



STANDING COMMITTEE ON HUMAN SERVICES

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STANDING COMMITTEE ON HUMAN SERVICES

Mr. Larry Doke, Chair
Cut Knife-Turtleford

Ms. Danielle Chartier, Deputy Chair
Saskatoon Riversdale

Mr. Herb Cox
The Battlefords

Mr. Muhammad Fiaz
Regina Pasqua

Hon. Todd Goudy
Melfort

Ms. Nicole Rancourt
Prince Albert Northcote

Ms. Nadine Wilson
Saskatchewan Rivers

[The committee met at 16:27.]

Ms. Drake: — Good evening. The Chair and the Deputy Chair of the Standing Committee on Human Services are not able to be here for the meeting tonight. So it's my duty as the Committee Clerk to preside over the election of an Acting Chair for today's meeting. First I'll ask for nominations. Once there are no more nominations, I'll ask a member to move a motion to have the committee member preside as Acting Chair.

I'll now call for nominations for the position of Acting Chair. Mr. Fiaz.

Mr. Fiaz: — I nominate Mr. Cox.

Ms. Drake: — Are there any further nominations? Seeing none, I'd ask a member to move the motion. Mr. Goudy.

Hon. Mr. Goudy: — I would move:

That Herb Cox be elected to preside as Acting Chair of the Standing Committee on Human Services for the meeting of March 10th, 2020.

Ms. Drake: — Agreed?

Some Hon. Members: — Agreed.

Ms. Drake: — Carried. I invite Mr. Cox to take the Chair.

The Acting Chair (Mr. Cox): — Okay, thank you for that. And welcome, everyone, to the Standing Committee on Human Services. I would just like to introduce the members of the committee who are here this afternoon. Muhammad Fiaz is here. Todd Goudy is here. Substituting for Nicole Rancourt is David Forbes. And Nadine Wilson, and Everett Hindley substituting for Larry Doke, and Cathy Sproule substituting for Danielle Chartier. Thank you for that.

Bill No. 200 — *The Saskatchewan Employment Amendment Act, 2019*

Clause 1

The Acting Chair (Mr. Cox): — We will now begin consideration of Bill No. 200, *The Saskatchewan Employment Amendment Act, 2019*, clause 1, short title. Minister Morgan, if you would . . . You are here with your officials. I would ask please introduce your officials, if you would, and opening comments.

Hon. Mr. Morgan: — Thank you, Mr. Chair. I'd like to start off by congratulating you on your election as Chair today. I know that elections are not always the easiest thing, and I suspect you did a lot of groundwork for this, so thank you very much for that.

I'm pleased to be here today to respond to questions of the committee on Bill No. 200, *The Saskatchewan Employment Amendment Act, 2019*. With me today from the Ministry of Labour Relations and Workplace Safety are Donna Johnson, deputy minister; Ray Anthony, executive director, occupational health and safety; Sameema Haque, executive director,

employment standards; Pat Parenteau, director of policy; Nataliya Mazokha, policy; Chantel Levy, policy; as well as from my office here, Clint Fox, chief of staff; and Molly Waldman, my ministerial assistant.

[16:30]

Mr. Chair, *The Saskatchewan Employment Act* is a key piece of legislation respecting employment standards, occupational health and safety, and labour relations. In Bill 200, we are introducing amendments that will help to establish a fair and competitive business environment that will set us on the right path for growth in this province. We are increasing and expanding leaves, strengthening the roles of radiation and health officers to reinforce workplace safety, and clarifying adjudication processes and roles.

Specifically we are making amendments that would see parental leave increase by eight weeks. This will ensure that employees that are entitled to the additional employment insurance shared parental benefit can also receive job-protected leave while accessing the benefit. In total a maximum of 71 weeks of parental leave would now be available.

Still with amendments to leaves, we are expanding candidate public office leave to include employees who are running for election or who have been elected to a band council. This change would provide the same level of job protection provided to those running or elected to civic councils and school boards. I believe that ensuring employees can enjoy bringing a child into their family or run for band council knowing their jobs are protected is the right thing to do.

In the area of workplace health and safety, we are providing radiation health officers with the ability to issue compliance undertakings and notices of contravention very much like their counterparts in occupational health and safety can. We are also asking for a change that we can issue higher penalties for second and subsequent offences, and creating an appeal process that is consistent with that outlined for occupational health and safety within the Act.

Within the amendments we are also providing the Labour Relations Board with the authority to require the production of an adjudicator's decision when the statutory period is exceeded and replace the adjudicator if a decision is not provided; enabling strikes and lockouts to occur when an application is pending before the Labour Relations Board; and making a small number of housekeeping or maintenance items, including wage assessments, and re-establishing the courts' ability to reinstate employees who have been discriminated against by their employers.

The amendments in Bill 200 bring clarity and ensure that we are not interfering with the rights of workers. The changes will also help enforce and promote healthy and safe workplaces. The amendments ensure the legislation we have is fair and relevant and contributes to an environment where economic growth is possible and where every citizen can enjoy a better quality of life.

Mr. Chair, we would be happy to answer any questions the committee now has on the amendments.

The Acting Chair (Mr. Cox): — Thank you, Minister. And I would just like to also thank your ministry officials for coming over half an hour early. Thank you for accommodating. And I would just ask that when you speak for the first time, if you would please identify yourself.

Are there any questions from the committee? Mr. Forbes.

Mr. Forbes: — Thank you. I have a few questions. And I too appreciate the accommodation coming over a little early, and we'll go from there.

So right off the bat, the leaves, the parental leave, this is something that was spurred on by a federal change in law and so it's just a matter of fact of bringing it into line with what's happening across Canada. Is that correct?

Hon. Mr. Morgan: — Yes it is. We've been really careful that when there has been an increase to the employment insurance provisions that we would move our legislation lockstep to ensure that while a person is using the leave, that their job is protected. So yes.

Mr. Forbes: — Are there any other leaves that are outstanding that the feds have in place?

Hon. Mr. Morgan: — I believe this is all of them.

Mr. Forbes: — This is all. Good, thank you. Now in terms of the leave, nomination, candidate, and public office leave, that's a pretty progressive one. I think that the province and you folks deserve a lot of credit for that, bringing that forward. I'd be curious to know from your side — we've talked a bit about this — but from your side, the consultations that have gone on and the roots of the discussions you've alluded to when we've talked about this, some other folks that have talked about this.

Hon. Mr. Morgan: — Yes. The officials work and they do a consultation with them, the municipalities and different entities that are there. We had received some comment from some of the First Nations groups saying working as a vice-chief or chief is the same as being a councillor or mayor. It effectively becomes a full-time job, and the positions within the band should be protected as well. So we've included that as well.

Mr. Forbes: — Yes. I was approached a couple years ago at a convention by Janna Pratt, a First Nations member from Muscowpetung, with this idea. And you know, these ideas, when it's a good idea, comes from many directions. People say that the time has come, and I think this is an idea that really is appropriate.

And I'm curious, you know, as well we've talked about . . . You speak specifically about a band council. Now there are other groups that may feel . . . but I haven't been approached, so that's fair enough, but whether the Métis or the Inuit have a sense that they should be entitled to the same coverage.

Hon. Mr. Morgan: — We have not included anything for Métis coverage in the bill at this time. We might want to at some point in the future. The governance structure within their bylaws or their legislation is not clear as to which positions are full time, which positions would ordinarily be held. So I think that would be something that we would want to bring forward. And I think

we wouldn't be afraid to bring it forward as a stand-alone at some point in the future pending further discussions with MNS [Métis Nation of Saskatchewan].

Mr. Forbes: — Great. Well you know, in the House I've referred to this section as Janna's Law after Janna Pratt, because I think she had the idea and she deserves a lot of credit for that. And I think that I would say in the spirit of truth and reconciliation, this is a small step, but a step moving forward in terms of how we recognize the shortcomings of our laws and move to address them and do it in a positive way. There has been positive press, I think. In *Eagle Feather News* there was a story in January about it and people have seen it as a positive move forward. So I think that the work is great, and thank you for that and your staff for bringing that forward.

Hon. Mr. Morgan: — I did media as well in the last day or two. Some of it has not yet been played but I'm told it will in the next while. Global referred to it as Janna's Law as well. I said well, in the bill it's not referred to as that, but we certainly understand that people are referring to it as that and we're comfortable with that taking place. And I think for exactly the reasons that you state, that this is a step towards reconciliation, a step towards appreciating the governance responsibilities and obligations that First Nations have. It's absolutely a step forward and we're pleased. So I think to everybody — yourself included — that raised it, we thank them.

Mr. Forbes: — Well it's a good thing, and that's the work we do. So yes, I'll just go on to the section about the radiation in occupational health and safety, and that seems to be the bulk of the bill. And it seems to be fairly technical. I'm curious . . . and it speaks to the radiation committee in occupational health and safety. I assume that people have been consulted about this, the practitioners. If you could talk a little bit about that.

Hon. Mr. Morgan: — Yes. I'm going to let the officials speak to it, but this is largely the people that work using X-ray equipment. And at the time the legislative changes were done, there was more work that needed to be done. So this is sort of the add-on to complete the work that was contemplated earlier on. And now probably if we had done it, would have needed an update because the equipment has become somewhat more sophisticated since. And I don't know if . . .

Ms. Johnson: — Donna Johnson. And with respect to your question on consultations, what we did prior to getting the bill ready is, in April of last year we sent letters out to 756 organizations, including all of the major unions and employer associations. We were asking for their viewpoints on the proposed changes. And ultimately we had 13 submissions that we received from, you know, organizations like the radiation health and safety committee, the Saskatchewan Cancer Agency, the Saskatchewan Health Authority, the Saskatchewan Veterinary Medical Association, Saskatoon Oral Radiology, and so on. And so from that point of view, we're feeling pretty comfortable on the level of consultation that was done prior to tabling the bill.

Mr. Forbes: — Thank you. Who would be members of the radiation committee?

Hon. Mr. Morgan: — We'll give you a copy of the list, but

there's not that many names on it: Gavin Cranmer-Sargison, Shazia Tahir Mahmood, Sheldon Wiebe, Tim J. Macaulay, Richard Bohay, Mark Sherwood, Jill Newstead-Angel, Kerry K.R. Babcock, Brenda Lock, Brent Preston, and Kimberly Tryon. They're all Saskatoon or Regina people.

Mr. Forbes: — Yes. I'm wondering if . . . I'm more interested with the organizations, if they represent specific organizations?

Hon. Mr. Morgan: — I'm going to let Pat Parenteau speak to it. There's a provision in the Act that lists who they would be. Some of them would be nominees of the College of Physicians and Surgeons; one would be a radiologist; one would be an oncologist; a duly qualified medical practitioner. So I'm going to let her just read through the list.

Ms. Parenteau — As the minister has already said — Pat Parenteau, sorry — the committee is made up of the College of Physicians and Surgeons of Saskatchewan, at least one member from each; an oncologist from the same group, the Physicians and Surgeons; medical practitioners of the Physicians and Surgeons of Saskatchewan who specializes in pathology, internal medicine, or is trained in hematology; a dentist or dental surgeon from the College of Dental Surgeons; a medical radiologist, nominated from the Saskatchewan association of medical radiation technicians; a veterinarian from the Saskatchewan veterinary medicine association; and a physicist experienced in radiation physics; as well as somebody who's a person who has expertise or knowledge in uranium radiation protection. And we also have people that are selected from the ministry, our ministry, as well as the Ministry of Health.

Mr. Forbes: — I didn't mean to come here thinking about who's on that committee, but it spurs a further question because we had a reception last fall from the people who work in dental offices. They're assistants and many of them do the X-rays and that type of thing. And there seems to be a bit of a . . . out of sync with what the dentists . . . And you know, there's a bit of practice territory. And I just flag that. They raised concerns about particularly those assistants and that their scope of practice and what they do in dental offices and how dentists can be kind of protective, particularly when it comes to . . . There was one fellow up there who was working doing home dentistry. If you had somebody who couldn't leave their home and had to do the dental work essentially or do a lot of it, and there seems to be some real issues in that. So I sort of flag that for you because I'm not the expert in this.

Hon. Mr. Morgan: — Would those be issues relating to radiation and the X-rays or just in general?

Mr. Forbes: — You know, I am not sure. And of course this may be more of a health question, but it seemed to me that it's something worth exploring anyways. I don't really have a fixed opinion one way or the other. But it seems that they did have. They were doing good work, but . . . And there seemed to be a gap in dental care. And I'll leave that with you.

Hon. Mr. Morgan: — We'll make note of it and maybe pass it on to Health.

Mr. Forbes: — Yes, it was a very interesting discussion we had. Other than that I think it sounds like it's a very . . . You know, I

have no issues. Obviously you've covered the waterfront very well on that, so that's very good.

[16:45]

The next is around the section 6, which really deals with the bargaining. And you mentioned that there was a few parts there that I think, in fact, the unions may have asked for when I was doing the checking around about these, that they were supportive of these. Is there any history to this that we should be aware of?

Hon. Mr. Morgan: — You're referring specifically to the one regarding the ability to have a strike?

Mr. Forbes: — Right, 6-62 and 6-63.

Hon. Mr. Morgan: — Yes, I'm not sure that I would quite characterize it quite as generously as you did. But the SGEU [Saskatchewan Government and General Employees' Union] filed a Queen's Bench application to respect the constitutionality. What the legislation had initially done, and the legislation had been there for decades, a long time, but it prohibited a strike any time there was a matter pending before the Labour Relations Board.

So the effect of it was job action could arguably be limited if there was an old or a dormant application that was there. And I think people were questionably using that or may or may not be using or used it as a threat. So they brought this application to have that section declared unconstitutional. So what we did was we had some consultation with organized labour and amended the section so it was far more restrictive.

So now a strike can be precluded only where the application before the Labour Relations Board is sort of the subject matter of whatever the proposed job action might be. So if there's, you know, as it might be with a large employer, there might be 10 or 12 dormant or not really active applications pending, they would preclude or take away the right of either union or the employer to have job action.

Mr. Forbes: — Okay. Well thank you for that. Now I just have one further question. It's on the amendments. Do we wait until we go through the amendments or should I ask it right now?

Hon. Mr. Morgan: — I don't have a problem with doing them now. I think we all know they're coming. We have copies of them, so *Hansard* may appear slightly out of order by having them after the fact, but I'm fine if you want to ask them now.

Mr. Forbes: — Sure. It's the new clause 22 of the printed bill, and the question is about coming into force. Well actually I have two questions, but the first one . . . So it's not by Royal Assent, you know, the coming into force, so I assume that means that there'll be regulations that need to be done that are relevant to the different sections. So my question is really two parts. One is, are the regulations ready to go for this bill so that it will come into force fairly soon? And then that's my second question.

Hon. Mr. Morgan: — I'm told we don't need regs. And the reason that it's retroactive back to 2014 is what was happening, or what had happened in a small handful of cases — I think three or four — files were assigned to adjudicators and the adjudicators

didn't complete them, moved away, abandoned them, and there was no remedy for the parties to the adjudication. So the best legal advice was that we would have to ask the parties to it to apply for a court order compelling the adjudicator to do it.

So what we wanted to do was bring it back so it was the same situation as it would be in court, where there would be a chief judge or a chief justice that could say, do your work, get this done, or we're taking it out of your hands to do with somebody else. So it's put some timelines on it. So it's gone back this far, so I can deal with the two or three that are pending. And I think the two or three, I think it's somebody that they've lost contact with, that's moved away, or I think somebody that's had a health issue and has chosen not to deal with it.

Mr. Forbes: — Well thank you for that. And just to be clear, on the general Bill 200, because it comes into force on proclamation, and usually that means that there's regulations to come. There are no regulations to come?

Hon. Mr. Morgan: — Not at this time. So a proclamation would come maybe contemporaneously with Royal Assent or very shortly thereafter. I'm told there's no reason why this wouldn't go ahead immediately.

Mr. Forbes: — Good. All right. Well, with that, Mr. Chair, I am satisfied with the questions. I'd like to thank the folks over here, the officials. We sure appreciate it and we appreciate getting this moving forward. Thank you.

The Acting Chair (Mr. Cox): — Thank you, Mr. Forbes. Are there any more questions? Seeing none, we will proceed to vote on the clauses.

Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Acting Chair (Mr. Cox): — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 12 inclusive agreed to.]

Clause 13

The Acting Chair (Mr. Cox): — Clause 13, is that agreed? I recognize Mr. Goudy.

Hon. Mr. Goudy: — Thank you, Mr. Chair. I move to:

Amend Clause 13 of the printed Bill in section 4-7 as being enacted by that Clause:

(a) by striking out subsection (4) and substituting the following:

(4) A failure by an adjudicator to comply with subsection (1) or with an order made pursuant to subsection (3) does not affect the validity of a decision.

(b) by adding the following subsection after subsection (5):

(6) This section applies to all appeals or hearings that:

(a) were commenced before the coming into force of this section and for which written reasons have still to be provided on or after the coming into force of this section; or:

(b) are commenced on or after the coming into force of this section.

The Acting Chair (Mr. Cox): — Thank you, Mr. Goudy. Mr. Goudy has moved an amendment to clause 13. Do the members agree with the amendment as read?

Some Hon. Members: — Agreed.

The Acting Chair (Mr. Cox): — Carried.

[Clause 13 as amended agreed to.]

The Acting Chair (Mr. Cox): — Clause 14, is that agreed?

Some Hon. Members: — No.

The Acting Chair (Mr. Cox): — Clause 14 is not agreed.

[Clause 14 not agreed to.]

Clause 15

The Acting Chair (Mr. Cox): — Clause 15, is that agreed? I recognize Mr. Goudy.

Hon. Mr. Goudy: — I move that we:

Amend Clause 15 of the printed Bill, in section 4-10 as being enacted by that Clause:

(a) by striking out subsection (1) and substituting the following:

(1) The director of employment standards and the director of occupational health and safety have the right:

(a) to appear and make representations on:

(i) any appeal or hearing heard by an adjudicator; and

(ii) any appeal of an adjudicator's decision before the board or the Court of Appeal;

(b) to appeal any decision of an adjudicator on a question of law or a question of mixed law and fact; and

(c) to appeal any decision of the board on a question of law.

(b) by adding the following subsection after subsection (2):

(3) the record of an appeal is to consist of the following:

(a) in the case of an appeal or hearing pursuant to Part II, the wage assessment or the notice of the hearing;

(b) in the case of an appeal pursuant to Part III, any written decision of an occupational health officer or the director of occupational health and safety respecting the matter that is the subject of the appeal;

(c) in the case of an appeal pursuant to Part V, any written decision of a radiation health officer or the director of occupational health and safety respecting the matter that is the subject of the appeal;

(d) the notice of appeal filed with the director of employment standards pursuant to Part II or with the director of occupational health and safety pursuant to Part III or V, as the case may be;

(e) any exhibits filed before the adjudicator;

(f) the written decision of the adjudicator;

(g) the notice of appeal to the board;

(h) any other material that the board may require to properly consider the appeal.

(c) by renumbering the existing subsection (3) as subsection (4); and

(d) by renumbering the existing subsection (4) as subsection (5).

The Acting Chair (Mr. Cox): — Okay. Mr. Goudy has moved an amendment to clause 15. Do the members agree with the amendment as read?

Some Hon. Members: — Agreed.

The Acting Chair (Mr. Cox): — Carried.

[Clause 15 as amended agreed to.]

The Acting Chair (Mr. Cox): — Okay we'll proceed.

[Clauses 16 to 21 inclusive agreed to.]

The Acting Chair (Mr. Cox): — Clause 22, coming into force. Is that agreed?

Some Hon. Members: — No.

The Acting Chair (Mr. Cox): — Clause 22 is not agreed.

[Clause 22 not agreed to.]

The Acting Chair (Mr. Cox): — I recognize Mr. Goudy.

Clause 14

Hon. Mr. Goudy: — I move the following clause is added after

clause 21. Coming into force . . . Oh, we do 14, not 22. Oh, I'm sorry.

I move:

New Clause 14 of the printed Bill

Add the following Clause after Clause 13 of the printed Bill:

Section 4-8 amended

14(1) Subsection 4-8(2) is amended by adding 'or Part V' after 'Part III'.

(2) Clause 4-8(3)(b) is repealed and the following substituted:

“(b) serve the notice of appeal on all parties to the appeal”.

(3) Subsection 4-8(4) is amended:

(a) by adding the following clause after clause (b):

“(b.1) in the case of an appeal pursuant to Part V, any written decision of a radiation health officer or the director of occupational health and safety, respecting the matter that is the subject of the appeal”; and

(b) by repealing clause (c) and substituting the following:

“(c) the notice of appeal filed with the director of employment standards pursuant to Part II or with the director of occupational health and safety pursuant to Part III or Part V, as the case may be”.

[17:00]

The Acting Chair (Mr. Cox): — Mr. Goudy has moved a new clause 14. Do the members agree with the new clause 14 as read?

Some Hon. Members: — Agreed.

The Acting Chair (Mr. Cox): — Carried.

[Clause 14 agreed to.]

Clause 22

The Acting Chair (Mr. Cox): — I recognize Mr. Goudy.

Hon. Mr. Goudy: — I move:

New Clause 22 of the printed Bill

The following Clause is added after Clause 21:

Coming into force

22(1) Subject to subsection (2), this Act comes into force by order of the Lieutenant Governor in Council.

(2) Section 13 of this Act comes into force on assent,

but is retroactive and is deemed to have been in force on and from April 29, 2014.

The Acting Chair (Mr. Cox): — Mr. Goudy has moved a new clause 22. Do members agree with the new clause 22, coming into force, as read?

Some Hon. Members: — Agreed.

The Acting Chair (Mr. Cox): — Carried.

[Clause 22 agreed to.]

The Acting Chair (Mr. Cox): — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Saskatchewan Employment Amendment Act, 2019*.

I would ask a member to move that we report Bill No. 200, *The Saskatchewan Employment Amendment Act, 2019* with amendment. Mr. Fiaz, thank you. Is that agreed?

Some Hon. Members: — Agreed.

The Acting Chair (Mr. Cox): — It is carried. Minister, do you have any closing comments you wish to make at this time?

Hon. Mr. Morgan: — Thank you, Mr. Chair. Yes. I'll be brief. I note that the two members from the opposition that are here tonight are both not running again in the next election. And I don't know when the next election is and whether this is the last night that they may be here in committee, so I want to wish both of them the very best as they move on with career endeavours. And would like to say to both of them that I've sat in committee on both sides with them — with Mr. Forbes especially; I've sat in opposition going back to the days of the wiener roast tax — and we've had some times where there was sparring, but in all cases, Mr. Chair, it was for the good of the citizens of this province. And I want to thank them for the work that they provided.

Now in the event that there is no election coming up and that I'm across from them again, I will immediately seek to withdraw and apologize for the remarks that I've just given.

Mr. Chair, I'd like to thank you for your work tonight and all of the committee members. I would like to thank security folks in the building, Hansard, broadcast services, Legislative Assembly, and the people that work in the building.

But in particular I want to thank the officials from this ministry for the work that they've done, for coming here early tonight, and for the work that they do, not just today but for the work that they do all year round. These are people that are career civil servants and do their best on a day-to-day basis to make our province a safer and a better province. And I don't think we can thank them often enough or well enough. So to the extent that they're here tonight and to the workers that are not here, thank them all.

The Acting Chair (Mr. Cox): — Thank you, Minister. Any comments, Mr. Forbes?

Mr. Forbes: — Well I'd just like to thank the minister and the

staff and everybody who's here. And some I go back to those days, the wiener roast tax. But we are all here for the good of the province and I think many parts of this bill speak to that. And we're happy to move this along.

And it's been a pleasure to work with this minister on both sides of the House over the course of the years, and as I've often said, actually ironically going back to school board days when he was my chairman of the board and I was just a teacher arguing the side of the old LINC [local implementation and negotiation committee] agreements. And so we go back a long time but it has been a pleasure.

And yes, on behalf of the member from Nutana and myself, we'll see what happens over the next few weeks. We're still working. We haven't started looking at the clock too much. But thank you very much and thanks to everyone who's been here tonight. Thank you.

The Acting Chair (Mr. Cox): — Okay, I would just like to add my voice to the thanks. Thanks to the officials. Thanks to Hansard. Thanks to the broadcast and certainly thanks to the committee for being here this afternoon. And that concludes our business for this afternoon. Thank you, everyone. Can I have a motion to adjourn, please?

Ms. Wilson: — I so move.

The Acting Chair (Mr. Cox): — Ms. Wilson. All in favour?

Some Hon. Members: — Agreed.

The Acting Chair (Mr. Cox): — Carried. This committee will stand adjourned to the call of the Chair.

[The committee adjourned at 17:06.]