

# LEGISLATIVE ASSEMBLY OF SASKATCHEWAN

April 11, 1985

The Assembly met at 2 p.m.

Prayers

## ROUTINE PROCEEDINGS

### INTRODUCTION OF GUESTS

**HON. MR. MAXWELL:** — Thank you, Mr. Speaker. It is my pleasure to introduce to you, and through you to the members of the Assembly, a group of young people who are on vacation in Saskatchewan at the moment. They come from New Zealand and Australia, and they're seated in the west gallery.

Mr. Speaker, we have Barbara and Andrew Starky. They're from New Zealand, Alison Wells from Australia and Kathryn Lang, their tour guide, from Saskatoon. Would you stand please? I'd like to wish them all a very happy stay in Saskatchewan.

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

**HON. MR. MAXWELL:** — I know, Mr. Speaker, that all the members will be very happy to see these young people enjoy their stay in Saskatchewan. We hope you enjoy yourself. We hope you have great weather, and with any luck you'll see a snow storm before you go home to the sunshine. Thank you.

**HON. MR. HARDY:** — Thank you, Mr. Speaker. I'd like to introduce to you, and through you to this Assembly, about 20 hockey players from the town of Hudson Bay, Saskatchewan. They are accompanied here by their parents, and they're in for the tournament. This is the second year they've been in here. They're the Bantam team from Hudson Bay. Last year they finished second in the tournament.

I think they represent the north-east well, and I would like to wish them well in their tournament here. I'd like to thank them for coming in. I hope you enjoy the question period here this afternoon. You'll find it both informative and informational. And I'll be meeting with you later for a drink and a brief tour of the building in a few minutes in my office. So I'd like to ask the Legislative Assembly here to join with me in bringing you good wishes and welcome to this Assembly.

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

### ORAL QUESTIONS

#### Sales Tax on Used Vehicles

**HON. MR. BLAKENEY:** — Mr. Speaker, I'd like to direct some questions to the Minister of Finance, and my questions are by way of getting information for constituents who are asking questions about the budget, and they centre . . . Most of my calls today have centred around the 5 per cent provincial sales tax on used vehicles.

And I have a number of questions that I would like to ask the minister, whether the sales tax applies to used cars only, or cars and trucks only, or does it apply also to snowmobiles, motorcycles, trailers, any vehicle which has a licence plate? Can he enlighten us on whether or not it's confined to what would ordinarily be thought of as four-wheeled motor vehicles, or does it include snowmobiles, motorcycles, trailers that require licence plates, and the like?

**HON. MR. ANDREW:** — My understanding, Mr. Speaker, is that it is the trucks and the automobiles. The Minister of Revenue would be more up to date on the details of whether it

applied to a trailer. I don't know that. I would certainly take that information and find out. But I understand it's just the truck and the car.

**HON. MR. BLAKENEY:** — A short supplementary on that. With respect to motor homes and those types of vehicles, do you understand them to be covered?

**HON. MR. ANDREW:** — If there was a motor home, a big motor home, yes, that would be taxed, too.

**HON. MR. BLAKENEY:** — Mr. Speaker, a further question, and I will direct them to the Minister of Finance in his capacity, I suspect, as Acting Minister of Revenue.

And this has to do with the mechanics. This is, I think, a fair question with respect to whether the vendor, whether . . . I'll take my son. If he sells his '68 Beaumont to his pal, is the vendor responsible for the collection, or will it be collected when the licence plate is charged, and then is it the purchaser who is responsible for paying it? Because people are genuinely asking, and can you give a little guidance on how this is supposed to work?

**HON. MR. ANDREW:** — The situation, the experience that we would use would be, of course, the process that is used in all other provinces except Alberta, and Alberta, of course, doesn't have any sales tax. In those provinces we would follow the process that they use, Mr. Speaker. If we use the process that they would use, what we would do is: the large majority of the used vehicles, of course, would be dealt with through the dealer. Those that are dealt with on a personal basis, the way of collecting the tax would be through the transaction and collected on the issue of the licence, and that's the only way you could do it.

**MR. LINGENFELTER:** — I would like to know, in that type of a transaction, when they would go to the insurance agent to have the plates transferred, what would they need as a proof of the amount that they paid? If the amount of money that the sale was for was \$300, would that be what the tax would be placed on — the \$300? Or would there be an assessment done by the insurance agent? Or would there be a book value for that particular vehicle?

**HON. MR. ANDREW:** — Well, I think in all those cases, Mr. Speaker, you take the bill of sale. Now obviously in any taxing system that you have, you once in a while will do spot checks. By and large, over the period of time that I've been involved, Saskatchewan people by and large are very honest. But in the case where there is . . . And I take the direction of the hon. member's question. Perhaps I shouldn't . . . Is that there would be bogus transactions down to \$2 and \$3. If that was the situation, certainly one would look at it.

But no, I think by and large it would be the bill of sale. And that bill of sale is the transaction as used very, very many other commercial transactions in this province.

**MR. LINGENFELTER:** — Mr. Minister, a new question. It has to do with many transactions that occur between farmers, especially now when they are buying more used equipment — trucks and cars as opposed to new ones because they can't afford it. But you will see in the *Western Producer* the caption under "Ads" — "Will consider grain or cattle in exchange." In those kind of circumstances where no cash trades hands, is the tax still applicable in those kinds of incidents?

**HON. MR. ANDREW:** — Well, yes, because you also went through a cycle back in the early '70s, I believe, where you sold a lot of new equipment exactly the same way for grain on trade. There was a transaction; there was a bill of sale. There would be, I assume, exactly the same in this situation, a clear value being placed on it — the value of grain if he was taking grain in trade or taking something else in trade. It would be a fair value placed on it and taxed accordingly.

And quite frankly, as I said, we would like to be fairly open with the people. By and large this government trusts the people to be fair and open with their government, and I don't think that

one should try to superimpose on the people of Saskatchewan a willingness somehow to try to cheat the system.

**MR. LINGENFELTER:** — Well certainly, Mr. Minister; a supplement. There is no idea of abusing the new tax system that you have imposed on the people of the province. What we are talking about is if an individual in northern Saskatchewan trades a cultivator for a three-ton truck in my area, and there's no value put on it at the time of the trade, who will establish what the value was? Will your department decide whether it's 2,000 or 3,000, or how will that be established?

**HON. MR. ANDREW:** — When he would go to get a licence, Mr. Speaker, that person would put the value on that transaction. I am sure the corresponding person would want a value because, if it's a farmer you're talking about, they depreciate that equipment, and they would want a value on it, and therefore I'm sure those two people would arrive at a value on a barter-type deal.

**MR. LINGENFELTER:** — New question to the minister: I have a question and it applies to what many of us will see in the Co-op stores or wherever you're at in rural Saskatchewan, the auction sales that are going on by the hundreds in the province.

At those kind of auction sales, Mr. Minister will the tax be applicable to trucks and cars and half-tons, used half-tons that are sold at farm auctions?

**HON. MR. ANDREW:** — Yes.

#### **Tax Increases for Farmers**

**MR. ENGEL:** — Thank you, Mr. Speaker. I want to remind the Minister of Agriculture of a quote he made last year, page 4 of his budget address, when he said,

“It gives me a great deal of pleasure to announce a significant new tax cut for farmers. In 1984 we will introduce a Home Quarter Tax Assistance Program to completely eliminate school tax on the home quarter. This will provide \$11 million of tax relief.”

Last year, you were completely eliminating the home quarter school tax. Just one year ago you were trumpeting this as a significant new tax cut for farmers. Last night, Mr. Minister, you wiped out this tax cut, an \$11 million loss to farmers, and on top of that you wiped out the property improvement tax, 375 . . .

**MR. SPEAKER:** — Order please. The member is making a speech. This is question period. If you have a question, get directly to it.

**MR. ENGEL:** — Thank you, Mr. Speaker. What I wanted to do I wanted to list three areas where you cut the tax. The home quarter tax — \$11 million to farmers, \$375 a farmer; \$375 a farmer on his property tax rebate. You increased your income tax that I estimate will be about \$300 a taxable farmer. And the sales tax on used vehicles, I . . .

**MR. SPEAKER:** — Order please. I'll take the next question.

**MR. ENGEL:** — New question, Mr. Speaker. Mr. Minister, do you consider an increase of 5 or 6 or \$700 a significant increase, a significant tax burden for farmers? Do you consider that a significant increase?

**HON. MR. ANDREW:** — Well, the case of the . . . I'll try to piece the question together if I can. He indicated that it would be \$300 more income tax to the particular farmer he is talking about. At a \$50,000 income, Mr. Speaker, this year, a family with a wife and husband and two children,

would pay \$224 additional money. Therefore, to make that assumption that farmer would have a taxable income of about \$60,000, I assume is what you are talking about, about \$60,000. Quite frankly, I think, what we have to look at, Mr. Speaker, and what we've tried to do in this budget, is to prioritize, if you like, the assistance more to the people on the lower scale and loss to the people on the higher scale. So the person making \$60,000, I think, can afford to pay a little bit more for the programs that we want to deliver to the people of Saskatchewan, and hopefully on the downside, on the lower income side we try to give them a break.

**MR. ENGEL:** — Well, you didn't answer the question. The question was: did you consider this a significant tax increase? You say it's not significant. In your quote last year you said you were going to do a significant new tax cut. What I asked was: do you not consider this a significant increase? Okay, so it's not \$300 in income tax. It's maybe only \$50. But you've got \$500 on used vehicles, you've got \$376 property tax, and you've got another \$300 on the home quarter. That's still \$1,000 by anybody's addition. Don't you consider that a significant tax increase for the small farmer? That affects every farmer, half section and bigger.

**HON. MR. ANDREW:** — If I could address, Mr. Speaker, the question with regards to the property tax rebate. What has been happening in this province, since about 1975, 1976, is the funding by the provincial government to the local school boards has been about equivalent to what teachers' salaries were, or slightly less, in years. The result of that, Mr. Speaker, has been that the property tax increase going to schools has increased fairly dramatically over the last seven or eight years.

The system in place was that you rebated then a certain amount of it back. What we have decided to do, based on the advice that we had from the people out in the province that we talked to, Mr. Speaker, they were saying that is a silly way of doing things. You hire people, first of all, to collect the tax. You hire people to collect the tax, Mr. Speaker, then you hire another group over here to figure out a way to rebate it back to people, and you've got two levels of bureaucracy. Why don't you instead take that dollars that are given to property tax or rebate and put it into the education system where it is needed and where it will be important.

We listened to that advice, Mr. Speaker. All will not agree with it, but I think many will. It's a commitment by this government to education, which we see is one of the important corner-stones of this province, an important area by which you build towards the future. We've taken that money and put it into education. All of the dollars we took from property improvement grants went back into education.

That does several things. Number one, it will hold down the property tax increases that relates to schools. That's number one. Number two, it gives education an opportunity to plan where they're going over the next five years. And that's very important, Mr. Speaker. And last year, Mr. Speaker, as well . . . Last year, Mr. Speaker, in June of 1984, the federal government made a tax ruling that said the property improvement tax is now taxable in the hands of the farmer or businessman. So what you were doing, in effect, for the people like the member from . . . (inaudible interjection) . . . It was the Liberals that did it, I'll have the member know. And that would be . . . Mr. Speaker, in effect . . .

**MR. ENGEL:** — Supplementary, Mr. Speaker. Are you saying . . . I agree with transferring money to education to lower the mill rate. I agree with that. But, are you saying that the farmers can afford the \$1,000 extra to make that transfer? You are putting on the backs of the small farmers an additional \$1,000 to make that transfer of funds to education. And are you saying those are the people that should pay it?

Why didn't you increase the tax to the oil companies? Why didn't you increase your revenue to oil companies? Why take another \$1,000 from farmers? That's my question.

**HON. MR. ANDREW:** — Well, Mr. Speaker, again the hon. member asks several questions. If I

could deal with them in order of — maybe the way they came out.

Number one, with regards to the oil question, Mr. Speaker, this year the provincial revenue from oil will, for the first time, show as the most significant, most important and largest revenue to the province of Saskatchewan. And that has been . . .

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

**HON. MR. ANDREW:** — Mr. Speaker, that has resulted because of the program that we took that encouraged people to drill more oil wells, that meant more activity, that meant more jobs, and that meant more dollars. And everyone benefited from that type of thing, Mr. Speaker. So given that, if you look at the question, number one, Mr. Speaker . . .

**MR. SPEAKER:** — If the members ask questions I think you should give the minister an opportunity to answer. You asked a very broad question, and you can't answer it shortly. It's impossible.

### Expense Accounts

**MR. SVEINSON:** — I have a question, Mr. Speaker, of the Premier of Saskatchewan. I would just like to suggest, Mr. Premier, that through this budget we've seen tax increases for virtually everybody in the province, and I believe that is symbolic of this government. I don't see any symbolism within that budget, Mr. Speaker, which would demonstrate that this government across the floor is willing to cut their own expenses, even basically liquor expenses that are paid for by the taxpayers on government expense accounts.

I would ask the Premier if he would make a commitment that his ministers, when they are out entertaining their clients in this province, or themselves, would cut the liquor out of their expense accounts and pay for it out of their own pockets?

**HON. MR. DEVINE:** — Mr. Speaker, as members of the Assembly probably know, I believe everybody in the House agreed to limit our salary increases to zero except for one member, if I recall it right, and it was the member from Regina North West. It was the member from Regina North West, Mr. Speaker, who wouldn't even agree to hold his salary to zero, as an example, as a symbolic move to the public, that we can contain the expenses here in the administration while we're providing new expenditures with respect to health, education, jobs and agriculture, which are the four most important things that the people of Saskatchewan tell me that are important. So we have contained salaries. We have held increases to zero — MLAs and cabinet ministers have. The only member I know in the entire legislature that wouldn't agree to that is the member from Regina North West.

With respect to expenditures, we go through all kinds of activities with respect to marketing Saskatchewan. Mr. Speaker, when we have people coming into the province of Saskatchewan . . . I can give you an example, Mr. Speaker.

**MR. SPEAKER:** — Order. Order!

**HON. MR. DEVINE:** — Mr. Speaker, if I can give you an example. We hosted a dinner with Madam Sauve here in the province of Saskatchewan, welcoming guests home. Obviously the dinner, part of the dinner is wine that goes with the dinner. That's part of a normal expense when you're hosting people from all across Canada here in the province of Saskatchewan.

When you bring in the dinner here we had for the Olympic athletes — we had a dinner for them, which included wine at the table. That's a normal expense when you're hosting people from across Canada.

When we have people in from China, when we have them here from Japan, when we have them here from other places in the world, they expect to receive normal hospitality. Mr. Speaker, that's accepted across Canada, and it's accepted here in Saskatchewan, but obviously isn't from the member from Regina North West.

### **Equity in Application of Budget Measures**

**HON. MR. BLAKENEY:** — Mr. Speaker, I'd like to direct a question to the Minister of Finance. This has to do with his belief that it's fairer to do away with property improvement grants and to pay the money through school grants.

I want to postulate the case of Kalium Chemicals, and a farmer who has a farm beside Kalium Chemicals. Will he agree that under the old regime, the farmer got a break of \$375, and Kalium Chemicals got a break of \$250 a year as a business, but under his scheme of taking all of that money and giving it on school grants Kalium will get at least 100 times the benefit that the farmer gets, because his assessment is 100 times the farmer. Do you agree with that?

**HON. MR. ANDREW:** — In that particular case, Mr. Speaker, the farmer would lose his rebate and so would Kalium lose their rebate.

**HON. MR. BLAKENEY:** — May I ask again, if I understand you? The farmer would lose his \$375; Kalium would lose the \$250; Kalium would get a cut in their school taxes; the farmer would get a cut in his school taxes. Kalium's cut would be at least 100 times the farmer's. And you say that's fair?

**HON. MR. ANDREW:** — Mr. Speaker, I would throw out two questions. This is in answer to your question. The first answer I would pose would be this: why was Kalium getting a rebate in the first place?

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

**HON. MR. ANDREW:** — The second part of it, Mr. Speaker, is I believe that if you're going to tax the Kaliums of the world you should tax them under a potash royalty tax and not through some other small mickey mouse \$200.

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

**HON. MR. BLAKENEY:** — Mr. Speaker, I might well agree with the minister. And I saw no increase in the potash royalty tax last night, and if there was one I didn't see it in the budget.

I ask this question — he is trying to do things fairly. Does he agree that the change in the sales tax regime, which no longer taxes new cars on the full price but only the difference, and now taxes used cars, means that the end price of new cars goes down and the end price of used cars goes up? And does he believe that people with lower incomes tend to buy new cars or used cars? Doesn't he agree . . . As a car dealer told me this morning: the effect is to make new cars cheaper, and I sell most of my new cars to well-off people; and the effect is to make used cars more expensive, and I sell most of those to people on small incomes. Do you agree with that?

**HON. MR. ANDREW:** — I'm advised by the automobile industry, Mr. Speaker, as follows: that the largest majority of used cars are, in fact, sold as second cars for families. And usually a family that buys a second car I would not class as below the poverty line.

### **Public Safety Standards**

**MR. SHILLINGTON:** — My question is to the Minister of Labour, and it deals with your department's sorry record in the area of public safety. On different occasions the coroner's jury,

the Ombudsman, your own staff, have all lamented how your understaffing and downgrading of the safety standards division has posed, and continues to pose, a serious threat to public safety.

And that's why I'm stunned by a document which says that the list of positions within your department which have been abolished includes six technical safety inspectors. The list shows that six technical safety inspection positions, one in Prince Albert, three in Saskatoon, two in Regina, have been abolished. They were vacant because you had failed to fill the positions of retiring inspectors.

I ask: which safety units have lost those positions? Is it the gas safety unit, the boiler and pressure vessel unit, the electrical and elevator safety unit, or the fire safety unit?

**HON. MR. McLAREN:** — Mr. Speaker, I would suggest that most of that is estimate questions, and I'll respond to that when we get to estimates. What I would like to say to the member opposite is that the Department of Labour in our internal report admitted that there was procedural problems in our department. We honestly came forward and said that we found that there were procedural problems.

The Ombudsman in his report did not specify that it was totally because of the lack of inspectors, which it wasn't as far as the tragedy of Polly Redhot. And we regret what happened. But the fact of the matter was that there was a procedure in place that has been in place for 8, 9, 10 years, and there was a breakdown in our department. I would suggest that there was a breakdown in two or three other areas as well. But we admitted that there was a breakdown. We've accepted that responsibility. We've looked at the fact of improving it, which we already have done. We have received the Ombudsman's report. We have no fight whatsoever with the recommendations that he has made, and, in fact, have implemented and made the changes that he has requested so that type of procedure won't happen again.

**MR. SPEAKER:** — Before orders of the day, I would like to make a few announcements and table a few things.

## ANNOUNCEMENTS

### Resignation of Member for Regina North East

**MR. SPEAKER:** — First I wish to inform the Assembly of the following vacancy in representation, that is, in the constituency of Regina North East due to the resignation of Mr. R. A. Sutor, Esq. And I lay on the Table the copy of the original letter of resignation . . . (inaudible interjection) . . .

Order, please. Order! There is to be no conversation in the Assembly when the Speaker is on his feet, and I want the members to remember it.

### Introduction of Page

**MR. SPEAKER:** — I would like at this time to inform the Legislative Assembly that John Bartlett will be a page for the current session. John Bartlett, will you stand.

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

## TABLING OF REPORTS

**MR. SPEAKER:** — I received today the report of the Provincial Auditor, and I lay on the Table the Provincial Auditor's report.

## STATEMENT BY MR. SPEAKER

### **New Format for Order Paper**

**MR. SPEAKER:** — As well, I'd like to make a statement with regard to the blues as you see them before you each day.

The new format of the routine proceedings and orders of the day, which is before you, is due to the increased size of the daily blue paper. We have initiated a new format whereby private members' business is printed as a supplement to the order paper. The supplement will be reprinted following each private members' day, for the day following, or for the week following. The supplement would be reprinted during the week whenever any changes or additions occur.

This new format could save three or four printings per week and, thus, considerable staff time and printing costs, but will still ensure that members and the public are fully aware of the private members' business which is before the Legislative Assembly.

In Ontario, and in the House of Commons, where the number of questions is regularly very high, the complete list of questions on the order paper is printed only periodically — once a week in Ontario, once a month in Ottawa.

I have initiated this new format as an experimental basis. If a member has any problems or suggestions with regard to this change, I would be happy to meet with you in my chambers to discuss it.

**HON. MR. BERNTSON:** — Mr. Speaker, before orders of the day, I ask leave of the Assembly to move first reading of a Bill, an Act respecting the By-election in the Constituency of Thunder Creek.

**MR. SPEAKER:** — The member has asked for leave. Is leave granted? Proceed.

### **INTRODUCTION OF BILLS**

**HON. MR. BERNTSON:** — Mr. Speaker, I move first reading of An Act respecting the By-election in the Constituency of Thunder Creek.

Motion agreed to and, by leave of the Assembly, the Bill ordered to be read a second time.

### **SECOND READINGS**

#### **Bill No. 31 – An Act respecting the By-election in the Constituency of Thunder Creek**

**HON. MR. BERNTSON:** — Mr. Speaker, this Bill follows past traditions in the House when such a situation has arisen when we have had an opportunity to seat a member, Mr. Speaker, and I know that the member for Shaunavon is quite anxious for this to happen. But it essentially follows the pattern of when Mr. Chapman, the MLA for Estevan was seated; when Mr. Malone, the MLA for Regina Lakeview was seated; and for Mr. Miner from North Battleford, and Mr. Hardy, etc.

And there's one small difference in this Bill that I should point out before someone rushes to question me on it, and I won't be ready for it, so I'll do it now. What it is —the Bill is slightly different from other precedents in a technical way, and that is that the legislative counsel feels that there is no reason to say that the Chief Electoral Officer is deemed to have received the return, or that notice is deemed to have been published in the *Gazette* as long as Mr. Swenson is deemed to have been elected. And their argument is something about tying up future legislatures which is verboten as you all know. And that's the technical argument advanced there.

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Motion agreed to, Bill read a second time and, by leave of the Assembly, referred to a committee of the whole.

### COMMITTEE OF THE WHOLE

#### **Bill No. 31 – An Act respecting the By-election in the Constituency of Thunder Creek**

Clauses 1 to 5 inclusive agreed to.

The committee agreed to report the Bill.

### THIRD READINGS

#### **Bill No. 31 – An Act respecting the By-election in the Constituency of Thunder Creek**

Motion agreed to and Bill read a third time.

### ROYAL ASSENT TO BILLS

At 2:40 p.m. His Honour the Lieutenant Governor entered the Chamber, took his seat upon the throne, and gave Royal Assent to the following Bill:

Bill No. 31 – An Act respecting the By-election in the Constituency of Thunder Creek.

His Honour retired from the Chamber at 2:42 p.m.

### INTRODUCTION OF MLA FOR THUNDER CREEK CONSTITUENCY

**HON. MR. DEVINE:** — Mr. Speaker, I have the honour to present Richard J. Swenson, the member of the legislature for the Thunder Creek riding.

Richard Swenson has taken the oath, signed the roll, and seeks the right to take his seat.

**MR. SPEAKER:** — Let the hon. member take his seat.

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

### CONDOLENCES

**HON. MR. DEVINE:** — Mr. Speaker, by leave of the Assembly, I move, seconded by the member from Regina Elphinstone:

That this Assembly records with sorrow and regret the passing of a former member of the Legislative Assembly and expresses its grateful appreciation for the contribution he made to his community, his constituency, and to his province.

**Allan Lister Samuel Brown**, who died on January 4, 1985, was a member of the legislature for the constituency of Bengough from 1944 to 1960. He was born at Readlyn in 1917, and received his education there and at the University of Saskatchewan in Saskatoon. He was awarded the university medal for general proficiency in the School of Agriculture. Allan Brown was the first chairman of the Saskatchewan Crop Insurance and was active in the Saskatchewan Wheat Pool. As a farmer, he pursued solutions to all problems confronting farming communities.

In recording its own deep sense of loss and bereavement, this Assembly expresses its most sincere sympathy to the members of the bereaved family.

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**HON. MR. BLAKENEY:** — Mr. Speaker, I want to join with the Premier in recognizing the contribution of Allan Brown to the work of this House in extending our condolences to his family and circle of friends. I did not serve in the House with Allan Brown, but I knew him well. I served as a public servant in this building associated with the legislature in my capacity as a secretary of Crown corporations and knew a number of the members well, including Allan Brown.

As has been indicated, he was the member for Bengough, and he was a farm member, if I may put it that way. He represented a rural constituency. He was a rural person. His university education was in agriculture. He had strong rural concerns. He knew a great deal about farming, and he spoke passionately about rural problems and rural concerns.

He was an active member, which perhaps will be indicated by the fact that I think he served as Deputy Speaker of the Assembly, but I know him to have been active in the caucus. I am aware of his being active in the councils of our party.

He was a strong voice — a strong voice generally in public issues, and particularly in rural issues. As has been indicated, he played a key role in the first crop insurance program, which was a tiny program that grew to what we now have as the Canada/Saskatchewan Crop Insurance Program, which all recognize as a vital part of the security net which assists farmers. And never did we recognize it more than in this last year, when more than \$200 million was paid out to farmers under the Canada/Saskatchewan Crop Insurance Program.

Mr. Brown — Allan, was active in his community, as one might expect a person of his social commitment to be. And he was active not only in the wheat pool, but in the Reeveland Co-op, and in the credit unions, and in a number of other organizations.

During his latter years he was troubled by a good deal of ill health, which he bore stoically, continued to be in touch with his circle of friends, continued to be in attendance at many conventions and other gatherings of our party, continued to maintain his interest in those public issues which ill health prevented him from participating in more fully.

He, in my judgement, made an outstanding contribution to this legislature, and I wish to join with the Premier in extending condolences to his family and friends.

**MR. ENGEL:** — Thank you, Mr. Speaker. I would, too, like to join the Premier and the Leader of the Opposition in remembering the contribution that Allan Brown made to the political process.

I think one of the first political meetings I was ever at, Allan Brown was the chairman, down in Assiniboia. And I imagine if we'd have tape recordings of the time he was chairman in this committee here, all of you would appreciate his big bass voice.

When it was talked about having a strong voice for agriculture, that literally was the case. He had a resonant, deep, bass voice and was able to come across so effective and so strong. I appreciated the advice he gave on many occasions. He was hard working and very bright.

He was the youngest member elected at the time that he first was elected. In those days, I suppose, older people were involved in politics, but at 27 years of age he was the youngest member up to that time.

And prior to becoming a member of the legislature, just to indicate how active he was, he held a senior party membership in our party at the age of 16, and by the time he was elected he was the chairman of the local co-op association; he was on the board of directors of their credit union; he was a wheat pool delegate — all by the time he was 27 years of age. So it indicates how active he was in his community, and how good a job he did in serving his constituency during four terms in office.

I best got to know him through his association of mutual friends when I inherited that portion of Bengough in my riding, and some of the people that were involved with Allan Brown were still on my executive, and I appreciated the fact that maybe that's one of the reasons that I have a very interesting group down in that Assiniboia area. I suppose that's putting it mildly. But if you want to see some excitement, you should come to an executive meeting and listen to the people convince you of the points of view they had. And I'm sure they learned that from Allan Brown.

I, too, want to join the members here in offering our condolences to his relatives and friends that are left behind. Thank you.

Motion agreed to.

**HON. MR. DEVINE:** — Mr. Speaker, with leave, I move, seconded by the member from Regina Elphinstone:

That the resolution just passed, together with the transcripts of oral tributes to the memory of the deceased member, be communicated to the bereaved family on behalf of this Assembly.

Motion agreed to.

**HON. MR. DEVINE:** — Mr. Speaker, with leave, I move, seconded by the member from Regina Elphinstone:

That this Assembly record with sorrow and regret the passing of a Table officer of the Legislative Assembly of Saskatchewan.

**George Stephen**, who died on February 20th, 1985, at the age of 97, was an officer of this legislature for 33 years, from 1927 to 1960, first as Clerk Assistant, and finally as Clerk of the Legislative Assembly from 1949 to 1960.

Born in Dunfermline, Fife, Scotland, in 1887, George Stephen was educated in Scotland and came to Canada in 1912 to work for John W. Dafoe of the *Winnipeg Free Press*. As a reporter he covered the Manitoba Legislative Assembly and occasionally the Saskatchewan Legislative Assembly. During the First World War he served as a gunner.

In 1927 he began to work for the Saskatchewan Legislative Assembly as a Clerk Assistant, a shorthand reporter, editor and speech writer. He was appointed Clerk of the Legislative Assembly in 1949 and retired in 1960. During his service as Clerk Assistant the Saskatchewan Legislative Assembly in 1947 became the first parliament in the Commonwealth to have an electronic *Hansard*.

George Stephen was instrumental in establishing a Crown Corporations Committee structure, and he initiated many close ties between Saskatchewan and Westminster through this Commonwealth Parliamentary Association.

He was a competitive athlete, prolific writer for the *Table* and for Royal Canadian Legion, and during his service to the Legislative Assembly he worked with four premiers and seven Speakers.

The legislature avails itself of this opportunity to record its tribute of respect to the former Table officer of this Assembly.

**HON. MR. BLAKENEY:** — Mr. Speaker, I would like to add a word about George Stephen. I think it's fitting we should pay tribute to Mr. Stephen, who devoted his entire career to the public service following his service in World War II, and his stint in the media, in the press.

He was an officer of the Assembly, as has been mentioned, for 33 years, and had a variety of posts — a clerk assistant, I am told he was . . . And that was what happened in those days. The legislature was smaller and people were called upon to serve in many capacities, sometimes in series, but frequently at the same time.

And he has served either in series, or at the same time, as a clerk assistant, assistant commissioner of publications, chief *Hansard* reporter, recording secretary for the cabinet in cabinet committees, clerk of legislative committees, and royal commissioner, and he used to translate documents in five or six different languages. So he was, in the days when this was a small legislature, a busy man.

He was also innovative in working up procedures. And that's where I came into contact with him. When I came to this province in 1959, my first job was as secretary and legal adviser to Crown corporations. The legislative committee on Crown corporations was done very nearly in its infancy. It had a couple of years. The procedures to be used were ones which largely were dictated by George Stephen, but which others of us had to relate to.

I particularly remember what I felt was his over-strict requirements of the nature of documents which should be filed. When we tabled our annual reports in the legislature, it was George's view that we should not table any printed or mimeographed material, but it all should be ribbon copies of the material, so we laboriously typed out reports of Crown corporations with an original ribbon copy, which we filed.

(1500)

And anyone who wishes to look at the annual reports filed in 1951 or 1952 will find that to be the case. Eventually I convinced him that the minister could sign one of those reproduced copies, and we were able to bring that about.

But this is the sort of negotiations which went on in an attempt to find the procedures which would work with respect to Crown corporations, which reflected the dignity of the House but made the thing workable, which allowed members to have their say in Crown corporations and allowed this review of Crown corporation reports, which was then not done anywhere else, so far as I'm aware, in the British Commonwealth, and we're departing from procedures in order to make the thing work.

It seems perfectly normal and routine now, and I suppose, if we had had today's insights, we would have made those decisions rapidly. In fact, they were arrived at over a period of a few years before procedures were understood and agreed upon by government and opposition alike.

I am sure that this was not George Stephen's greatest contribution to the legislature; it happens to be the one with which I was associated, and I'm accordingly able to speak with some personal knowledge, but I know that on both sides of the House, George Stephen was respected for his scrupulous fairness in dealing with all members of the House and giving them advice, whether they were of the government or of the opposition.

And I think that's a proud tradition — not only in this House, but in others — and by honouring George Stephen today, we are honouring his successors who have served at the Table. I think by continuing the tradition of service to the Legislative Assembly, embodied in the career of George Stephen and people like George Stephen, we serve the cause of democratic government, and so I am pleased to add my word of commendation for the life of George Stephen, his contribution to this legislature and to parliamentary government, and to extend our condolences to the

bereaved family.

Motion agreed to.

### **ORDERS OF THE DAY**

### **QUESTIONS PUT BY MEMBERS**

**HON. MR. BERNTSON:** — Mr. Speaker, I move that questions 357 through 690 inclusive be converted to Motions for Return (Debatable).

### **GOVERNMENT ORDERS**

### **ADJOURNED DEBATES**

### **SECOND READINGS**

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Garner that Bill No. 9 — **An Act respecting the Transportation of Dangerous Goods in Saskatchewan** be now read a second time.

**MR. LUSNEY:** — Thank you, Mr. Speaker. I have a few comments that I'd like to make on second reading on this Bill, the Transportation of Dangerous Goods.

Mr. Minister there's very much left out in this Bill. This is not a Bill as detailed as the federal Bill. A lot of this is left to the discretion of the minister, Mr. Speaker.

I'd have to say, Mr. Speaker, that in the Act, The Vehicles Act, 1983, which defines a highway as "a road, parkway, driveway, square, or place designed and intended for use by the general public for the passage of vehicles." This is what is defined as a "highway" in The Vehicles Act.

Mr. Speaker, the Act that we have before us today pertains to the transportation of dangerous goods on the so-called highways. And, Mr. Speaker, when we look at the highways we realized that it includes more than just a highway.

However, it does leave out some areas, either publicly or privately owned, which are primarily intended to be used for parking of those vehicles containing dangerous goods, or the storage of those vehicles for the passageways to those areas. This is all left out in the Bill, Mr. Speaker. It makes no mention of what is going to happen in those parking lots, or the areas that these vehicles may use.

The Minister of Highways also stated in his comments, when he introduced the bill, that we will not burden — and he is referring to the farmers, farmers who have to haul different kinds of chemicals which are considered dangerous goods — haul them from the points that they approached them at to their farms. And in referring to the farmer she says we will not burden them with massive amounts of paperwork just to transport a five-gallon pail of herbicide from the store back home to the farm.

Well, Mr. Speaker, I'm just wondering how much paperwork the farmer is going to have to do. The minister talks about no massive amount of paperwork. How much paperwork is the farmer going to have to do in order to take that chemical from town to his farm?

Or going a little further, not only dealing with the chemicals, what is going to happen to the fuel tax that farmers haul on the back of their half-tons? That could be considered as dangerous, should they be in an accident. Or the anhydrous tanks, the fertilizer, the anhydrous fertilizer that they transport down the highway to get to that farm. That certainly is a dangerous product.

What will the regulations say regarding the anhydrous tanks being transported along the highway when the farmer is moving them from one farm to the other, or from the point of purchase to his farms?

These are all left out in the Act, Mr. Speaker, left out by the minister, and left to the discretion of the minister to decide how he's going to determine what is dangerous, or what isn't, or who has to comply with this Act.

It does say, Mr. Minister, or Mr. Speaker, that the minister does have the discretion, and really, the authority to allow permits, allow permits for different commodities that will be moved, Mr. Speaker. And he can exempt – and I'll just read a part of the Act that is before us. He can exempt . . .

. . . from the application of any provision of this Act or the regulations the transportation of dangerous goods in any quantities or concentrations, in any circumstances, for any purposes or in any containers, packaging or vehicles that he may specify;

Well, Mr. Speaker, I think a lot of people would be interested in knowing just what the minister means by exemptions, or what he means by controlling the transportation of dangerous goods, or where the farmers stand, or who's really going to have to be controlled under this Act.

And secondly, what guarantee can the minister give the people of Saskatchewan that when these goods are transported on our highways – when he allows them to be transported, or doesn't allow them to be transported, whichever the case may be – when they are being transported, that the minister is going to have a sufficient amount of staff or inspectors to check what is being transported on our roads.

Will the minister do like some of the other ministers have done and say that we do have an Act, and this will be controlled by the department, but he will have no staff in place to really assure that this is going to happen? That, Mr. Speaker, the minister is not telling us.

And maybe what the minister should have done, firstly, was to put some money into the budget that they presented last night. Put some money in it I to fix up some of the highways that these vehicles have to travel over, so they will not have any accidents that could create a real problem for Saskatchewan society.

That, Mr. Speaker, I think should be the first priority of this government when we're talking about transportation of dangerous goods. Make sure that they can travel those highways safely. But that, Mr. Speaker, was some thing this government and this minister really omitted in that budget and really refused to address.

We have many roads, Mr. Minister in this highway, that today are dangerous to drive on. They are dangerous to have any kind of goods transported on. We wouldn't want to see a lot of the dangerous goods that travel on highways today being transported without knowing that they won't get into any difficulties when they are travelling down them; that they won't have an accident; and that we won't see anything happening that will endanger the lives of the public.

Mr. Speaker, we have no guarantees that this minister is going to address a lot of those problems. Their budget certainly says they don't intend to address them. We have no guarantees that he is not going to allow anyone that wants to use those highways to transfer dangerous goods, to just go through there with his authorization, without have to get authority from the legislature or from anybody else.

He can allow the Department of Defence to travel our highways, regardless of what they might be hauling. It could be radioactive material. It could be nerve gas. It could be biological warfare

weapons. They could be transporting bombs down our highways, and the Minister of Highways has the authority to give them a permit to transport that material on our highways.

Mr. Speaker, this Act leaves a lot to be desired. There are a lot of things in it that should be more specific, that should let the public know exactly what it's going to do, and who it's going to protect, or who it's going to allow to use those highways for the transportation of dangerous goods.

Mr. Speaker, there are many things that we are going to question in the detailed clauses of the bill. We will go through it clause by clause, and the minister better be prepared to provide some answers when we get into committee of the whole. I think he is going to have to not provide the answers only to this legislature, but to the public of Saskatchewan so that they would be aware of what this Act is going to do.

Mr. Minister, with that, we will allow the bill to go through second reading, and we will deal with it further in the committee of the whole.

(1515)

### INTRODUCTION OF GUESTS

**MR. ENGEL:** — Mr. Speaker, could I have leave to introduce a group? Mr. Speaker, seated in your gallery today are a number of guests — 27 of them are chaperones and adults I brought down. And a unique part of the group today . . . Maybe I'll ask them to stand. There's 24 guests, exchange students from Newfoundland. Would those young people please stand that are visiting our province. How many of you are from Newfoundland? I think we should give them a . . . (inaudible) . . .

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

**MR. ENGEL:** — Their hosts, the 24 young people from Willow Bunch School, grades 10, 11, and 12, are the balance of the young people. You stand and take an applause as well. And the balance of them are the parents.

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

**MR. ENGEL:** — I would like to, through you, extend a hardy welcome to them. I'm looking forward to meeting with the group in about 15 minutes for some refreshments.

### ADJOURNED DEBATES

#### SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Garner that Bill No. 9 — **An Act respecting the Transportation of Dangerous Goods in Saskatchewan** be now read a second time.

**MR. KATZMAN:** — Mr. Speaker, I enjoyed the comments of the last member when he spoke. But, as usual, the member showed he didn't do his homework. The regulations are ready to be looked at. It's a book this thick. I believe it's almost 500 pages, and, as indicated by our minister when he spoke on the Bill, that our regulations would be the same as others across Canada, so uniformity across Canada would be the same.

The federal government have put out the first set. Except for minor changes between provinces on special arrangements, the document that he complained that he didn't know the answers to has already been published, and he could have got it through his research department or the

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federal research department to go with it.

Mr. Speaker, I think that the key issue is transportation of safety of goods being transported on trucks in Saskatchewan. This is what the legislation intends to deal with. For the member from Assiniboia-Gravelbourg, the member from Regina North or whatever it is, the member from Lloydminster, and the member from Kelvington-Wadena toured the province on a committee, the fire protection committee, and heard a lot about concerns from firemen on hazardous goods. And I would expect those gentlemen would not be yapping from their seats, but would be dealing with this thing as important legislation, as it is, because they have first-handedly heard from the people who respond to the accidents and the concerns.

It is major important legislation because the transportation of major goods in Saskatchewan is going on more and more and more. Yes. And I wish to answer the member's question when he says, did we deal with the farmer's fuel? You will find that we have made arrangements for the tank that a farmer carries his fuel back and forth to the field. We have taken in concerns for that. But we have also taken in concerns that when you have an accident on the highways that the signage and the documents carried on that transport vehicle will tell the fireman or the policeman, whoever is responding, exactly what they are going to find and therefore telling them how to deal with that accident with the hazardous chemicals.

That's the crime thing. The Government of Saskatchewan, Alberta, Manitoba and all others are responsible for the transportation within the province on the highways. The federal government is responsible for on the rails and in the air. We, with all the other governments, are preparing to put a piece of legislation in that will be uniform – sorry, I say regulations – that will be uniform across Canada. So if you're moving from province to province the same set of rules exists – not NDP Manitoba has one set of rules, Saskatchewan has another, Alberta, and so forth, one set of rules – which was something you fellows never learned when you were in government.

I happen to have the pleasure of going to the first minister meeting of highways, in Ottawa, representing our government, where it was agreed by all governments across Canada that they would continue to co-operate and make this happen. And the only question they said is the timing of implementation for all of Canada was important. And that was one of the issues that was discussed in Ottawa when I was representing Saskatchewan.

The key is very simple. Simplicity, uniformity, and that everybody will understand it . . . (inaudible interjection) . . . Oh, the member from billybuster wants to know if it's going to be a long speech. It will make more sense than any speech he has ever delivered in this House because it will be factual.

Training programs for provincial on-highway inspectors are being developed with Transport Canada, and the provinces all working together as well as the RCMP. Posters, decals, and so forth will be uniform, and that is important.

Mr. Speaker, I think this side of the House is treating this Bill with importance and respect. It seems the other side wants to yap and ignore it.

So, Mr. Speaker, I could spend a couple of hours discussing all the regulations, but I know that we will have the time to do that during committee of the whole. And, seeing as the members on the other side have indicated they're willing to support this Bill and get it to the committee of the whole, Mr. Speaker, I take them at their word, and I will take my seat saying I will support the legislation.

**MR. HOPFNER:** — Thank you, Mr. Speaker. It gives me pleasure to speak on this very important issue. I think that we've enjoyed a very important committee, with the member from Assiniboia as part of it. We travelled the province and listened to the concerns that the people had to give back to us, so that we could adopt some rules and regulations to be brought about with a good

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reasonable accountability of good general points when we do table any documents in this House.

I think probably when I revert back to some of the hearings that we sat in, it was a very, very genuine concern that these people did not know what they were handling and what was being transported by their doors. And the unease out there was something dramatic. I was amazed. And, you know, as being honest and truthful about it, I myself had not really given this situation very much thought. You know, I would get into a vehicle and drive down the highway and accept the transports that were driving by me, not even questioning what could possibly be in that tanker, or whatever type of container that is being transported down this highway, not knowing that I could be involved in hitting one of these particular trucks and creating a real hazard out there for other people to have to come around and clean up.

I think, basically, chemical identifications just is something that has to be really taken a serious look at. And then the disposal of these particular spills. I think that if I look at any one of the fire departments in the rural parts of the province, or the RCMP that have to go out to these particular accidents and really have to dig in and maybe have to divert the traffic around the particular hazard or whatever, these people must have some opportunity and must be given some sort of assistance so that they can identify with the particular type of hazards that they're encountering. I myself would feel very uptight if I would know of, or would hear of, a situation where we're sending in innocent volunteer firemen or RCMP into a particular situation where we could have helped with some good moral understandings and some good tabled issues and points to come up with some good genuine help.

I think this type of legislation and this type of awareness that we can bring to the public, Mr. Speaker, will not only help the firemen or the RCMP, but will also bring a total public awareness that there is a serious problem out there. I think that when we're looking at the chemicals today, there are somewhere, I believe, in excess of 10,000 new chemicals hitting the market, the world market, every year.

But we don't as ordinary individual people, understand how we can dispose of this, or what it can do to a human being, or to animal life, or to the environment as a whole. I think basically when we come up with proper regulations and safety regards, safety standards, with this particular type of Bill, that we should take it serious. I don't think that . . .

You know, the member from Pelly, he spoke on it a bit, but I don't really think he could understand. I was surprised that the member from Assiniboia wouldn't have spoke on it sooner than the member from Pelly because of his involvement with the committee and the feedback that he had gotten from the sincere people that sat at these committee meetings, and were introducing their very real concerns.

I think that when you look at a picture, we've been pretty fortunate. I think that if we look down east where they've had railcar derailments and tanker derailments, truck tanker upsets, we had not had to go through that experience. And I don't think any one of us are wanting to have to ever experience this.

So I call this a precautionary measure that we're taking, not rushing into anything, but coming out with some hard, cold facts on how to eliminate such situations and deal with them. I would hate to see my community, or a city of Lloydminster, for instance, have to evacuate because there wasn't some real good grassroot, solid ideas to try and eliminate such a problem.

I think that the Bill is only formulated after an extensive public consultation. And I think with the affected interest groups, through the circulation of blue papers of the trucking companies and associations, rural and urban municipalities, and police forces and fire officials, I think that we have to give that. We have to assure these people that that input was not just another form of a government or a legislative-type of exercise that wasn't going to go anywhere. I think we have

to prove to them that what they've been telling us now is going to actually come about, and it's going to be treated with all seriousness.

The provincial Act will apply to on-highway transport, and a complementary federal act will apply to air, rail, and marine transport, and all offerings for transport and pre- and post-transport handling aspects.

Now, when I look at our province, I'm pretty proud. And I must say I'm pretty proud of my Minister of Highways and Transportation for the specific reason is that I think, if we look across at what's happening in this province today, by the amount of death tolls down on the highways, etc., and the accidents are decreasing and yet our population is increasing, I think that, you know, the seriousness of our department there, when we are trying to make the highway system as safe as possible for our home people, our own provincial people, and plus all our tourists that enter into the province, and I think when, as this occurs, with good solid legislation, I think that you will see that our Saskatchewan highways will be travelled more and more – more so than probably anywhere else in Canada.

There was a very good observation, Mr. Speaker, when I heard the Leader of the Opposition speak of the deterioration of our highways. Well, when I look at the statistics of the downturn in accidents, deaths, on our highways, and the rates of absolutely no chemical or big hazardous emergency happening out there, I can only feel, though, that through the measures of our minister, and the measures that he has been taking can only be, can only cite a congratulation from the members of the opposition.

I think if you look at the Canadian statistics . . . The member from Pelly mentioned about the shapes and conditions of our highways. I would remind the member from Pelly that if he would . . .

**MR. SPEAKER:** — Order, please. The member is straying away from the subject that's in the Bill, and I'd ask that he'd get back to the subject.

**MR. HOPFNER:** — Thank you, Mr. Speaker. I just side-tracked there for a second, but I must say that, you know, when you hear all these quips, it's kind of hard to stay on track at times, but I'll do my best.

I would just like to say, though, that when we're looking at chemicals and herbicides and gasolines and, you know, acetylene and propane and whatever, that are hitting our highways today, I think that basically we have to be very serious and take it with not a grain of salt. I think that when a transport drives through a community, that we have to make sure that that transport is going to, by ways of signing, slow down, get it through the community safely without any unnecessary stresses, you know, via approaches or whatever, you know.

It's basically something that's got to be . . . That was generally brought up at meetings where they bring in to — where the people have brought up at these meetings, and the member from Regina North West well knows — the amount of approaches coming out of a community onto the main highways, etc.

And then also, Mr. Speaker, there was a point of interest that I was not aware of either. These trucks pulling in and stopping in the community while the trucker is off having a dinner, or a breakfast, or whatever, and it has happened, on occasion. I believe there was in Meadow Lake where this tanker was parked, and it was leaking this chemical, and no one knew what it was. The tanker wasn't marked or anything. So the fire department was called to respond. When the fire department got there, well, they looked around. They were looking for identification of the type of product that was carried there, and they couldn't come up with anything.

But I wanted to bring this to your attention, and to the members of the opposition's attention. As

the member from Assiniboia could probably well remember, is that if the fire department would have put a hose to that particular chemical, if they would have hit that with a wrong sort of chemical to counteract what they might have thought was there, there could have been a total disaster. That whole truck could have just blew. If you can imagine, you know, it would be such an impact that, you know, I would hate to say what would have happened. Can you imagine a community such as the size of Meadow Lake probably going up in flame? You know, it would be just totally a disaster.

But what I think, when the members from Meadow Lake had come before us and had brought this story before us, they were genuinely concerned. And I think that with the legislation and the regulations that can be brought into place, I think again, we as a provincial government here can also bring in some awareness to the rest of Canada, as we have done so well in past dealings that do not relate to this particular issue.

I think we've led, of any government, of any provincial government, we've led a great deal, and have brought a great deal of progress to the province of Saskatchewan and Canada. And I think by just points of issue such as have been pointed out here is that we can take another lead by addressing the situation before it happens.

I would like to suggest too that when we're talking about the transport of hazardous goods is that really it takes into consideration that it's only to the betterment too of the operator of that transport to know what he is transporting, and to have the information available would help the RCMP, would help the local fire departments, would help any type of general public that may come along the scene, firstly. I think too, who is generally responsible for a call of such a hazard if it does occur? And I think these are regulations that have to be brought into context so that people know who is in full charge.

I mean, it would be pretty confusing for me, Mr. Speaker, if I happen to be ahead of a RCMP detachment, and I was called to the site because of the accident occurring, and then all of a sudden, the chief of the fire department, the local fire department or whatever comes along and we start arguing how we're going to handle it.

I think we can eliminate a lot of these problems. And these are genuine concerns because these are problems that have been pointed out to the committee as we travelling – that there is even a bit of confusion in the regards of who was actually in control of that particular situation.

And you know, I was talking basically also of the outlying rural areas. But what I would like to say is that through our cities, even the fire departments, our professional fire departments are not adequately trained to handle all these commodities. And what happens there is that when they're called to a situation, they are as dumbfounded as the next guy. And then the city police are there, and there's confusion.

So I think with the input we had from the fire departments and the input we had from the authorities – mayors, reeves and councillors – throughout the province, I think basically we felt that through all the hard work and effort of the committee and these people with this, what I would call next to expertise input, I think probably in all reality we must justify and we must give them the right for a proper hearing.

(1530)

With that, Mr. Minister, I'd just like to close in saying that I support any initiatives that we can take. And whether it takes a little longer to bring them into being, I would sooner have that time taken, so that when it is tabled, that we're going to be living with a safe highway system in our province.

I think with the fact of the people that neglect what we are trying to do, neglect the laws and the

regulations that we're going to try to enforce, I would suggest that through the importance of such legislation that our fines must be brought into place. I think people that try to get away by taking short cuts, by maybe trying to do something outside of these rules and regulations, their hands are going to have to be slapped because of the fact, Mr. Speaker, of the potential danger that it is to our children, families, and people that are just innocent bystanders, not knowing what kind of impact an explosion like this could have into a community.

I think that while our people are sleeping at nights and the transports are running, I think the people would like to know that they are going to be waking up to a community in the morning, or not have to be rudely awakened to have to leave their homes for a day or two or three or a week or two weeks, until such hazards are cleaned up.

But with that, Mr. Speaker, I'd just like to say that I myself support this type of approach. I'd like to congratulate the minister once again, and I am sure that his approach to this has been genuinely honest and thorough. And I'm sure that when we see the final documentation of all this, that we are going to be definitely satisfied, and we will be contributing not only to Saskatchewan, but we will be contributing to the rest of Canada. Thank you.

(1545)

**MR. PETERSEN:** — I think we're heard several very good points this afternoon. The main thrust of this is to provide some safety to the people of Saskatchewan, safety for the people who haul these products, and uniformity across Canada. We want to be in line with the other provinces. We don't want to be the bottle-neck on the flow of products back and forth across Canada. Also, uniformity in our placarding and signing of the types of products that are being hauled; safety standards uniformity so that the people will be able to haul this product across Canada, again without any impediments.

So with this big thrust on safety and responsibility, what kind of a reaction will our farmers have? I think perhaps the member from Pelly talked about that and talked a bit about paperwork, added paperwork for farmers.

I'd like to just point out what effect it will have on agriculture. Basically, zero. The farmers out there are used to hauling diesel fuel in their trucks. They haul 100 gallons, 150 gallons, 200 gallons. They're used to hauling small amounts of fertilizer around. They're used to hauling herbicides and pesticides around. They're not hauling 10,000 gallons at a time. They're hauling maybe 30 gallons, or 50 gallons – something like that – in clearly marked containers, safe containers, strong containers. There's very little damage that can be done, should a small spill occur.

What we are looking at in the overall picture though, that the member for Cut Knife-Lloydminster was talking about is, if we have a 10,000 gallon tanker explode in downtown Meadow Lake, we're going to have no town there . . . (inaudible interjection) . . . Leave Meadow Lake alone, I'm told. Okay, we'll pick another town.

Basically, we're going to build in exemptions. We're going to build in exemptions. Gasoline, for example, will be exempted. We'll be able to haul 440 gallons without having to have it placarded or anything like that. No big problems there. You won't have to sign any papers. There won't be any added paperwork. And that makes sense. When I haul gasoline out to one of my machines out in the field, I have a 250 gallon tank mounted in the back of my half-ton. It's secured in there. No problem with it.

Diesel fuel, the same way. It's a lot less flammable than gasoline. I haul 250 gallons of diesel fuel. No problem there at all . . . (inaudible interjection) . . . The member from Pelly is trying to say something, and I wish he's speak up . . . (inaudible interjection) . . . I'm trying to, but he's got such a squeaky voice there.

Propane, acetylene, oxygen – all those things are used in the repairing of equipment in field conditions. Oftentimes you can't drive your combine five miles back off the field into your shop. You have to haul your propane out there to heat something – acetylene and oxygen for cutting and welding materials. You do your repairs out in the field. Again, you're using small quantities. S-tanks or Q-tanks with oxygen and acetylene may be 100-pound propane tanks. The possibilities of a major disaster occurring with quantities of that size are almost negligible.

Most of the farmers that we have are trained in the use of this type of product. Most of us have had some type of training in mechanics either through the technical school systems which we have, or through the community college system, or through just general common sense. And that's what farmers have most of – common sense.

Herbicides and pesticides again, we're going to exempt people from hauling herbicides and pesticides with placards and with forms, provided they're hauling less than 100 gallons of it. And, again, the 100 gallons is a reasonable figure. A 100 gallon tank is a reasonable figure. You're looking at some products like Avadex, comes in 25 or 40 or 45 gallon barrels. That's easy to handle, no problem there, or in 5 gallon pails. Some people call them 20 litre pails. I prefer gallons, myself.

Anhydrous ammonia – that is a fairly dangerous product. It's handled in pressurized tanks, and you have to use a nurse tank to take it from your main storage tank out to your field equipment. Again, it's a small amount in comparison to the large tankers that travel down our highways. It's usually used in an isolated isolation. You don't usually have nurse tanks being dragged through cities or populated areas. And, again, the nurse tanks are very heavily constructed. So, again, the chances of a disaster are minimal.

We're going to exempt the nurse tank for field application. For documentation requirements, if the water capacity is less than 10,000 litres or 2,200 gallons, whichever you prefer, or a document, bill of sale, product tag, what have you, indicating the shipper's name, product identification number, and quantity of the goods that accompanies that tank is along with it, that's not a big think. It doesn't require hours and hours of paperwork.

Ammonium nitrate fertilizers –again, another common thing used on farms. No problems with it. We're going to exempt it if it's held in quantities of 15 tonnes or less. Very few farm trucks can haul 15 tonnes – very, very few. Maybe a big tandem might be able to, but, for the most part, that would be the maximum amount that will be hauled out on the farms. It's not such a big deal, and I don't know why the member from Pelly even mentioned it.

I think, Mr. Speaker, what I am trying to say is that this is a common sense piece of legislation. It's not something radical or different. It's just plain good old common sense that this government is noted for. So with that, Mr. Speaker, I think I have to say that I would be supporting it, and I would support any other safety measures that go along this line. Thank you.

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

## SECOND READINGS

### **Bill No. 27 – An Act to amend the Statute Law to permit Guest Passengers to recover Damages for Injuries from Owners and Drivers of Vehicles**

**HON. MR. LANE:** — Thank you, Mr. Speaker. I rise today to move second reading of The Statute Law (Guest Passenger) Amendment Act of 1985.

For too long, an anomaly in our law has placed severe limits on the ability of injured guest passengers to use drivers who, through negligence, cause an accident resulting in injury. Guest passengers have been required to prove not only negligence on the part of the driver in order to be successful in an action, they must establish wilful and wanton misconduct on the part of the

driver. In addition, the owner of the vehicle has had the option of not insuring the owner for loss or damage resulting from bodily injury or death to a guest passenger.

Today I am moving second reading of a Bill that will undo that situation. The legislation is based on recommendations made by the Law Reform Commission of Saskatchewan. Guest passenger legislation, since its inception, has been controversial. It arose before compulsory liability insurance recognized the need to spread losses resulting from road accidents as broadly as possible several other Canadian jurisdictions have repealed guest passenger provisions, including British Columbia, Ontario, Manitoba, and New Brunswick, and the Yukon.

The main reason to deny actions is fear of collusion. On this point the Law Reform Commission asked several of the largest motor vehicle insurance companies carrying on business in provinces in which guest passenger legislation has been repealed about that problem. The general conclusion was that the industry's fear of collusion has been unfounded.

In addition to changes to The Vehicles Act and The Saskatchewan Insurance Act, certain changes are made to The Contributory Negligence Act and The Snowmobile Act. Section 9 of The Contributory Negligence Act dealt with a situation where more than one driver was negligent. If a guest passenger could not bring an action against a negligent driver because that driver's actions were less than wilful and wanton misconduct, the portion of damage caused by that driver would be calculated, and the other negligent driver would only be liable for that percentage of the damage which he created. The section deals with certain concepts of joint and several liability, and can now be repealed.

The guest passenger legislation is entirely complementary to the abolition of interspousal or community. So many of our guest passengers are family members. We can never fully compensate people for personal injury and death, but this legislation will go some distance to provide fairness in our system of compensation.

I'm therefore very pleased to move second reading of The Statute Law (Guest Passenger) Amendment Act, 1985.

**MR. LINGENFELTER:** — Mr. Speaker, first of all, I would inform the Assembly that we certainly will intend to be supporting this Bill, Bill 27, the Act to amend the Statute Law to permit Guest Passengers. It well could have been named the Ned Shillington Bill, as it follows very closely along the lines of a private member bill introduced by my colleague from Regina Centre.

And, without further adieu, I can tell the minister that we certainly will be supporting the Bill which follows very closely along the lines of my colleague and friend from Regina Centre.

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

**Bill No. 28 – An Act to provide for Equality of Status of Married Persons and to repeal The Married Person's Property Act**

**HON. MR. LANE:** — Mr. Speaker, I rise to move second reading of the Equality of Status of Married Person's Act.

This bill is being introduced by this government to remove vestiges of legal inequality between

married men and women perpetuated over the last 70 years.

(1600)

The Married Persons Property Act is based on the assumption that married women have dependent status. The Law Reform Commission, after a detailed examination of the present law in Saskatchewan relating to married persons, has recommended the enactment of this legislation to completely abolish the concept of unity of personality and the dependent status of married women and to establish equality in law for both parties to a marriage.

It is proposed that the same rule shall be applied to determine the domicile of a married woman as for a married man. Since the domicile of a child is now tied to the domicile of his father, new provisions respecting the domicile of infants are also proposed.

It is interesting to note that the common law presumption of the authority of a married woman to pledge her husband's credit for necessities, by virtue of her married status, is abolished by this legislation. However, this does not limit the right of one spouse to act as an agent for the other and thereby incur a liability on his or her behalf.

Section 3 is a very significant provision. Under current law a spouse cannot sue another spouse in tort for damages. For example if a wife is responsible for injuries suffered by her husband in a motor vehicle accident, the injured spouse has no cause of action against his wife. Thus, even if rendered a paraplegic, the husband has no legal claim against his wife and, more particularly, against her third party liability coverage, just because they are married. This simply benefits insurance companies.

Traditionally, the reason for barring of an action was the possibility of collusion between spouses. Amendments proposed in the consequential Act to this Act will greatly reduce this possibility.

Interspousal tort immunity is an example of discrimination on the basis of marital status. It is likely contrary to the Saskatchewan Human Rights Code, and may be contrary to the Charter of Rights and Freedoms. It is an historic anachronism that should be done away with.

To provide an opportunity for insurers to accommodate these provisions, provision of this act dealing with interspousal tort immunity will come into force in August. The act will have no retrospective operation and will, therefore, apply only to causes of action arising after it comes into force.

Mr. Speaker, I'm very pleased to move second reading of The Equality of Status of Married Persons Act.

**MR. LINGENFELTER:** — Mr. Speaker, this Bill which was, I believe, tabled in the Assembly last night, we will want to be doing some research into it, Bill 28, and also the consequential amendment to it, which also was tabled last night. So I would ask the minister and leave of the Assembly to adjourn the debate on this Bill and the subsequent one.

Debate adjourned.

**Bill No. 29 – An Act respecting the Consequential Amendments resulting from the enactment of The Equality of Status of Married Persons Act**

**HON. MR. LANE:** — Mr. Speaker, I rise to move second reading of The Equality of Status of Married Persons Consequential Amendment Act.

This Bill primarily focuses on the insurance aspects of abolishing interspousal immunity. Because

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of the abolition of interspousal tort immunity by The Equality of Status of Married Persons Act, a spouse injured in a car accident will now be able to sue his or her spouse for personal injuries.

Essentially, the amendments to The Automobile Accident Insurance Act and The Saskatchewan Insurance Act will require insurance companies to insure owners of vehicles where the negligent driver who owns the vehicle injures his spouse or child who is riding as a passenger.

We believe there is no point in reforming the law of spousal immunity if, in automobile accident cases, the effect of the change is nullified by The Saskatchewan Insurance Act. The main reason, in the past, to deny insurance claims between spouses has been fear of collusion. In this point, the fear is probably unwarranted, and to quote the Law Reform Commission:

To deal with it as a blanket exclusion from coverage is an example of legislative overkill.

In recognition, however, of the fact that concern might exist in the insurance industry regarding possible collusion, the government is proposing to amend The Saskatchewan Evidence Act so that when an action is brought in tort by one spouse against another both are compellable to disclose communications to one another during the marriage. As a result, insurance companies should be able to undertake examinations of spouses to establish if collusion exists.

The consequential Bill deals with a number of other issues. The Contributory Negligence Act currently provides that if a spouse is contributorily negligent the court shall apportion the loss, but no damages shall be recoverable for the portion of damage caused by the negligent spouse. This provision has been consistent with the bar to suing a spouse, but is being repealed so that spouses are treated the same as all others.

Finally, an issue entirely separate from insurance is also addressed in the consequential Bill. Section 40 of The Queen's Bench Act is being repealed. This is a section enacted in 1978, barred actions for criminal conversations. The section will be replaced by section 6 of The Equality of Status of Married Persons Act, which will now prohibit actions for enticement, harbouring, loss of consortium of a spouse, as well as damages resulting from adultery and criminal conversation, now covered by section 40 of The Queen's Bench Act.

Mr. Speaker, I move second reading of The Equality of Status of Married Persons Consequential Amendment Act.

**MR. LINGENFELTER:** — Mr. Speaker, as I mentioned earlier, we will be asking for adjournment of the debate, so we can have time to prepare our remarks and so our member, who will be doing the analysis, will be in the Assembly.

Debate adjourned.

The Assembly adjourned at 4:03 p.m.