**LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**
**Thursday, December 8, 1983**

**EVENING SESSION**
**COMMITTEE OF THE WHOLE**

**Bill No. 13 – An Act respecting Planning and Development in Urban, Rural and Northern Municipalities**

**Clause 1 (continued)**

**MR. SHILLINGTON**: — Thank you, Mr. Speaker. Mr. Minister, I must have missed something in your explanation. I do not know what it is about the process that you outlined which protects the provincial government from an amendment which they don't like. What you said is, "We review the plans before they're approved to make sure that they are in the public interest," My question is: what is to prevent them from being later amended in a fashion in which the provincial government does not find to be in the good for the public of Saskatchewan?

**HON. MR. EMBURY**: — Mr. Chairman, any amendments to the plan, any amendments to the development plan have to be approved by the minister.

**MR. SHILLINGTON**: — I didn't hear you, frankly. Did the minister say that any amendments have to approved by the minister?

**HON. MR. EMBURY**: — Any amendments to the development plan have to be approved by the minister.

**MR. SHILLINGTON**: — What is it, then, that the municipalities can request to be waived?

**HON. MR. EMBURY**: — Any amendments to their zoning by-law.

**MR. SHILLINGTON**: — Okay. Finally caught up to you. Mr. Minister, well, unlike the member from Souris-Cannington, this is not an area I consider myself an expert in. I know that it would be otherwise if the member from Cannington were in my position; he would be dealing with this with the greatest of ease. Mr. Minister, another question on section 2. I know we're on section 1, but on section 2, 2(h), does "development" include demolition?

**HON. MR. EMBURY**: — Mr. Chairman, demolitions are controlled under the urban municipalities act. They have to get a permit to demolish and that is covered under the urban municipalities act, not the planning and development act.

**MR. SHILLINGTON**: — That was to be my next question. So this section does not affect the ability of the city councils, such as Regina, to control the demolition of a building such as one that was recently demolished on Lorne Street in Regina, I think. That does not affect this at all.

**HON. MR. EMBURY**: — Well, you're talking about the famous Neisner house? As I understand that particular issue, and that's just reading it in the paper, there were two things involved there. Yeah, they could control it under the urban act and then part way through the history, somewhere in that, it was also going to be designated a heritage site. And, of course, it can be controlled under the heritage act as well.

**MR. SHILLINGTON**: — Well, I would have thought that this definition would have been the one that would have been used to give city council the authority to control developments. That's one of the uses of this definition. Does it not make sense . . . They have the same interest in this subject that most of your members do.

This, I may say, Mr. Minister, for the benefit of your colleagues, is probably the most important piece of legislation that this session, that this particular session will deal with. It is also the most difficult to understand. And I can understand if members, like the member from Regina North, have difficulty following the conversation.

Mr. Minister, does it not make some sense to broaden development to include a demolition of a building so that municipalities can have complete control, not just of what goes up but what comes down?

**HON. MR. EMBURY**: — The only section in the act that I presume you could control demolitions through the planning development act would be a direct control district. And if you wrote into the zoning for a direct control district, the matters dealing with demolitions – you could do it that way.

But development in the sense under this act . . . Demolition really isn't a land use. Demolition has to do with the structure – whether it goes up or goes down, I agree. But it has nothing to do with the land use, so to speak.

And it is adequately covered off and protected through the urban act. So it's not the matter that the council is powerless to stop demolitions, because they do indeed control demolitions through their demolition permit system under the urban act.

**MR. SHILLINGTON**: — But is it not conceivable that a municipality would want the power to control demolitions in a district, and to make regulations and provide rules and guide-lines which would control demolitions in a general sense?

I'm thinking of something such as Battleford, the town of Battleford, which has been talked about as being a heritage district – the whole town – because it has not changed. Moose Jaw – Main Street, Moose Jaw, and High Street have been talked about in the same language.

Does it not make sense to give the municipalities the power to set by-laws and so on which control what comes down in the same way that they might want to control what goes up?

**HON. MR. EMBURY**: — I believe I mentioned that, yes, if they wanted to – Main Street, Moose Jaw – if they wanted to zone that as a direct control district, or under the heritage act . . . But the direct control district then they could, through the planning and development act, control demolitions. But I repeat, they have control on demolitions in any case under the urban act. But if they wished to reinforce that through the planning and development act, then they would use the direct control district zoning and write that into their zoning by-law for that district, and they would have control.

**MR. SHILLINGTON**: — With respect to the demolition permits, does the city council have complete discretion to refuse a demolition permit on any basis whatsoever, or are they limited to certain considerations such as safety of the demolition process and so on? Do they have an unlimited discretion to control the demolitions?

**HON. MR. EMBURY**: — The reason for the confusion is that we're talking about the urban act, and we don't have it. I am advised that, legally, decisions have come down saying that demolition is not a land use decision, and that you can't . . . The courts have already dictated that, what you're trying to get at. I am not clear on the discretion under the urban act on building permits, offhand. We'll find out for you.

**MR. SHILLINGTON**: — The question of demolitions is important, and becoming increasingly important. I think we want to be clear that municipalities have no limit on their right to control demolitions. You say that they may introduce a control district, and do it through that

mechanism. Without having the final word on what is a control district, I wonder if that would encompass all of the circumstances under which they might want to control demolitions. Or might they want to control demolitions in areas that they wouldn't want to declare control districts? I don't know. I just wonder why we don't broaden the word "development" to include demolition, so that we can be sure that they have a complete and unfettered discretion to control this thing.

**HON. MR. EMBURY**: — Well, if the concern is the control of demolitions by urban municipalities, I think when we discuss the urban municipalities act is when that should be addressed, if that control . . . If it's felt that the controls . . . Quite frankly, I'm not sure what the . . . I'm just remembering back, that when I was on city council that we did have quite a bit of latitude in demolition permits, but I couldn't tell you, quite frankly, what that is. But that's where it lies and I think it's better to be dealt with under that urban act which this House will be looking at in the spring. If that's a concern, it should be addressed at that point.

**MR. SHILLINGTON**: — I don't intend to keep this going endlessly, but I would argue, Mr. Minister, that this is not . . . This is a land use question. Demolitions has been dealt with within the urban municipalities act, I think for reasons having to do with safety of the public who may be walking past the buildings being knocked down, and similar such reasons. And if the courts have said that this is not a land use issue, then we ought to get the courts clear on that because I think it is a land use issue.

When city council in Regina attempted, with only partial success, to stand in the way of Adam Niesner demolishing a building, that was land use. They didn't want that land used for an apartment block. They wanted it used to preserve a building which was thought to be important to our heritage. So I'd argue, Mr. Minister, that in this context, demolitions goes directly to land use and should be dealt with in this statute, and not in the urban municipalities act.

As I say, I don't intend to keep this up endlessly, but I think that the time has passed by the original purpose for demolition permits. I think they were originally put in for reasons of safety. I think now municipalities with increasing concern about heritage, and the skyscape, and the appearance of municipalities, with increasing concern about the quality of life . . . I think demolitions have become land use issue and I would urge that it be considered in that context.

**HON. MR. EMBURY**: — Well, I think that if you take an example of a single residential house that is demolished, then it's not a land use question. It's not a land use question, because the zone in which that house is situated requires that all that can be built on that lot is another single family unit. So it's not a land use question in the sense that the planning and development act would look at it. What you are saying is that in cases of heritage buildings, or in cases of where one type of building might be torn down and a different type of building put up, obviously that is a change in land use and is covered under the act, but he demolition control in itself is dealt with under the urban act. And if you feel that the powers of council should be strengthened, that's where it should be addressed.

**HON. MR. BLAKENEY**: — Mr. Chairman, and Mr. Minister, I would like to raise with you a question of what this bill does with respect to subdivision plans, and whether or not it reduces or increases the powers of a city, town, village, or resort village, to approve of subdivision plans.

I have in mind a particular resort village, the village of Kannata Valley, and some of you will know of difficulties which have surrounded that resort village. In the opinion of the minister, will this bill add to or subtract from the powers of the council of Kannata Valley to control subdivisions within the boundaries of the resort village?

**HON. MR. EMBURY**: — Mr. Chairman, first to answer the general question of: does this improve or does it dilute council's power in regards to subdivisions? The council's powers in regards to subdivision remain the same under this act.

In regards to the question at Kannata Valley . . . As I understand it, Kannata Valley is situated within one of the Qu'Appelle planning districts and because Kannata Valley is within that planning district, the district planning commission has the authority to approve subdivisions. As I understand it, the land in question at Kannata Valley is zoned properly for the development that is being proposed, and whether the council is aware of that zoning or not, I don't know. But as the zone was there, and if the development proposed fits the zone, they find themselves in a problem.

In a normal case, of course, the council has the power to zone the land in the first place for use. But in the Kannata Valley, I take it that this zone has been there for about eight years, and the subdivision application goes to the planning commission for the district and to the town. That's really because it lies within one of those six Qu'Appelle planning districts. So it's not an ordinary case, Kannata Valley.

**HON. MR. BLAKENEY**: — Mr. Minister, I have a letter under the letterhead of Kannata Highlands Ltd. to the residents of the village of Kannata Valley, and it's also addressed to the cottage owners of the village of Kannata Valley, of whom I know many. The letter reads in part:

> I have, with regret, concluded that your council is delaying approval of a servicing agreement. If the agreement is not in place by the end of September, the 1983 construction season will be lost. It is to my advantage to await passage of Bill 106 this fall and proceed to obtain approval for the subdivision under the new act, because the power of the village to hold up approval will be taken away.

Is that your understanding of the effect of the new act, the one we are now considering?

**HON. MR. EMBURY**: — I understand the member has a personal interest in this, does he? Yes, the provision in the bill stipulates that after 90 days if a municipality and a developer cannot agree on a servicing agreement, either party, either the municipality or the developer, can appeal to the provincial planning appeals board who will hear both sides and will dictate what is in that servicing agreement. So it's a mechanism by which they can settle these disputes. And I understand that, really, Kannata Valley is probably trying to hold up the development by using the servicing agreement in this case because of the odd circumstances that took place out there. But normally speaking, a servicing agreement shouldn't be the vehicle in which to decide land use. It should have been done well before they got down to the servicing agreement stage.

**HON. MR. BLAKENEY**: — Mr. Chairman, and Mr. Minister, then you would agree that the effect of the act is to remove the power of the village to decide whether or not they enter into the servicing agreement, and to place the decision in the hands of the provincial planning appeals board.

**HON. MR. EMBURY**: — Well, that's not quite true, Mr. Chairman, because the municipality is the only one that can decide to enter into the servicing agreement in the first place. If they hadn't zoned the land for the use and gone through all those stages, of course they wouldn't be in a position to enter into a servicing agreement. So no, I disagree with that interpretation. They are the only ones that can decide to enter into it in the first place.

**HON. MR. BLAKENEY**: — I am not sure I understand your answer. I understood you to say that the village was till free to decide whether or not they entered into a service agreement. That was not the import of what I took to be your earlier answer, but I'll ask a question again just for clarification. Is the village of Kannata Valley still free to decline to enter into a servicing agreement?

**HON. MR. EMBURY**: — As I understand it, Mr. Chairman, at the outset of the development process . . . I'm not sure whether the applause is for you or I. At the outset of the development

process, the municipality decides whether to enter into a servicing agreement with the developer or not. If Kannata Valley had decided not to enter into a servicing agreement with the developer, then the subdivision would have gone ahead without a servicing agreement at all.

**HON. MR. BLAKENEY**: — I'll just ask one further question on this rather narrow problem. I note that the minister is reasonably well informed on the circumstances. Is the situation such that if the developer, Kannata Highlands Ltd., and the village, Kannata Valley, do not reach agreement on the terms of a serving agreement, then under this new act the terms will be set by the provincial planning appeal board?

**HON. MR. EMBURY**: — That's correct, Mr. Chairman. I might add to the member, that I have a lot beside me at Katepwa, if you want to move.

**HON. MR. BLAKENEY**: — I missed that reference to Katepwa, but I won't pursue it.

My question to the minister concerns the zoning powers of municipalities, and I'll use as an example rural municipalities. Would the minister be of the view that if this new act is passed, it would be within the power of a rural municipality to zone land so that it would be a contravention of the zoning to build, let us say, a power transmission line?

**HON. MR. EMBURY**: — I think, Mr. Chairman, the simple answer to that is: yes, they would have the power to zone so that it would, that the Crowns would be bound by the local by-law.

**HON. MR. BLAKENEY**: — Thus, the effect is that a power transmission line will not be able to built in a municipality – let's say a big A-frame line – if the municipality decided that this was contrary to the zoning.

**HON. MR. EMBURY**: — The simple answer to that is: yes, but remembering that the rural municipality's zone in the first place would have to be approved by the Minister of Rural Development.

Secondly, this is nothing new. Under the existing act, the Crown is bound by the local by-laws. What is new in this planning and development act is section 214, which allows the Lieutenant Governor in Council to exempt those crowns from the local by-laws if it is felt to be in the public good.

**HON. MR. BLAKENEY**: — I missed an earlier comment of yours to the effect that zoning by-laws have to be approved by the minister. And in this new act, the zoning by-laws have to be approved by the minister.

What I think you are getting at is that an urban municipality who adopts a development plan and has that development plan approved by the minister, myself in this case, may request a waiver from any amendments to their zoning by-law, not having ministerial approval.

I suppose the rural municipality could, as well, if they adopted a development plan. But maybe . . . (inaudible interjection) . . . Yeah, it's a little extensive, I think, for a rural development.

**HON. MR. BLAKENEY**: — So the effect of what you're saying is that for virtually all urban municipalities, or larger urbans, they will not need ministerial approval for the approval of by-laws which are consistent with their development plan. For rural municipalities which do not have a comprehensive development plan, they will need ministerial approval for by-laws. Have I

got that right?

**HON. MR. EMBURY**: — The . . . and we went through this this afternoon, but here are two basic types of plans, Mr. Chairman. The larger municipalities – any municipality can – but it is expected that the larger municipalities will adopt a development plan. If you will look at your act, section 55 of the new act, it will give you an idea of what has to be incorporated into a development plan. Section 42 will give you some idea of what has to be included in a planning statement.

Basically, a development plan is a much more comprehensive document than a planning statement. It is expected that the larger municipalities, like Regina and Saskatoon and Prince Albert, will adopt development plans. If those development plans are approved by the Minister, they then may request of the Minister to be waived for ministerial approval for any amendments to their zoning by-law. The same would hold true for rural municipalities if they wish to adopt a development plan. And I'm advised that there are three rural municipalities who in fact have development plans, and we would expect that they will update those and submit them. So that in the cases of those three rural municipalities that have a development plan, they too may apply to the minister to have a wavier of ministerial approval on their amendments to their zoning by-law.

**HON. MR. BLAKENEY**: — The Minister uses development plan and zoning by-law as almost interchangeable terms. Do I not understand the situation that there is a development plan and then a zoning by-law which implements a development plan, and there is also in this new act now, a planning statement and a zoning by-law which implements the planning statement? Will the basic zoning by-law, if I may call it that, which implements in the one case the planning statement and in the other case the development plan, require ministerial approval?

**HON. MR. EMBURY**: — Yes. The original zoning by-law will have to be approved.

**HON. MR. BLAKENEY**: — Do I also understand that whether or not the amendments require ministerial approval depends upon whether or not the municipality in question – and it must be one with a development plan – applies for an exemption from ministerial approval for amendments, and you can grant what amounts to a blanket exemption? Is that a fair statement?

**HON. MR. EMBURY**: — Yes, as far as amendments to that zoning by-law are concerned.

**HON. MR. BLAKENEY**: — One other small area of questioning. This has to do with The Heritage Property Act, and more particularly with provincial designation of heritage property which doesn't belong to the Crown. Do you see any conflict between – potential conflict, at least – the powers of an urban municipality which has a development plan and the powers of the Crown under The Heritage Property Act to designate a particular structure as a provincial heritage property, where that structure doesn't belong to the Crown? You tell me you have an exemption which will cover Crown property if you wish to use it. I am talking now about, let's call it St. Paul's Cathedral, the Anglican cathedral in Regina, as an example. I am postulating a case where the province of Saskatchewan may have designated that as a provincial heritage property, perhaps with the full consent of the diocese, and the city of Regina decides to zone it something quite different. I don't know. I'm asking whether, in the judgement of the minister, there is any area of conflict.

**HON. MR. EMBURY**: — Mr. Chairman, no, I don't think that there would be a conflict, given that example of St. Paul's Cathedral, because the heritage act would retain the structure. But if the city of Regina decided that the land use could change, that is it would no longer be a church but it could be, I don't know, whatever. Then that could happen and there'd be no conflict, because the city would be simply designating a different use of that building. The building itself, the structure, is what is being protected under the heritage act.

Clause 1 agreed to.

Clause 2 agreed to.

**Clause 3**

**MR. CHAIRMAN**: — House amendment to clause 3, section 3 of the printed bill: amend section 3 of the printed bill by adding the following after "prevails":

> or, in the cases designated by the Lieutenant Governor in Council in the regulations, the other act prevails.

**MR. SHILLINGTON**: — I wonder if Mr. Minister has had an opportunity to consider the point raised by the member from Elphinstone. It struck me that the point was a good one and that you do not . . . It is virtually impossible to think of any piece of legislation that you want to prevail over all other acts in all circumstances at all times. This truck me as the kind of a saving provision which might well get a provincial government out of difficulty at some future time in dealing with some other level of government.

**HON. MR. EMBURY**: — Yes, we've talked to our council on it, and, Mr. Chairman, this isn't the house amendment. This isn't our amendment; it's Mr. Shillington's amendment . . . (inaudible interjection) . . . Oh, is it? Well, . . .

**AN HON. MEMBER**: — Order. I can clarify that: the proposed house amendment by Mr. Shillington.

**HON. MR. EMBURY**: — We will be voting against the amendment, and I will try and explain why. The phrase, "If this act conflicts with any other act, this act prevails." . . . The contention here is that it has the same intent and meaning as the present clause in the existing act, that it is simply a rewording. We couldn't contemplate, or it is . . . The intent here is that it would take precedence over any other acts that dealt with land use, or planning and development. It has never been a problem in the past, that clause, and our legal counsel advises us that as it is stated win the proposed act is sufficient . . . I don't know . . . The member from Elphinstone the other day mentioned a conflict with the human rights commission, or something that we can't conceive of where you would come in conflict with the planning and development act with that, and it is felt by our counsel the wording that is presently proposed in the act is sufficient.

**HON. MR. BLAKENEY**: — Mr. Chairman, and Mr. Minister, I'll take the human rights code. Your solicitors may be advising that there's no prospect for conflict. The human rights code specifically says that it is discrimination to attempt to regulate who can purchase property on the basis of race, sex, ta-da, ta-da, ta-da. I am asking whether or not it is not possible under the provisions of this act – and as I read it, it is – to have zoning by-laws which are based upon race. We've had all manner of zoning by-laws in the past which have been based upon race in Northern America, not necessarily in Saskatchewan, but lots of them. I don't anticipate that many Saskatchewan municipalities would indulge in that, but if they did, is it your assertion that the by-law would prevail and that the human rights code would not, because this act prevails?

**HON. MR. EMBURY**: — No, any zoning by-law that was based upon any discriminatory basis, of course, would be struck down in the courts. It would be difficult for me to even imagine how a municipality could base a zoning by-law on anything but land use, and that is the basis for zoning, is land use. If it is discriminatory, the normal course of action is to go to the courts.

**MR. SHILLINGTON**: — Well, is the minister saying that you couldn't design a development plan

or a development statement which would make it difficult for Hutterites to carry on the community life to which they've been accustomed? I think I could devise one.

**HON. MR. EMBURY**: — I'm advised from all three sides, as lawyers, that in a recent decision by the Court of Appeal, the zoning by-law that tried to control Hutterite expansion was thrown out for that reason. And it was stated in the case, as I understand, that the zoning by-law was thrown out for that very reason. So, as I say, the normal course of events would have people go to the courts if they felt that they were being discriminated against through the use of a zoning by-law.

**HON. MR. BLAKENEY**: — Mr. Minister, the old act said that the act prevailed in all matters with respect to zoning and land use, making it very clear that you were talking about zoning and land use and making it easy for the court to strike down what they thought was an illicit use of zoning and land use. Now you are broadening the power, saying the act prevails over any and all acts under any and all circumstances. And I guess the question I'm asking you is: why are you broadening the ambit of this act over the ambit of the past act? And by the way, I think the past act, the ambit was too broad. But why are you broadening it still further, and saying that this act prevails over any and all other acts?

**HON. MR. EMBURY**: — Our legal counsel indicates that we are not broadening the definition, and that what simply is said here, that this act prevails over any other act in the matters of planning and development, that this does not expand the meaning or the power of the act.

**HON. MR. BLAKENEY**: — Do you have the wording of the other act at hand, or can you refer me to the chapter of the other act? I had it before me a moment ago. And the old act was chapter what?

**HON. MR. EMBURY**: — I think that the member is looking for section 11. Is the member talking about the existing act? Section 11:

> In the event of conflict between the provisions of this and any other Act, the provisions of this Act so far as they relate to urban and rural planning and development govern.

**MR. SHILLINGTON**: — The point made by my learned friend from Regina Elphinstone is the very point made: that the former act made it quite clear that they only prevailed with respect to matters relating to land use. You have included no such qualification in this section, Mr. Minister. That confirms the point made by the member from Elphinstone a moment ago.

**HON. MR. EMBURY**: — If it, and I may have to ask the Clerk . . . If in fact you would agree to simply restate section 11 in section wherever we are here, 3, . . . (inaudible interjection) . . . Later, later in the amendment.

**HON. MR. BLAKENEY**: — Mr. Chairman, and Mr. Minister, we wouldn't think that's ideal, but we would think that it's an improvement and we would support a House amendment put forward by the minister which substituted the words of the old 11 for the new 3.

**HON. MR. EMBURY**: — Mr. Chairman, I'm just going to try and find out from the Chair how we proceed to do that.

**MR. CHAIRMAN**: — The question before the Assembly right now is the amendment to section 3 of the printed bill. We have to deal with this amendment.

**MR. SHILLINGTON**: — We have the assurance of the minister that he is going to adopt the old wording as distinct from the new. In the interest of making some improvement, I would therefore be prepared to see this amendment defeated, on the minister keeping his undertaking.

Amendment negatived.

**HON. MR. EMBURY**: — Mr. Chairman, how do I proceed with this, now that I've agreed to put this other wording in?

**MR. CHAIRMAN**: — The minister will have to send down a House amendment to clause 3.

**AN HON. MEMBER**: — Why don't we stand clause 3 while someone writes it up?

**MR. CHAIRMAN**: — Is leave granted to stand clause 3?

Clause 3 stood.

**MR. CHAIRMAN**: — Is leave granted to go by page, instead of by clause, until we get to page 86, where there is a further amendment?

**MR. SHILLINGTON**: — Okay, I think we can if we . . . Yeah. Go by page, but do not go too fast. Let us agree that if we flip over a section I want to discuss, we'll go back to it.

**MR. CHAIRMAN**: — Clause 4 on the bottom of page 6 agreed?

**AN HON. MEMBER**: — Bottom of page what?

**MR. CHAIRMAN**: — Clause 4 on the bottom of page 6 agreed?

**HON. MR. BLAKENEY**: — Ah, we have a little problem . . . (inaudible interjection) . . .

**MR. CHAIRMAN**: — Order. We'll carry on clause by clause until the opposition gets the printed bill. Clause 4 agreed?
Clause 4 agreed to.
Clauses 5 to 13 inclusive agreed to.

**MR. SHILLINGTON**: — Mr. Chairman, we have now located our printed copies. We were using the xeroxed copies. We've now located the printed copies so we may go page by page as soon as we get to the top of one.

Pages 8 to 12 inclusive agreed to.

**Page 13**

**MR. SHILLINGTON**: — Mr. Minister, why send the stated case to the Court of Appeal? Apart from the fact that the Minister of Justice is carrying on a relatively successful war of attrition with the Court of appeal and has the Court of Appeal reduced to a state of partial impotence by understaffing in terms of judges, why would you not, Mr. Minister, have the stated case go to the Queen's Bench which is much more accessible to the rural areas than the Court of Appeal? The Court of Appeal only sits in Regina and Saskatoon. The Queen's Bench sits in a dozen centres throughout the province. Why not send your stated case to the Queen's Bench?

**HON. MR. EMBURY**: — Aside from the leading comments, two reasons. There is no change here, first of all. Secondly, it then gets the appeal to the highest court in the province rather than going to the Q.B. court and then having it go another step, which I assume is the reason for having it there in the first place under the present act.

**MR. SHILLINGTON**: — Thank you, Mr. Minister. But, Mr. Minister, you can get to the court of appeal, in any event, if you think this is a matter which they must determine. But many of these appeals would not present such a broad and earth-shattering point of law that one would need the court of appeal. I would think many of them you would simply want a second opinion from an independent source. I know it may be the court of appeal, but I suspect that that section was inserted in a very different era than what we have now. And again I wonder, Mr. Minister, why don't you utilize the Queen's Bench which, I think, is the appropriate court of first instance, not the court of appeal?

**HON. MR. EMBURY**: — first of all, Mr. Speaker, this, of course, was reinforced in 1973 with The Planning and Development Act. Secondly, there is nothing of substance or policy that goes to the court. It's on a point of law. And thirdly, its' a simple matter of rather than taking the thing to the lower court and then appealing that to the higher court, you go to the higher court right away, and it saves time and money.

**MR. SHILLINGTON**: — I'm not going to pursue the matter endlessly. That would be an excellent argument for not having a trial court at all. Simply deal with the Supreme Court, then you'll cut out all this nonsense about monkeying around with lower courts. I'm not going to carry it on endlessly. I just say that is not, Mr. Minister, a very good argument. I suspect the real reason why it's the court of appeal is because no one turned their mind to the section, but simply scribbled out the old one, and now you're desperately trying to pretend that some thought went into this. I suspect the opposite is the truth – that none went into it until this moment.

**HON. MR. EMBURY**: — Mr. Chairman, I realize that the law profession may need as much money as they can get, and they would prefer to start at the lowest court and go right on up and charge their client a bundle of money, but I think that we prefer to stick with the court of appeal.

Page 13 agreed to.

Pages 14 to 25 inclusive agreed to.

**Page 26**

**MR. SHILLINGTON**: — It actually is on page 26. So I think we can agree to page 25. My objection arises on page 26 – my question rather. Mr. Minister, I wonder if you intended the section to read as it does. And I'm going to read section 74 subsection (3) sub-subsection (iv). Section 74(2) says:

> On receipt of an application pursuant to subsection (1), the counsel may, by resolution or bylaw:

It says a number of things they may do, and then (3) says:

> In approving a discretionary use, or a discretionary form of development, the council may prescribe specific development standards with respect to that use, provided those standards: . . . (b) are, in the opinion of the council, necessary to secure the objectives of the zoning bylaw with respect to: . . . (iv) treatment given, as determined by the council, to aspects such as landscaping, screening, open spaces, parking and loading areas, lighting and signs, but not including the colour, texture or type of materials and architectural detail.

I wonder if you intended that double negative, because it appears to remove from the council discretion to include those – colour, texture, architectural detail, etc., as things that might be specified. And I wonder if you really intended that, and if you did, I'd like to know what the thinking was behind it.

**HON. MR. EMBURY**: — Mr. Chairman, we felt that based on land use, again, the discretionary use is fairly specific and deals with those matters that you quoted. We just do not feel that the local council should be in the business of telling an owner what colour of building he should have, or whether it should be brick or stucco, or whether it should have a turret or a sloped roof, which is basically taste and not land use. I think we allow councils quite a lot of discretion in determining landscaping, screening, open spaces, parking and loading areas, lighting and signs – is pretty particular and gives council a great deal of discretion. But we do not intend to give them the power to tell the owner whether he paints it white or yellow, or he does it in stucco or brick.

**MR. SHILLINGTON**: — Surely, Mr. Minister, that argument is weakest when you are considering the question of architectural detail. Surely, Mr. Minister, that is land use every bit as much as landscaping, screening, open spaces, parking, loading areas, lighting or signs. Surely architectural detail should be included as something a council can specify those other things.

**HON. MR. EMBURY**: — I disagree. I would think that landscaping, screening, and open spaces are public amenities. Parking and loading areas are normally covered under the zoning by-laws, and are specified within a zone. This give them further discretion in those areas, again dealing with public amenities, basically. Lighting and signs are dealt with here, and also under the urban act, and also have a great deal to do with streetscapes, so to speak. But the colour of the building, and whether it has a peaked roof or a flat roof, we just do not feel is the purview of the council. The owner should have the right to put up a building which is useful to him – that's why he's putting up the building – and he should be able to use his own taste for his own building.

**MR. SHILLINGTON**: — I'd like the minister to deal with architectural detail. Surely that is an issue which a council should be able to specify, for the public appearance of the development as much as anything. Surely, Mr. Minister, architectural detail is something that council should not be excluded from specifying.

**HON. MR. EMBURY**: — As the hon. member knows, under those by-laws, they dictate bulk; they dictate height; they dictate set-backs. My argument to you is that they have sufficient control as it is, without getting into architectural design.

**HON. MR. BLAKENEY**: — Before I leave this point, while I suppose we cannot aspire to be a city with a great architectural reputation throughout the world – our cities cannot – at least they might aspire to have some reputation for pleasing architecture, and I invite the minister to think of any of the cities with a reputation for great architecture, and think whether or not there were not controls exercised by someone on architectural design and architectural detail. One can conjure up the picture of the crescents in London, where they're all Georgian, and they blend with each other, and that makes them architecturally pleasing.

The city of Washington unquestionably was planned, and there is no doubt, that both with respect to architectural design and architectural detail, a common plan was pursued.

Now, I am not suggesting that cities should pursue a common plan, but with respect to a street or a given area, I ask you whether or not you do not think that a city ought to have the power to pursue that kind of an architectural objective, with architectural planning and architectural detail, which has made other cities in the world what they are, and they never would have been that way unless someone had imposed some overall architectural design including architectural detail.

**HON. MR. EMBURY**: — Mr. Speaker (and I don't know that it is fact and perhaps the Leader of the Opposition does), I would not think, however, that in London, the city council of the day designed buildings. I doubt that somehow. I think that the developers of the day, the builders of the day, dictated the Georgian style which was not unique simply to London. I don't think that government architecturally designed buildings, all in a row, street after street, was going to be

really all that pleasing. There are many good architects in this town, and they are quite proud of their buildings, and I would be very hesitant to go to tell them that their buildings are not pleasing to the eye. But again, it's a matter of taste, and we don't think we should legislate taste.

**HON. MR. BLAKENEY**: — Would the Minister concede that, let us say, in cities, in Los Angeles there are substantial subdivisions where, if you build, you must have a white stucco, and you must have a terracotta or red tile roof. Those are the sorts of rules which prevail in the subdivision. I am not saying they should prevail. I am saying that someone in Los Angeles, which is not notoriously a hotbed of socialism, has decided that this would be an appropriate way to build Los Angeles. And are you saying that the city of Saskatoon should not have a similar power, not likely to be used, but a similar power?

**HON. MR. EMBURY**: — I suppose we differ in our views. I suspect, however, that in the city of Los Angeles, a subdivision that was built by a developer with same styles of houses, and perhaps the same colours, didn't come out of city hall in Los Angeles. I just don't have a great deal of faith in government architecturally designed buildings, street after street. I just think that the private sector and architects in this province can design very pleasing buildings without being dictated to by a government, be it local or provincial.

Page 26 agreed to.
Page 27 agreed to.
**Page 28**

**MR. SHILLINGTON**: — The section 77(2) states that "a by-law . . . has no effect until it is approved by the minister." Is this a change, Mr. Minister? It was my understanding that you begin with the process of passing a by-law and while it's pending you act as though it were in effect. Perhaps that was just a custom adopted by the municipalities, but it was my impression that they acted as though by-laws were in effect, pending the approval process, and until they were turned down.

**HON. MR. EMBURY**: — No, Mr. Chairman. By-laws have never had effect until approved by the minister.

Page 28 agreed to.

Pages 29 to 32 inclusive agreed to.

**Page 33**

**MR. SHILLINGTON**: — I noticed, Mr. Minister, that the public notice provision did not apply to 84(1) and (2), 84(2) I gather, and I wondered what the thinking was.

**HON. MR. EMBURY**: — Mr. Chairman, this section refers to a subdivision that has already been publicly advertised, the zoning, and is being developed in phases. So that in phase one that is being developed, the other parts of the subdivision are in a holding zone, and then when they go to phase two for the next thing, it comes out of the building zone to be developed. So that they aren't required to readvertise, because the whole thing was advertised to start with.

Page 33 agreed to.

**Page 34**

**MR. CHAIRMAN**: — Proposed House amendment in section 86 in the printed bill. Strike out section 86 in the printed bill, and substitute the following:

> Application fee: costs. A zoning bylaw may provide that when an application for (a) an amendment to the bylaw, or (b) approval of the discretionary use that council wishes to advertise before deciding on the approval is received by council, (c) it is required to be accompanied by an application fee of not more than $100, or (d) the applicant is responsible to pay all or part of the cost associated with advertising the application.

**HON. MR. EMBURY**: — Mr. Chairman, just to explain it to the members opposite, this amendment simply allows councils to collect an application fee to cover their costs for advertising a discretionary use proposal in addition to a zoning by-law. We had forgotten to put the discretionary use in.

Amendment agreed to.
Page 34 as amended agreed to.
Pages 35 to 39 inclusive agreed to.
**Page 40**

**MR. SHILLINGTON**: — Mr. Minister, section 107(1) . . . Sorry, section 107(2) and (3) would seem to place undue restrictions on city council, and I gather the city of Regina, in fact, expressed this concern. And I wonder why their concerns were not given more favourable consideration.

**HON. MR. EMBURY**: — Basically, interim development control is being limited, basically, because of its misuse. The city of Regina, as you know, have had probably the world's longest interim development control. And the problem with interim development control: there are no rules; no one knows the rules when you are in that stage. And I think the member knows very well the problems encountered over the years with the transition area in Regina, which has been consistently under interim development controls for years and years.

It is our feeling that there are sufficient tools now in the new planning and development act – anywhere from direct-control districts, which I am sure the city of Regina will implement on the transition area, to contract zoning, to bonus zoning, to any number of tools that they can use so that this interim development control will not be required, as it was in the past when they had less tools to use in those complex areas.

**MR. SHILLINGTON**: — Well, I'm frankly not sure I understand what those tools are, Mr. Minister. I know Regina's had it for a long tie, but it strikes me that I can think of situations where a municipality would want to use interim development control and use it legitimately – where it's reviewing or consolidating an existing development plan or basic planning statement.

I'm not sure, Mr. Minister, that you're not using a sledge-hammer to kill a fly here.

**HON. MR. EMBURY**: — Well, basically, Mr. Chairman, if you're developing a new plan, a first-time plan, you can use interim development control. For those communities that already have a plan, like the city of Regina, there's no need to have interim development control as you're developing an amendment to that plan, or even developing a whole new plan, because you already have a plan in place. And if you are developing an amendment, or a new plan, and when that's adopted, then your policies change, and your by-laws change. But if you already have a plan in place, there's no need for that interim development control. If you have no plan in place at all and you are developing a plan, then yes, you use interim development control.

**MR. SHILLINGTON**: — But is it not conceivable, Mr. Minister, that your development plan may be patently inadequate, and you want to use interim development control to control the situation until you have your new development plan passed? Is that not a legitimate use of

interim development control, when your existing development plan becomes woefully inadequate?

**HON. MR. EMBURY**: — I could only see that happening, Mr. Chairman. If a municipality allowed their plan to fall into such disarray, and didn't keep it up-to-date, that that was the case. A municipality should keep their development plans up-to-date. They should amend them as required, and they should amend them in a timely fashion.

I don't foresee that problem in Regina, who basically – and I will say it here as I said it when I was on that council – has misused that income development control procedure. It should not take you years and years and years to come up with a plan, and if they do, in fact, require a new plan or amendments to their present plan, they should develop those and have them approved. But there is no need for interim development control in the meanwhile.

Page 40 agreed to.

Pages 41 and 42 agreed to.

**Page 43**

**MR. YEW**: — Thank you, Mr. Speaker. Question to the Minister of Urban Affairs with respect to The Northern Municipalities Act. We have towns; we have northern settlements; we have, under the act, hamlets; and we have unorganized hamlets. And in terms of those various definitions of local government status, we have various responsibilities and authority and jurisdiction of the four different local government councils as mentioned. Some have a little more authority, like the town status one, and the northern settlement one, as well as the hamlet one. But in terms of the unorganized hamlet, you really don't have the authority to administer and manage your own community as defined under the town status act, or the northern settlement one.

I take, as an example, Wollaston Lake in the far northeast corner of the province – Wollaston Lake, Kinoosao, Southend, and Brabant – and you have, in those communities, some of those communities, a very low-profile type of a local government, in terms of the legislation that we have, that have been embodied to practise local government and to perform local government responsibility.

Now I'm back to my question in terms of page 43 of section 119: what mechanisms do you have or do the communities have to enable them to be a part of the district planning commission if they so desire? That's my question.

**HON. MR. EMBURY**: — Well, as I indicated, Mr. Chairman, to the member previously, those communities that you named, on their initiative could apply to become a part of a planning district, and that would be reviewed by the department, and the decision made whether they could form a planning district. So any community, whether it be a hamlet, or a two, settlement – whatever community – can take that initiative.

**MR. YEW**: — I raise that specific question because this section states that application must come from the municipality, and as far as I can detect from reading the act that's in front of us now, is that the unorganized hamlets really have no municipality status. Can you dispute that or get back to me on that question?

**HON. MR. EMBURY**: — Mr. Chairman, a municipality . . . The definition of the municipality as it's defined in this act, the planning and development act, would use the same definition of a municipality that is in the northern municipal act. When we talk about a municipality in the planning and development act as far as it pertains to those northern communities, we will be using the definition under The Northern Municipalities Act.

**MR. YEW**: — I'm very concerned about that particular part because, you know, in a letter from the minister responsible for The Northern Municipalities Act dated July 16 of 1982, it says very specifically and very clearly on his second paragraph, a directive to all his staff . . . And I'll read just a small section here and I'll read it to you, Mr. Minister. It relates specifically to this act as well as The Northern municipalities Act, and it relates specifically to local governments and it says:

> The government recognizes the valuable service that the Department of Northern Saskatchewan has provided to northerners over the past 10 years. However, the government also recognizes the need for greater emphasis on local self-government and the development of economic self-sufficiency. It is, therefore, the policy of this government to develop and support responsible and effective municipal self-government in the North, and to develop, in consultation with the residents of northern Saskatchewan, a long-term comprehensive, economic strategy that will result in making residents of northern Saskatchewan self-sufficient partners in the economic, political, and social development of Saskatchewan.

Now that I've read that paragraph, and it goes on, on page 2, to identify exactly what the statement is about.

A good number of people in the North have waited a long time for your government to act on those commitments that were made last July of 1982. And I just want to ensure that this bill, as well as The Northern Municipalities Act, as well as any act that relates to the North, is in tune with what the minister has committed to the people of the northern administration district. And I just want to ensure that this Planning and Development Act coincides with those commitments.

**HON. MR. EMBURY**: — Mr. Chairman, yes, I think that The Planning and Development Act is designed to allow those northern communities to . . . gives them the tools to be able to plan their future growth themselves.

The question previous to this one, I thought was a question on what the definition of a municipality was, and maybe I was incorrect in that. But if your question is: will this act help northern communities plan their own growth tin the future and retain local decision making?, the answer is yes.

Page 43 agreed to.

Pages 44 to 49 inclusive agreed to.

**Page 50**

**MR. SHILLINGTON**: — Mr. Minister, notes circulated with the bill tabled last spring suggested, perhaps in error, that the minimum size for a new legal subdivision would be 40 acres, which is the present size of a legal subdivision. That was in the notes circulated with the bill last spring. Is this still the current thinking? If it is, I wonder if there shouldn't be some exceptions to that. There may certainly be thought to be parcels of land smaller than 40 acres which should be the subject of subdivisions.

**HON. MR. EMBURY**: — I am advised, Mr. Chairman, that under the old act the 40-acre parcels were not subject . . . The title could be raised without going through the subdivision process. The change now is that those 40-acre parcels, and smaller, will have to go through the subdivision process.

**MR. SHILLINGTON**: — Are you saying that it will now not be possible to sell a legal subdivision? We used to call them LSDs before the drug became confusing. Are you saying now that we cannot sell an LSD without getting the approval? Is that what you're saying now?

**HON. MR. EMBURY**: — Yeah, the answer is yes to that. They'd have to go through the subdivision process.

**MR. SHILLINGTON**: — Well, that changes . . . I'm not suggesting anything is immutable, a law of the Medes and Persians, but that changes a practice which has been in existence for a long time, that you can sell a legal subdivision without getting anyone's approval. Why, Mr. Minister, do you want farmers living out of town to get somebody's approval before they sell an LSD to a son, who may want to build a farmstead on it?

**HON. MR. EMBURY**: — Mr. Chairman, the request for this change was a request from the rural municipalities, and the change coincides with legislation now in effect in Manitoba and Alberta, designed basically to protect the loss of prime agricultural land. And the request for this change came from those R.M.s, and coincides with legislation in the provinces to the east and west of us.

**MR. SHILLINGTON**: — Well, is the minister saying that there is a resolution of SARM which requested this change? Is that in fact what you're saying?

**HON. MR. EMBURY**: — Yes.

Page 50 agreed to.

Pages 51 to 73 inclusive agreed to.

**Page 74**

**MR. SHILLINGTON**: — Mr. Minister, this actually arises under subsection (3). The cash in lieu payments are, under this section, made on the basis of land in a subdivided, unserviced state. I am wondering why the cash in lieu payments are not made on the basis of serviced land values. I gather once again Regina city council made this point, and I think it's a good one. And I wonder why that was cut. I think an obvious suggestion wasn't incorporated.

**HON. MR. EMBURY**: — Mr. Chairman, the provisions outlined here are the same provisions in the current act. There are basically three options. There are three points o f view on this question, and that is to base the cash in lieu of either on raw, unserviced land, or subdivided raw land, or subdivided serviced land. This obviously is the middle road on the thing. The basis on which, though, you could argue that – and it is argued – the park or the open space, if it were developed, would not require the services that the other areas in the subdivision would require – basically water and sewer lines and what have you. So that, on the one hand, I think the development industry, of course, would like us to specify the cash in lieu of a provision based on raw, unserviced land . . . unsubdivided land, and of course on the other hand, the municipalities would prefer the cash in lieu based on fully serviced and fully subdivided land. But the fact is that open space does not require the services that the other areas in the subdivision would require, and I presume that was the basis of the decision in the first place under the present act, and it still holds true today. So there is no change here from the present act.

**MR. SHILLINGTON**: — Well, Mr. Minister, it may be in the present act, but I thought the purpose of redrafting the act was to clear out any mistakes. I think, Mr. Minister, an argument that it is in the present act is not a very strong one. Mr. Minister, it strikes me that the practical purpose of having cash in lieu payments is that it will then be open to a municipality to, instead of heaving a number of smaller reserves, take that money, go buy some lots, and develop a larger area somewhere else. They can, in fact, with the money, consolidate public lands. It strikes me that if that's what the municipality wants to do, they should be able to get the costs of services lots, because that's presumably what they'll be buying elsewhere to make up for it. So it seems

to me that that is a more logical . . . Given the purpose of the cash in lieu payments, it is more logical to have them based on serviced land than unserviced land.

**HON. MR. EMBURY**: — Mr. Chairman, two points on that. First of all of course, if the municipality enters into a servicing agreement with the developer, they can negotiate any settlement they wish. I think that this is basically a minimum amount that has to be paid. If, in fact, the municipality wishes to enter a servicing agreement with a developer to pay much more, or to do any other thing, they may do so.

On your other point, it is unlikely, because of the costs involved, that a municipality would purchase serviced lots to turn into public open space. And I think that the member opposite is referring to the study that was done for the city of Regina a number of years ago – their open space study – which contemplated closing down, so to speak, the small parcels of open space and amalgamating them into larger ones. And I think if the member has followed what has happened since that study, in fact there have been larger parks created, but those parks have not included serviced lots. I talk about A.E. Wilson Park, the park that is contemplated in University Park, and those are certainly not serviced lots. So I wouldn't think that a municipality would purchase serviced lots to turn into open space.

**MR. SHILLINGTON**: — Well, Mr. Minister, I'm not going to pursue the matter any further. I simply want on the record that I disagree with your interpretation of this section. I think the way this section reads, that's the maximum that the authority may require.

Page 74 agreed to.

Pages 75 to 78 inclusive agreed to.

**Page 79**

**MR. YEW**: — Yes, Mr. Minister, I refer to section 207 where it states about public participation in by-laws. I just want to take this opportunity, Mr. Minister, to say a few words in terms of that section, and in terms of the initial directives that we had heard from the Minister of Northern Saskatchewan.

I would sincerely caution you, and the appropriate ministers responsible for the North, that you take into consideration the seriousness of the issues that are facing northerners in terms of planning and development in general. When I say planning and development in general, I talk about the major resources, the renewable resources and the non-renewable resources that we have in the North, such as mining and forestry – the potential that we have in many of the renewable resource areas as well.

I hope that you are sincere when you say that you will take into consideration those communities that should be involve din a meaningful way rather than in a token way, in an advisory capacity, such as has been the case since you took office. I certainly hope that you don't see us going backwards and going back into the tents and the cabooses that we had prior to 1970 and '71, where northerners were subjected to playing just token advisory roles in terms of major decisions that affected their lives, decisions made by co-developers and by governments.

To date your government has not really acted upon the social and economic problems that we have had in the North. I just mentioned earlier today during question period the high reliance on welfare that the North has been subjected to. There's been an increase of 20 per cent in terms of welfare reliance.

And then again we have unemployment that has sky-rocketed in many of the northern remote communities – sky-rocketed from 43 per cent to 80 per cent to 95 per cent in the majority of

these communities.

Since you took office there's been nothing but social problems, social unrest, high alcoholism, family breakdowns. And you dismantled DNS (Department of Northern Saskatchewan), you realigned DNS to mainstream Saskatchewan, but you didn't offer any solution. You didn't come out with an alternative solution to the problems that we have up there.

You dismantled DNS, then you downgraded the trapping industry. I have yet to see support for the trapping industry. I have yet to see support for the Saskatchewan Trappers' Association. And the fact is today, Mr. Minister, there is a group of you people going into the North and talking to people in the North about diminishing the size of the commercial fishing industry in the North in favour of the tourist industry. Now, I have no qualms with the tourist industry, but certainly you should take into account the people that are directly related to that industry. This is a traditional way of life. It is a way of life that is important to many people in the North. We have some 1,400 commercial fishermen in the North. Now you want to decrease the size of those fishing ventures.

And then you went on in terms of development for the North. You froze the economic development branch. There's been no loans or grants offered to move economic development in the North. You scraped entirely the native economic development foundation that was proposed by the former government. You scrapped entirely the La Ronge hospital that was slated to go ahead. You scrapped that entirely. You scrapped the nursing care home that was slated for the La Ronge community. You scrapped the technical training institute that was proposed for La Ronge. You have not moved to endorse, to support the things that were agreed to between the province and the Key Lake Mining Corporation in terms of training, in terms of jobs, and in terms of monitoring the major development that is happening in the Key Lake mining industry.

To this point in time I have yet to see public involvement, public consultation and public input. To date, I said that you have offered no solutions. You said that . . . (inaudible interjection) . . . Yes, I'll go back to this bill, Mr. Minister. The Minister of Northern Saskatchewan says, "Let's go back to this bill." I want to ask the Minister of Northern Saskatchewan: did we have any public participation in this bill?

You stated yourself that you would have public participation in terms of the planning and development act that affects the North, but to date we have not seen that public participation or public consultation. And it is important, Mr. Minister, when dealing with major pieces of legislation like this, that you involve the North, and you involve those local government officials. They were elected to do a job, and they're trusted to do that job. But if you don't recognize the responsibility that they have, what kind of government do you run? Really, what type of government can . . . (inaudible interjection) . . . yes, what kind of government do you have when it completely ignores the North and concentrate on the pro-development aspects of your corporate friends? These are just some of the issues that I thought I'd caution you about. And I hope you, as Minister of Urban Affairs, in conjunction with your colleagues, take into consideration that we want to be a part of the development.

**HON. MR. EMBURY**: — I understood the member some time ago, when he started this . . . (inaudible interjection) . . . Answer the question! I certainly don't want the member to repeat the whole thing. But what was his question on section 207?

Page 79 agreed to.

**Page 80**

**MR. SHILLINGTON**: — Mr. Minister, I gather . . . If we could get this place sort of quieted down

a bit. I gather the city of Regina, the city council, made an argument to you with respect to section 207 that there are many instances where other forms of notice would be more appropriate than sticking it in the third portion of the Regina *Leader-Post*. That there may be times when notices to the community, and so on, are more appropriate. This just envisions one kind of notice. It may or may not restrict the city council from doing something in addition to the notice, but I probably may not. But it does prohibit a council from substituting more appropriate forms of notice in a circumstance in which the interest in the change may be fairly localized. And I wonder, Mr. Minister, if the city of Regina did not make a good argument when they suggested that this section should have more flexibility.

**HON. MR. EMBURY**: — Mr. Chairman, this section does have the flexibility that has been requested. If you will read down at the bottom of your page 79, it says:

> By advertisement inserted at least once a week for two consecutive weeks in a newspaper published or circulated in the area affected by the bylaw, or by any other method that the minister may approve.

So if the city of Regina wants to find another method and approach me on it, we'll give it consideration.

Page 80 agreed to.

Pages 81 to 86 inclusive agreed to.

**Clause 3**

**MR. YEW**: — Mr. Minister, I asked a specific question at the end of my presentation, or my remarks earlier. In terms of public participation, in terms of consultation, the minister had specified in this letter of July 16 that there would be public consultation on The Northern Municipalities Act and on this particular bill, the planning and development act. I want to ask you, as Minister of Urban Affairs, what type, specifically what type of public consultation have you had with the people, with local government in the North, in the northern administration district?

**HON. MR. EMBURY**: — Mr. Chairman, first of all, the planning paper that was drafted was sent to every council in the North, in northern communities. All those . . . (inaudible interjection) . . .

**MR. CHAIRMAN**: — Order! The minister is on his feet giving an answer to questions.

**HON. MR. EMBURY**: — Those councils in the North received that . . . (inaudible interjection) . . . Those councils in the northern communities received that planning paper for their comments and input. In addition, the community planning staff met with the councils in the North to discuss the new planning and development act based on that planning paper. So they had ample opportunity for input through those two avenues.

**MR. YEW**: — You say that you have distributed the pamphlet throughout the North in terms of, as a part of your consultation, public participation policy. You indicated that you wanted to have their comments and their input into this bill.

I wonder, I wonder, Mr. Minister, if you really called that public participation, public consultation. Was there money provided to local government in the North to completely assess and analyze this legally? There's a lot of fine print in here – there's a lot of fine print. And it's important.

You know, when you call the local government council and tell them to analyze a document this thick, it's going to take time and it's going . . . It requires legal expertise to assess this type of

document, and I'm sure – and I would like to have the minister dispute the fact – I'm sure that you have not provided any public money to assist the local municipality to address this act and assess it in terms of hiring legal consultants and legal expertise to assist them in providing submissions that reflect exactly what they would like to see in terms of their planning and development aspirations.

**HON. MR. EMBURY**: — Mr. Chairman, not only was the policy paper delivered to those communities and those councils for their input, not only did the staff of the community planning branch meet with those councils, but, in fact, the Saskatchewan association of northern communities gave us a full written submission. They have had input into this bill.

**MR. YEW**: — The Minister of Northern Saskatchewan refers to the Saskatchewan Association of Northern Local Government and he mocks the few people that are executive members of this association. I want to tell the minister, and the governments, and this Legislative Assembly, that that association is represented by at least 24 northern communities.

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

**MR. YEW**: — Now that's a good percentage. That's a good percentage of various local government bodies and various local interest groups in the northern administration district.

My final question then, Mr. Deputy Speaker, is this: the Minister of Urban Affairs will be attending a meeting on December 17 with the Association of Northern Local Governments. I want to ask the Minister: when the association meets on the 17th of December, and if they submit their recommendations to you regarding the planning and development act, will we have the option and the opportunity to endorse those recommendations that they may have, and complement what we have today in terms of this act and in terms of The Northern Municipalities Act?

**HON. MR. EMBURY**: — Mr. Chairman, they've already put in a submission, but this government is always open to discussions, and if those folks have some good suggestions, we're always open to good suggestions, unlike the previous administration, and we will continue to dialogue with those folks, not only on December 17, but month after month. If there is a better way of doing things in the North, we're open to suggestions.

**MR. YEW**: — Again I have to dispute the Minister for Northern Saskatchewan, and it seems that I'm delaying progress in this meeting, but we're here to do a job, and I've no great aspiration to run this bill through the House as quick as possible. The minister states that Northerners have already submitted their recommendations. But I dispute that statement because, at the present time, I have had discussions with the local community authority of Sandy Bay, and their biggest issue right now is the issue related to Island Falls, a major hydro project that was implemented in 1927. Now there is a major issue, and that one directly relates to local government development in that specific community.

And then we have an issue in Cumberland House which relates to the Squaw Rapids dam. And that is a major development crisis that faces the entire community. And it's a direct responsibility of the local community authority.

Now have those recommendations have been taken into consideration? I doubt it very much.

**HON. MR. EMBURY**: — Mr. Chairman, as I pointed out to the member before, that if those local northern communities use the act as it is set out here, they will have much more input into local decision making as it affects those communities than they've had before. If they enter into planning districts, they will then have input into the surrounding areas, and they will have input into those land use decisions, and that is the area covered by this act. I have indicated that to the

member before, and I indicate that to him again.

**MR. YEW**: — I have no further comment except to say that the minister has reiterated that this act will help the North, and I hope that that can be substantiated by action as time progresses. Thank you.

Amendment agreed to.
Clause 3 as amended agreed to.
Clause 239 agreed to.

**HON. MR. EMBURY**: — Mr. Chairman, I would like to take this opportunity to thank my officials and the officials from DNS and the Attorney General for suffering through this procedure.

**MR. CHAIRMAN**: — I would also like to thank the officials.

**MR. SHILLINGTON**: — I would like to join with the minister in thanking the officials for making an excellent attempt to make up for the shortcomings of the minister.

The committee agreed to report the bill as amended.

## THIRD READINGS

### Bill No. 13 – An Act respecting Planning and Development in Urban, Rural and Northern Municipalities

**HON. MR. EMBURY**: — Mr. Speaker, I move first and second readings of the amendments.

Motion agreed to.

**HON. MR. EMBURY**: — Mr. Speaker, with leave, I move third reading of Bill No. 13, and ask to be passed under its title.

Motion agreed to and bill read a third time.

## ADJOURNED DEBATES

## SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Rousseau that Bill No. 18 – **An Act to amend The Department of Revenue and Financial Services Act** be now read a second time.

**HON. MR. BLAKENEY**: — Mr. Speaker, I want to address a few remarks to the House on this bill, being a bill to amend the act governing the Department of Revenue and Financial Services. Mr. Speaker, I found the bill curious when I read it. I do not know what the minister is aiming at, and I will be interested indeed to hear his explanations in committee. It seems clear that he is seeking broader powers for his department to administer employee benefit plans, including superannuation plans and like benefit plans, perhaps health benefit plans, dental plans, including superannuation plans and like benefit plans, perhaps health benefit plans, dental plans, and the like; but also power to establish these plans. That is a new departure. We have, heretofore, established these plans by order in council or by special legislation, and the minister appears to be seeking power to establish these plans by other methods. I note the addition of powers to establish, operate, and manage, in addition to the existing powers to administer. Once again, we see this running through the bill, a power to establish new plans.

There is also sought, as it seems to me, a power to split existing funds into different pools, and, as I perused the minister's explanation, I did not understand the reasons for that. More importantly, the bill appears to give to the minister power to farm out the management of our pension plans to some private company or private firm, perhaps some insurance company, which would administer the employee pension plans. I have, obviously, objections to that. I would have particular objections, because some of our plans, notably the money purchase plans, operating, give to the employees an option to purchase superannuation contracts with the accumulated contributions of employer and employee and interest, and, at least on one interpretation of the act which the minister has introduced, the employees may find themselves in contractual relations with, let us say, an insurance company to whom the minister has farmed out the administration of the plan, rather than having the option, as the employee now does, to secure his pension from any source which he wishes. There is also in the provisions an element of retroactivity. The minister seems to be seeking authority to ratify a number of steps which he has already taken, and one must always be concerned about retroactive legislation.

This apparently seeks to regularize funds which the minister may well have set up without statutory authority, and this we will pursue in committee. It appears to regularize the purchases by the minister of policies which may well have already happened without legislative authority. I will be interested, indeed, in the minister explaining what sort of policies he may already have purchased for which he now seeks legislative approval. It may be that the provisions of the bill before us do not have the implications which I have outlined. I would wish that the minister would have indicated rather more fully why some of the provisions of bill 18 are in the bill.

We have no wish to make more difficult the operation of the employee benefit plans. We have no wish to object to the operation of those plans by the Department of Revenue and Financial Services.

We do express concern about one other element of the bill, and that is the provisions in it which appear to make decisions subject to the approval of the treasury board, rather than the Lieutenant Governor in Council. And the difference there, of course, is that the treasury board decisions are not available to the public in the same way. So what I'm saying is that this bill imports the principal of decisions being made about pension plans by bodies whose decisions are not public property. And that I would have some concerns about and will be raising further.

As I said, Mr. Speaker and Mr. Minister, we do not have basic objections to the Department of Revenue and Financial Services administering these plans, nor do we have basic objections to having statutory provision for expanding the plans. Accordingly, it is not my intention to vote against the bill, but it is my intention to direct a number of questions to the minister in committee with respect to the items which I have set out up to now.

**HON. MR. ROUSSEAU**: — Thank you, Mr. Speaker, and I'll be very, very brief. I have been listening to the Leader of the Opposition, noted some of his concerns. In the interest of time . . . I could this evening, as a matter of fact, give some explanations, but, as he indicated as well, the questions will be asked in committee, and I'll be happy at that time to answer any of the questions and explain the bill further as we have it at this time. But in the interest of time, I'll leave it until committee.

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

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Rousseau that Bill No. 16 – **An Act to amend The Saskatchewan Government Insurance Act, 1980** be now read a second time.

**MR. SHILLINGTON**: — I will not take a long time on this, Mr. Minister. Suffice it to say that we have some concerns about these bills – the SGI bill and the AAI Act – and I will speak on them

both at once, as the minister took the liberty of doing.

Mr. Minister, in those bills the major change is the setting up of a separate fund in the AAIA act. The minister stated . . . I was not present to hear the minister's speech, I read it in *Hansard*. The minister stated that a separate fund was being set up at the behest of the Public Utilities Review Commission. I'm not aware that that was ever part of a written report or a decision of theirs. In any event, it is, Mr. Speaker, quite out of character for this minister to be jumping at the request of the Public Utilities Review Commission. Is it not then your practice, Mr. Minister, to do cartwheels to try and bring yourself in line with the views of the Public Utilities Review Commission.

It is, Mr. Minister, very much in character for you to do what you can to discredit SGI, and you have done nothing since you were elected but to try and discredit SGI in the eyes of the public. Mr. Minister, I do not believe that anyone who has enough ability to walk through the door of the legislature could be as incompetent as your leadership would appear to be. I suspect there is an ulterior motive. And I suspect that the ulterior motive has to do with selling SGI. I suspect, Mr. Minister, that the reason why you have gone to such inordinate lengths to discredit the corporation of which you're supposed to be leading is that you wish to discredit it in the eyes of the public, and when it enjoys an insufficient amount of support to protect it, you will, in fact, sell it.

Mr. Minister, these bills, I suggest, are part of that pattern. These bills would be an essential step if the general insurance portion of SGI were to be sold. And I suspect, Mr. Minister, that this is part of that pattern that we have seen coming from you: discredit SGI, then to sell it, Mr. Minister.

Mr. Minister, we have seen the same thing today with the Potash Corporation of Saskatchewan bill. We suspect that that legislation is being passed with a view to selling the corporation. Mr. Minister, you have been asked for your views on selling this – on disposing of SGI – and I think your response was that no option is closed to this government. You refused to recant the suggestion.

Mr. Minister, I therefore say that we will not be supporting these bills. We see them as part of a pattern to discredit SGI and then sell it. Mr. Minister, we will not be supporting these bills.

Mr. Minister, I would . . . (inaudible interjection) . . . Well, Mr. Minister, I would say that I am not alone in that fear, Mr. Minister. I'm not alone in that fear that SGI may be sold. Members opposite may be familiar with the name Larry Schneider. He has served ably as mayor of Regina, and has been rumoured to be a Conservative candidate in the upcoming federal election. And I've heard nothing of that but rumours.

In any event, I read into the record, Mr. Speaker, a letter from Mayor Larry Schneider, who writes to the Hon. Grant Devine on November 9, '83 on the city of Regina stationery:

> At the October 24 meeting of Regina city council, a concern was expressed by an alderman that he had received information that SGI and the government of Saskatchewan were actively reviewing the possibility of withdrawing SGI from the automobile insurance field, so that the automobile insurance would then be provided by private insurance companies.
>
> This matter was deemed to be a matter of particular concern, as, if this were the case, Regina would stand to lose a great number of head office jobs, since other insurance companies are headquartered in the city.
>
> City council would appreciate if you would clarify this matter.

The letter was a public letter, Mr. Minister, and your response has been anything but public, Mr.

Minister, if we feel that SGI is in danger of being sold, we're not alone. Apparently the city council of Regina has a similar fear, Mr. Minister, so it is not as preposterous a suggestion as members opposite make out. Members opposite laugh when we make the suggestion.

I say, Mr. Minister, I hope it's not true, but I fear we will be proved to be prophetic on this issue.

**HON. MR. BLAKENEY**: — I just want to address a very few words in support of the comments from my colleague, the member for Regina Centre. And I noted that he had read into the record the letter from the mayor of Regina with respect to the possible sale of SGI, which would undoubtedly be facilitated by the bill before us, dividing, as it does, the general business from The Automobile Accident Insurance Act business.

The minister was good enough to acknowledge that he had received a copy of the letter. I received a copy of the letter, and it is indicated, I am sure, on the minister's copy, that I received a copy of the letter. What I have not received is any copy of the reply from the Premier suggesting that this fear is groundless. I would have thought, having regard to the fact that the letter has been on the Premier's desk for close to a month, that he would have dropped off a little note saying that the fears are groundless; but he has not done so. Nor has he delegated the minister in charge of SGI to send such a letter. And I can understand why, because I believe it to be true – that they are, in fact, the government opposite are, in fact, dickering to dispose of some, or all of the assets of SGI. If it were not so, why would not the Premier or the minister in charge send a simple letter to the mayor. Who is concerned? Who is concerned about 700 or 800 jobs or more? And if, in fact, the minister says he has sent a letter, I am surprised that he would not have the courtesy to send copies to the persons who received the original, because I certainly have not received mine.

I am somewhat apprehensive, somewhat apprehensive of a government which so clearly parades its devotion to free enterprise, receiving a letter from the mayor of Regina suggesting apprehension on the part of the council at the suggestion that a major industry employing many hundreds of people in this city may be sold by the Government of Saskatchewan so that the business would be dispersed across Canada. And the Premier of this province and the minister in charge has not seen fit to make public his reply which suggests that there is no foundation to the concerns of the city of Regina.

I hope when the minister stands in his place and closes this debate, he will leave no doubt in the mind of anyone that this concern is totally groundless, and that the government has no intention, during this term of office, of selling, or otherwise disposing of either the general business of SGI, or the Automobile Accident Insurance Act business of SGI, and if we don't hear that from the Minister, we have every right to continue to be apprehensive about the intentions of this government.

**HON. MR. ROUSSEAU**: — Thank you, Mr. Speaker. Now, Mr. Speaker, first of all I am very, very surprised by the response that this bill brought from the opposition. They've suggested, and it started yesterday and again tonight, they suggest it as a first step of selling off parts of SGI. Well, I am going to address that . I want to say, and I want to assure the members, that nothing could be farther from the truth. And I will just immediately now touch on the letter, if it is the same letter that I have received and replied to. I have replied to the mayor. If you haven't received a copy, I will see that you get one.

I am trying to recall, and I am going by memory to the Leader of the Opposition. But you know, Mr. Speaker, what surprises me about their approach and their attitude, they themselves felt a need to legally crate a separate auto fund. I, Mr. Speaker, will quote from a minute of a SGI board meeting held on May 27, 1981. The board agreed to approve in principle, subject to a final review by the board, a comparative financial statements, one, the establishment of a separate automobile accident insurance act fund. Not only that, Mr. Speaker, but draft legislation was prepared in the summer of 1981 by the members opposite. Tonight, they stand in their place,

and they say they won't support it. It was their idea, and we're fairly well following through.

In fact, Mr. Speaker, the legislation is housekeeping in nature. It ends, once and for all, the charges that the auto fund is being used to subsidize SGI's general insurance operations, or that general operations are subsidizing the auto fund.

They seem very, very concerned about the sale of SGI. The Leader of the Opposition a minute ago suggested, and was concerned, that we would sell any, some, or all of the assets. Well, there is an asset over at SGI that I think that I would be very well prepared to sell; in fact I will offer it to the members opposite. They spent $600,000 – and I refer to it as an asset, because it's a study; cost us $600,000 when they were in government, Mr. Speaker – to enter into the life insurance business.

Well, I look on that study, Mr. Speaker, as an asset, and as the members opposite, who seem determined to bring it up over and over again, and when they do that, it must be for some reason. Either they're interested in buying it themselves, or they're sincere in their concern. Well, I offer them that asset if they're interested in buying it. In fact, I might even take less than what it cost SGI to conduct and get that study.

Now, the member from Regina Centre was concerned that nowhere had he seen anything from the Public Utilities Review Commission about this requirement. Well, I'm not surprised that the hasn't. He probably hasn't researched. I don't believe, as a matter of fact, that any member from the opposition ever took the time or were concerned enough to intervene at the public utilities hearings. If you had been as concerned about SGI rates or SGI's operation, you would have been there to intervene.

The member opposite also – and before I get to the quote on the Public Utilities Review Commission – suggested a while ago when he was on his feet, that I discredit, had been discrediting, SGI. Well, Mr. Speaker, I agree with the hon. member that when I was in the opposition, I did a good job in discrediting that operation; not SGI, but the operation of SGI. And, Mr. Speaker, I stand here today, proud of the fact that I did that, because it was a mess. It was a mess, Mr. Speaker, and I'm happy to tell you, Mr. Speaker, that since I have taken over as the minister responsible for SGI, things have turned around. It is operating in much better fashion.

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

**HON. MR. ROUSSEAU**: — Mr. Speaker, all they could think of in the operation of SGI when they were there was to get into other kinds of business – body shops and life insurance – and at the same time increasing the rates; 55 per cent in two years, 75 per cent increase in the deductible.

Well, Mr. Speaker, since I have been the minister, insurance costs of The Automobile Accident Insurance Act have dropped; and they have dropped, Mr. Speaker, by 17 or 18 per cent in the time that I've been there. I take pride in the fact that, when I was in the opposition, sitting on that side, that I did discredit SGI operation. If it hadn't been for what I did, never would we have known about he fiasco of the reinsurance that they got into. I hope, Mr. Speaker, that he continues to claim that I have discredited SGI's operation when I was in the opposition. I'm very proud of it.

Now, Mr. Speaker, the legislation proposed, as I indicated, meets the request of the Public Utilities Review Commission, as stated in its order of June 13, 1983. Let me read it to you:

> Throughout its deliberations, the commission was concerned about the corporation's practice, deemed necessary by the corporation, under the provisions of the act, of grouping . . . (inaudible interjection) . . .

> Mr. Speaker, the member for Regina Centre was very concerned a few minutes ago about the Public Utilities Review Commission. I would ask the member to listen. He is making a lot of noise, and he can't possibly hear me, with his chattering and his nattering and his complaining. So I will wait, Mr. Speaker. I want him to hear it. I sincerely want him to hear it, because it was him who raised the question. So, if you're ready . . .

**AN HON. MEMBER**: — I'm ready.

**HON. MR. ROUSSEAU**: — If you're reading, I will read it to you, and I hope you will listen. I will start over again.

> Throughout its deliberations, the commission was concerned about the corporation's practice, deemed necessary by the corporation . . .

**AN HON. MEMBER**: — Why are you filibustering your bill?

**HON. MR. ROUSSEAU**: — I'm not filibustering. You wanted to hear it; I'm going to give it to you.

> . . . deemed it necessary by the corporation under the provisions of the act, of grouping assets and liabilities of the general insurance business with those of the AAIA. The commission recommends that the financial records of SGI be prepared to show, by way of separate balance sheets and income statements (Now, if you don't understand that . . . You know we haven't had it in the past.), the financial position and operations of its administration of the AAIA.

Now, that's the request. You said you've never seen it. Now you have it in writing; it'll be in *Hansard* tomorrow, and you'll have it. You could have had it had you bothered to intervene at the hearings. You'd have known. But your only interest was to criticize, without knowing what really you were talking about. So next time, I suggest that you research a little better.

Mr. Speaker, SGI has an obligation, not only to PURC, but to the people of Saskatchewan, to present a clear accounting of its administration of the auto fund. It cannot do so without the establishment of that fund as a separate and distinct legal entity.

I am disappointed, Mr. Speaker, that the members opposite, after beginning this process in 1981, recommending it, preparing legislation, are now saying that they will vote against the bill . . . but that's up to them.

Thank you, Mr. Speaker.

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

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

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Rousseau that Bill No. 17 – **An Act to amend The Automobile Accident Insurance Act** be now read a second time.

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

The Assembly adjourned at 9:41 p.m.