

Pages 78, clause 165 as amended agreed to.

Pages 79 to 83 inclusive agreed to.

#### **Page 84**

**MR. CHAIRMAN:** — There is an amendment to section 171. Moved by the member from Regina Centre and seconded by the member from Shaunavon, that section 171 of Bill 81, The Vehicles Act, be deleted and in lieu thereof the following section be substituted:

A peace officer shall have the power to arrest prescribed by the Criminal Code of Canada; and in particular but without restricting the generality of the foregoing, a peace officer and any individual shall have the rights and obligations prescribed by sections 25 to 31 inclusive and sections 448 to 489 inclusive of the Criminal code of Canada.

**MR. SHILLINGTON:** — I will speak to it briefly. Mr. Minister, I'm concerned about the breadth of the power of arrest. The power of arrest itself in The Vehicles Act is controversial. For many years there was no power of arrest itself in The Vehicles Act. I understand that law enforcement agencies indicate that causes them some difficulty, and I'm not prepared to argue that there aren't some cases in which a peace officer may find it awkward to enforce this legislation without a power of arrest.

But, Mr. Minister, your section is pretty broad, and contains no protections. Mr. Minister, what I am asking you to consider is to simply incorporate the powers of arrest under the Criminal code. Those powers of arrest have been the subject of a good deal of analysis and review by authorities over the years. They have gone through decades of refinement, and I suggest, Mr. Minister, that this is all you need. You don't need any further power of arrest, nor should the citizen get any less protection under your act than under the Criminal Code of Canada.

Mr. Minister, I think it's ludicrous to suggest that somebody who's picked up for speeding should have fewer rights than a rapist or a murderist, or someone — or an arsonist. Surely, Mr. Minister, what you want is nothing more, and probably nothing less, than the rights of arrest under the Criminal Code of Canada. It may not be perfect, and no doubt it isn't, but it has been the subject of a good deal of refinement over the years and I'd suggest to you, Mr. Minister, that you should go no further than the Criminal Code of Canada, and I'm not going to argue that you should give peace officers under The Vehicles Act any less.

**HON. MR. GARNER:** — Mr. Chairman, I've taken my crash course in being a lawyer, so I'll try and compete with the members opposite . . . (inaudible interjections) . . . I said I

will try. I'll do my best at it anyways, Mr. Chairman. What we're basically saying here . . . I will read you the sections that we're talking about. In section 171 'under arrest' applies only if a peace officer has reason to believe persons will not appear in court. To assist police in identification of persons applies only to not having a valid driver's licence; not having a valid registration certificate; failing to stop on police signal; driving without due care; tampering with a vehicle (this meaning someone trying to steal someone else's car); and failing to supply information on request.

Mr. Chairman, what this section simply is doing, and we have had consultation with all law enforcement groups in the province of Saskatchewan. This is part of their input into it, to enable them to do their job more efficiently and more effectively. And there is the section in here where it says:

Where a police officer finds a person committing a violation of section 16, 32, subsection 83(7), or section 87, 111, or 172, he may arrest that person without a warrant, if he has reasonable and probable grounds to believe and does believe that the person will not appear in court to answer a summons.

Legal advisers tell me what the member opposite is asking for, if it's under the Criminal Code, then there would be the power of arrest if an individual was jay-walking, driving a car with a broken headlight. I believe, Mr. Chairman, that that amendment does not answer the problems that are needed out there. We have had consultations, as I stated previously, with the law enforcement officers of this province, who have to administer and carry out this law. Once again, I believe it is a very common-sense approach to a new and better vehicles act, and will help solve some of the problems. It's not going to solve all of the problems, Mr. Chairman, but I believe it is a step in the right direction so that I would ask all members on this side of the House, that corner of the House, and even the opposition, to vote against this, Mr. Chairman.

**MR. SHILLINGTON:** — Well, why does . . . Leaving aside the issue of what sections a right of arrest should be granted with respect to, why does the minister believe that a peace officer needs greater powers of arrest or greater powers of detention under The Vehicles Act than under the Criminal Code?

**HON. MR. GARNER:** — Mr. Chairman, what we are trying to do: they have no powers now basically under The Vehicles Act. It is under the Criminal Code act. We are trying to give them some additional powers to make their job more efficient and more effective for all of the public.

**MR. SHILLINGTON:** — I'm going to say this, Mr. Chairman, then I'm going to let the matter go. I feel for the minister's officials in attempting to make a legal star out of the political star over there. But I say, Mr. Minister, I don't argue with the need for power of arrest. I recognize the difficulty law enforcement agencies have faced. What I am saying is that powers of arrest can be the subject of very considerable abuse. That is recognized by any democratic system. Democratic systems throughout the world have taken steps over the last number of decades to refine and curb the powers of arrest of a law enforcement officer so that they can't be abused. There's nothing unique to our society about that. That's a process which has gone on world-wide in the functioning democracies.

Mr. Minister, I suggest to you that this section is the subject of abuse. I think it may be more awkward for peace officers than what's set out in the Criminal Code, as well. I

don't make a great point of that because I'd want to discuss that with them. But my reading of it is it's going to be more awkward for them than what's set out in the Criminal Code. I suggest to you, Mr. Minister, that what you should have done, and what you should do now, is to simply adopt the powers of arrest in the Criminal Code. They have worked with reasonable efficiency and effectiveness to both individuals and peace officers.

**HON. MR. GARNER:** — Well, Mr. Chairman, I'll try and clarify this for the member opposite. I mean, I don't think we need to go for the powers of arrest, as I've stated, for jay-walking, driving a car with a broken headlight, a broken tail-light, a signal light that doesn't work. This is a section, this is a section — and I'm quite prepared to admit it to this Assembly — asked for by the law enforcement officers of the province. This wasn't a section asked for by the politicians, the bureaucrats. This was asked for by the law enforcement officers of the province. The only way this act, and any other act, is going to work is by a total co-operation from all people in all parts of Saskatchewan. I believe it is a very positive step forward and another indication of where this government is listening to the people of Saskatchewan.

**HON. MR. BLAKENEY:** — Mr. Chairman, I just want to ask the minister why he feels it's necessary to have this power of arrest for the arrest for the offence of driving without due care and attention. I think the minister will know that this is a relatively minor offence. The minister will know that if the matter is serious driving without due care and attention then it will undoubtedly fall under the dangerous driving or reckless driving provisions of the Criminal Code, where you can arrest. This is a much more less serious type of thing. Driving without due care and attention is nor reckless driving, or dangerous driving, because that is criminal law, and this is admittedly a much less dangerous operation of a motor vehicle, and one which has been used . . . Convictions have been attained for really quite minor violations.

Keep in mind that nobody has been convicted at the time they are arrested. The circumstances are such that the peace officer does not believe that the person has been guilty of dangerous driving, because if he had reasonable probable causes for believing that he was guilty of dangerous driving, he's arrest him under the Criminal Code, and that would be that. He thinks that the driving is not what he'd like it to be. It doesn't amount to dangerous driving under the code, but it is something less than that. It's not quite up to the peace officer's idea of what is proper, driving without due care and attention, and so he wants to arrest without a warrant.

That seems to me to be a relatively minor offence for arresting people without a warrant, particularly when, in order to get around the problem, all the peace officer would have to believe is that he had reasonable and probable grounds for believing that the driving was dangerous. If he thinks that, then he's got another remedy altogether. It's only when he doesn't think it's dangerous driving that he now wants to arrest this person without a warrant, because he thinks that the driving isn't quite up to what he thinks ought to be. It's without due care and attention. I wonder why the minister thinks that's necessary.

**HON. MR. GARNER:** — Two points, Mr. Chairman. One, and it applies only if the peace officer has reason to believe that the person will not appear in court, and I believe it is one of the more serious offences under The Vehicles Act, Mr. Chairman. This has been a request. I can't foresee any abuses of this. After all, I believe the law enforcement officers over the province are out there to assist all of the motoring public. They're as concerned about this tragic loss of life that occurs in the province as well as I believe,

and I very sincerely believe this, all members of this Assembly are too, and that's why they voted in favour on second reading and I'm very sure and very hopeful that all members will be able to give this bill unanimous support on third reading, Mr. Chairman.

We're here, and I appreciate the debate and the discussion. I think it's very healthy and very worth while by all members of the Assembly. I think it's pointing out the concern that's there. We do our jobs as deemed necessary in here, but I think I go back to those two points that, number one, where the police officers believes they will not appear in court, and that also it is one of the more serious offences that we have. And if it doesn't work, Mr. Chairman, I'm quite prepared to come in in another session and remove this section, if it doesn't work. This is a bill that's not cut in stone, or, using my own phrase, drawn across the tight wire. I'm prepared to amend this if it doesn't work. My bottom line to it is: let's bring in this new Vehicles Act. I have a great deal of confidence that it will work, but if it doesn't, I'm prepared to also amend it.

Amendment negated on division.

**MR. SHILLINGTON:** — Mr. Minister, I think the section is badly drafted, and I say this for the record. I think the section is going to cause peace officers some real problems.

Mr. Minister, the way the section reads, I believe an offence must actually have been committed before there is a power of arrest. I think you have made an officer's job very difficult. If no offence has been committed, then I don't think there's any power of arrest, and if the peace officer is wrong about whether or not an offence is committed, I think the arrest is illegal and someone may resist it.

This section reads, '... where a peace officer finds a person committing a violation.' If he doesn't find the person ... My reading of that is he doesn't find a violation being committed he doesn't have the power of arrest, and I think this section is going to cause peace officers some real problems, Mr. Minister. I think it's badly drafter, and I really wish the minister would consider some of other power of arrest. I suggested mine under the Criminal Code, but yours, Mr. Minister, I think is going to cause peace officers some real problems, and I'll make that prediction: that this will be amended. This section is going to wind up being amended.

**HON. MR. GARNER:** — Well, Mr. Chairman, I won't belabour it. It looks like the member opposite and I would disagree on this. I will still go back to the two or three points where the law enforcement officers of the province — they're the ones that have to administer it. They have identified a problem there. This is one of the corrective measures. They believe it's going to work. But as I stated just previously on that, if any section of this act is not working I'm prepared to amend that section at a later date.

Clause 171 agreed to.

Clauses 172 to 180 agreed to.

### **Clause 181**

**MR. CHAIRMAN:** — We have an amendment, moved by the member from Regina Centre and seconded by the member from Shaunavon, that section 181 of Bill 81, The Vehicles Act, be amended by adding thereto after subsection (3) a new subsection (4):

Notwithstanding anything contained herein, the owner or anyone having an interest in the vehicle seized pursuant to this section may apply to a judge of the magistrate's provincial court for release of the vehicle and any judge of the said court may release it on any terms he considers just.

**MR. SHILLINGTON:** — These amendments show the result of some rather hurried preparation and typing. There are some typos in them, and that could be corrected.

Mr. Speaker, I want to discuss, however, the substance of the amendments. We could agree to them. We could correct the typos.

Mr. Minister, I'm concerned about the breadth of the section. I don't argue that there may not be an occasion where an officer would want to use this, but I am concerned about the breadth of the section. And it strikes me that one solution to the problem of too broad a section is to simply give a judge of the provincial court — and if you want to make that a judge of the Queen's Bench I could live with that, although the provincial court is more accessible if you happen to live in many communities in Saskatchewan. It simply gives a judge an overriding authority to review the officer's decision, and to return the vehicle if he thinks it's improper. I suggest, Mr. Minister, that there's nothing excessive about that. You're simply giving a judge the power to review what can be a pretty aggressive act by a police officer — to seize a vehicle.

So I ask you, Mr. Minister, to consider this. It's not intended to rob a police officer of the power to seize a vehicle that may be necessary. It does give the individual who's had his vehicle seized — that can entail some very serious consequences — gives a judge the overriding power to review it and return the vehicle if he thinks it's improper.

**HON. MR. GARNER:** — Mr. Chairman, what we're doing here . . . I believe we're making it a little easier where in the previous bill it said:

Where a vehicle has been seized under subsection (1) no person shall take it out of the possession of the persons making the seizure or remove it from the place in which it has been stored, without the written consent of a traffic officer, police officer, or police constable.

Now we are saying in this section here, and that simply where it is . . . police officer . . . (inaudible) . . . seizing a vehicle portion . . . I can read you . . . The basic, the section that we're saying is 181(a): 'obtain the written consent of the board to do so.' I mean, we're taking this power away and giving it to the independent highway traffic board. That's what we're doing in this section.

**MR. SHILLINGTON:** — Just for the benefit of the record, let me read this as I had intended it to . . . Let me read the amendment as I had intended it:

Notwithstanding anything contained herein, the owner or anyone having an interest in a vehicle (could be a chattel mortgage on this vehicle that they seize) anyone having an interest in the vehicle seized, pursuant to the section, may apply to a judge of the provincial court for release of the vehicle, and any judge of the said court may release it on any terms he considers just.

Mr. Minister, I would never put myself in the position of defending each section in that old Vehicles Act. Some of those were pretty aggressive, and I doubt that any

government would pass them in this day. Seems to have been a different view of civil liberties in the '30s and '40s than there is now. I wouldn't begin to defend those old sections.

I simply say that you give a citizen who has had his vehicle seized a right to go to a judge and say, 'They shouldn't have taken my vehicle,' and the judge is given a discretion to say in turn, 'I think you're right. I think the officer was mistaken. Here's your grain truck back.' And he might seize a grain truck in the middle of harvest, by way of example. I pick perhaps an extreme example; but that could happen.

So I say, Mr. Minister, this doesn't take anything away from the power of the officer out on the road, or the street, as I would have phrased it. It simply gives a citizen the protection of judicial review. I'm surprised that the minister can't agree to that.

**HON. MR. GARNER:** — Mr. Chairman, it states in there, if it's in property taken, you can go to the Court of Queen's Bench. We also have prepared . . . We have an amendment here — or if someone has a vested interest in that, to bring forth an amendment that we can bring now to clarify that section, where the individual has a vested interest in it to obtain it back.

Amendment negated on division.

**HON. MR. GARNER:** — Mr. Chairman, I'll read it. It's the subsection 181 of Bill No. 81 be amended by striking out, 'or his agent' in subsection 2 and substituting:

his agent or any person having an interest in that vehicle.

Amendment agreed to.

Clause 181 as amended agreed to.

**MR. SHILLINGTON:** — Mr. Chairman, I think it would be satisfactory to proceed page by page until you come to page 93, in which case we come again to my amendment.

Pages 87 to 92 inclusive agreed to.

## **Page 93**

**MR. CHAIRMAN:** — There is an amendment on section 205. Moved by the member from Shaunavon:

Amend section 205 of the printed bill:

(a) By striking out subsection (2) in subsection (1) and substituting subsections (2) and (3);

(b) Providing the following subsection after subsection (2): (3) The Lieutenant Governor in Council shall refer the question of constitutional validity of section 168 of this act to the court of appeal pursuant to The Constitutional Questions Act. Section 168 of this act comes into force on the day in which it is finally determined to be constitutionally valid.

**MR. SHILLINGTON:** — I want to speak briefly to this, Mr. Minister. You have lifted this



section just almost verbatim out of the Criminal Code and I think if you review the decisions of the Supreme Court of Canada on this area of the law, as tortured as those decisions are at times, you will find that a province cannot enact something for which the federal government has already enacted a law. And that's the basis of the argument. And I've checked with some lawyers whose knowledge of constitutional law is superior to mine and that they have quite frankly agreed with me.

Mr. Minister, if that school of thought is accurate, you're going to bring upon the motoring public a good deal of inconvenience and confusion. Some will get convicted who should not be, if that school of thought is accurate, and somebody is going to be put to the expense of going to the courts, probably to the Supreme Court, to have the issue wrestled to the ground. There is, Mr. Minister, an act, The Constitutional Questions Act — I had a copy of it here on my desk; I can't find it at the moment — there is an act specifically designed to deal with that problem, and that is to refer that section to the court of appeal who could render a decision and let us know before it becomes law whether or not it's valid.

I say, Mr. Minister, I'm not going to rag the puck on this thing endlessly — I hate to bring your officials back after supper for this singular issue — but I do think, Mr. Minister, you'd be well advised to refer this to the court of appeal initially and determine its validity before putting the public to the inconvenience and expense of enforcement of the section and the inconvenience of some citizen doing it himself.

Just let me say one more thing, Mr. Minister. There are laws in those statutes which sit in front of me which are unconstitutional, which have been unconstitutional for 50 years, and nobody cares and nobody's challenged them. But, Mr. Minister, the first person whose licence you lift under this section with a few bucks is going to take a run at you. And if this is unconstitutional, it isn't going to last very long, but it will last long enough to convict some innocent people if it is unconstitutional, and to put some individual to the very considerable expense of testing the constitutionality of the section. So I urge you, Mr. Minister, to consider this. I think it's reasonable, and I would hope that the minister would see the logic of it.

**HON. MR. GARNER:** — Okay, Mr. Chairman, what we're simply saying on this is that the federal government could, or may, before we receive proclamation on this — and we're looking at staggered dates for the proclamation on this — come in with their own section, their own amendment, to the Criminal Code. But we're saying that if we go . . . Well, we're just not prepared to wait, Mr. Chairman. The legal advice that we have is that it is constitutional. We're prepared to go down with it now and take corrective measures. But proclamation is going to be staged over a period of time, and maybe before proclamation comes in on this section, the federal government will accept their responsibility.

**HON. MR. BLAKENEY:** — Mr. Chairman, and Mr. Minister, would the minister state unequivocally that he has legal advice which says that this section is constitutional?

**HON. MR. GARNER:** — Well, I think the Leader of the Opposition is very much aware, more so maybe than other individuals, that nothing is 100 per cent sure. But the legal advice that we have obtained to date — and I have the greatest deal of confidence in that legal advice and those individuals — is that we are on very safe ground. I guess an answer to your question is: to the very best of our knowledge, we can move ahead with this section.

**HON. MR. BLAKENEY:** — A further question to the minister. Does the minister have advice from the Department of Justice that in their opinion this section is within the constitutional power of the province of Saskatchewan?

**HON. MR. GARNER:** — Yes, from the constitutional law branch.

**HON. MR. BLAKENEY:** — Mr. Chairman, and Mr. Minister, is the minister aware that if that should be faulty, the circumstances could be very unfortunate for the point of view of law enforcement in Saskatchewan? It is possible that peace officers would have a number of occasions when they might or might not have gathered evidence which would have led to a conviction for some offence dealing with drinking and driving. They failed to gather evidence because they relied upon the blood test which was taken and which showed that alcohol content was above 0.08. They then find that this evidence is not able to be entered and we find a number of people who would have been convicted had this provision not been enacted — not convicted because the provision was enacted and subsequently found to be unsound, and ultra vires of the provincial legislature.

Is the minister going to instruct, or have the Minister of Justice instruct, peace officers to assume that the blood test would be only bit of evidence and that if there's any other evidence about, that that could also be entered so that we don't find peace officers relying on the blood test as they now rely upon the breathalyser as virtually their entire evidence, only to find that the blood test is beyond the legislative power of the province of Saskatchewan?

**HON. MR. GARNER:** — Mr. Chairman, two or three points on this. I mean, the member opposite said it was very important. I think it is very important every time we have a loss of life in this province due to an impaired driver. The blood sample is going to be used only when a breath sample cannot be taken. I mean, what we are trying to do with this section is plug the loophole, shall we say, and try and prevent those individuals that are trying to circumvent the law in the province of Saskatchewan that could cost us some additional lives. But on the Attorney-General thing, I cannot speak for the Attorney-General on what his recommendations or that will be. I'm quite sure the Attorney-General would be pleased to answer those questions on his own.

**HON. MR. BLAKENEY:** — Mr. Chairman, and Mr. Minister, I has asked the minister a question, and he made a statement, and I have failed to connect the statement to the question. I wasn't even talking about the merits or otherwise of the provision or what its purpose was. I was talking about the merits or otherwise of the provision or what its purpose was. I was talking about the circumstance that will arise if that provision is found to be beyond the power of the legislature of Saskatchewan.

I am asking the minister whether or not he has any proposals that would lead to some other evidence besides the blood tests being gathered so that in the event that the blood tests are found to be beyond our power, the result will not be necessarily that a number of people who might have been convicted on other evidence are not convicted, because the reliance was placed upon the blood tests which show 0.08 or more, but which are not able to be admitted as evidence.

**HON. MR. GARNER:** — Mr. Chairman, what we're saying: this is basically giving the law enforcement officers one more tool for gathering evidence in carrying out their duties. I mean, there is a problem out there. The problem has been identified. The federal government has not acted out there. The problem has been identified. The federal government has not acted on that problem yet. The people of Saskatchewan after the

survey have, I believe, instructed me with the 70-some per cent of the thousands of replies that we have, that they would like to see corrective measures taken. I believe it's a forward step. There's no 100 per cent sure system but from the legal advice that we have obtained, we believe, and I go back, that we are on safe grounds.

**HON. MR. BLAKENEY:** — Mr. Chairman, and Mr. Minister, I don't know what question the minister thought he was answering, but it wasn't the one that I asked. No one denies the need to address the question of convicting people who are driving while impaired, so that let us not go off on that little frolic again. We are conceding that, Mr. Minister. We agree. What we are trying to say is that . . . and let me give you an example. let me give you an example. If, for any reason breathalyser tests were found to be unconstitutional, and they're not, but if for any reason they were, a large number of people would not be convicted in this province who were otherwise subject to convictions. Why? Because the police are relying almost exclusively on breathalyser tests in order to get convictions of 0.08. They don't bother walking lines any more or doing all of the other . . . recording all of the other indices of intoxication. And there's nothing wrong with that so far as the police are concerned, because the breathalyser has proved to be good, solid evidence and has worked in a great number of cases.

I am saying to you that, in my judgement, you cannot assume that blood tests under this section are going to be as firmly constitutional as the breathalyser is now. The breathalyser is federal law and is firmly imbedded in the criminal law of Canada. Blood tests obtained pursuant to provincial legislation are far from firmly part of the criminal law of Canada — far from firmly. And accordingly, I am suggesting that a total reliance on them as evidence is going to be unwise. And I am asking you whether or not you have any proposals for ensuring that there is not total reliance on these tests, but that other evidence is gathered as it used to be in the days before breathalysers, and is not longer gathered routinely by policemen.

I am saying . . . I am asking you what steps you propose to take to deal with that narrow question. And before I take my seat, Mr. Chairman, let me say that I agree that the minister should be acting to deal with this problem on the roads, and I agree that the public agrees with that. And I agree that something has to be done about this and so I'll save the minister the time of saying all that, and ask him to deal with the question of what he proposes to do by way of taking steps to see that additional evidence is gathered.

**HON. MR. GARNER:** — Well, Mr. Chairman, now we're going to deal directly with his questions, directly with this question.

**SOME HON. MEMBERS:** Hear, Hear!

**HON. MR. GARNER:** — Mr. Chairman, right now there is no way of obtaining evidence. I will give you an example, sir. There is no way of obtaining evidence if there is an accident and one of the drivers of one of the new vehicles is unconscious, or injured, or if someone is feigning an injury. That individual can get off scott-free. Can get off scott-free. This is going to enable the officer another tool. Constitutionally, we seem to disagree. We seem to disagree.

**AN HON. MEMBER:** — We believe it's . . . (inaudible interjection) . . . but it's better than what we had.

**HON. MR. GARNER:** — The Minister of Agriculture is almost answering the question for

me here. We believe, on the advice that we have obtained, that it is workable, number one; it's acceptable by the medical practitioners in the province of Saskatchewan; and that it is constitutionally as safe as any other piece of legislation that has to do with the constitution. We believe we're on safe grounds. It appears that the member opposite does not agree. That's fine. I do appreciate that he agrees with us that this is a good step. It's a step that we have to take. The province of British Columbia has taken this step already. I guess we have to be number two; we'd like to have been number one. We're number two in this respect.

Just maybe, before proclamation of this bill comes in, the federal government will have accepted that responsibility and amended the Criminal Code.

**HON. MR. BLAKENEY:** — Mr. Chairman, and Mr. Minister, may I briefly ask the minister to direct his attention to the question I previously asked? Mr. Minister, it's a fairly simple question. If you don't want to answer it, just say no . . . (inaudible interjections) . . . Well, the theory that all of these people are in circumstances where no evidence of possible intoxication can be gathered is, I think, not sound . . . (inaudible interjection) . . . That's right. But a remarkable number of them don't have two broken legs. And for those who don't have two broken legs, are you going to ask them to walk a line? That is a facetious question. But what I am really asking is: is there any proposal to instruct peace officers to be aware of the fact that this evidence could come under attack? Let me put it that way. And if I don't get an answer — if he wants to tell me what a splendid provision this is — then I'll listen again and I'll abandon the question. But the question is not whether the provision is splendid, or constitutional, or in B.C., but whether or not any steps are going to be taken to see whether fall-back evidence is at hand should this evidence be found to be inadmissible.

**HON. MR. GARNER:** — Mr. Chairman, I just want to assure you of the co-operation that we're having with all members of this Assembly. I am quite prepared to share this with, number one, the Attorney-General, and with the police officers, the law enforcement officers out there in the field, and I appreciate your input into this.

Sir, it's going to be a very workable piece of legislation, and I know you will join with us in taking credit for saving a lot of lives with our new Vehicles Act.

Amendment negated on division.

Page 93 agreed to.

The committee agreed to report the bill as amended.

The Assembly recessed until 7 p.m.