

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
First Session — Nineteenth Legislature

April 26, 1979.

EVENING SESSION

COMMITTEE OF THE WHOLE

BILL NO. 41 — AN ACT TO AMEND THE SUPERANNUATION (SUPPLEMENTARY PROVISIONS) ACT

Sections 1 to 8 agreed.

The committee agreed to report the bill.

BILL NO. 42 — AN ACT TO AMEND THE PUBLIC SERVICE SUPERANNUATION ACT

Sections 1 to 14 agreed.

The committee agreed to report the bill.

BILL NO. 25 — AN ACT TO AMEND THE DEPARTMENT OF LABOUR ACT

Sections 1 to 3 agreed.

The committee agreed to report the bill.

BILL NO. 53 — AN ACT TO AMEND THE BILLS OF SALE ACT

Sections 1 to 5 agreed.

Section 6 as amended agreed.

Section 7 agreed.

The committee agreed to report the bill.

**BILL NO. 72 — AN ACT RESPECTING THE REVISED STATUTES OF SASKATCHEWAN,
1978**

Section 1 agreed.

Section 2 as amended agreed.

Section 3 agreed.

The committee agreed to report the bill.

**BILL NO. 78 — AN ACT TO AMEND THE COMMUNITY LEGAL SERVICES
(SASKATCHEWAN) ACT**

Sections 1 to 3 agreed.

Section 4 as amended agreed.

Sections 5 to 9 agreed.

Section 10 as amended agreed.

Sections 11 to 19 agreed.

Section 20 as amended agreed.

Section 21

MR. R. ANDREW (Kindersley): — Just one comment on the community legal services bill. With the closing down of the legal aid system last summer, the town of Kindersley originally had a legal aid service there, I think, on a partial, perhaps once every two week, basis. Is there going to be any legal aid services to the town of Kindersley and to that total constituency of Kindersley under this new legislation when you start the program up again?

HON. R.J. ROMANOW (Attorney General): — Mr. Chairman, I will undertake to see what I can do to encourage the commission to encourage the local board. I don't know the name of the board in that area — Southwest Board I guess it is. I'm not trying to shovel the answer off into a corner to the member's question, but the problem here is that we fund them more or less globally. That's not quite right to say. We give them the money, i.e. the provincial legal aid commission. The legal aid commission then parcels it out to the twelve or so area boards and the area boards determine what kind of service they provide in the area covered by them based on their funding and the like. What happened was, I suspect in your case, during the dispute between the workers in the field and the government was that there was a curtailment of the service. I guess the answer to your question is that it depends on the flow of funds, once this budget is through, into the commission and then down to these area boards. I'll undertake to see what I can do to raise it with the commission. Is that all right?

AN HON. MEMBER: — I think that's the way it worked.

MR. ANDREW: — One further question is that prior to last year there was a change in the agent for the Attorney General that was originally out of Swift Current. That is now being served out of Saskatoon and of course, prior to that the legal aid was also served out of Swift Current. I just wonder, perhaps if it would be more reasonable to serve it out of Saskatoon, which is a much more natural flow into the Kindersley constituency than out of Swift Current?

MR. ROMANOW: — On the legal aid issue, I've had nothing to do nor has the government had anything to do with the switching of the boundaries. The boundaries of the legal aid clinic's area boards are unchanged as they have been since the plan was set up. Under the rules of the game the southwest, if Kindersley is in the southwest, is responsible to provide the services to the southwest board, the director and the like. Nothing that we could do, whether we'd want to do it, short of legislation or bringing in some authoritative hammer onto the legal aid people, would change that. We haven't done that.

So, if there has been a curtailment, I say to the member for Kindersley (Mr. Andrew), because I do recall him while he was campaigning for office getting some very big headlines in the Kindersley Clarion about Romanow dismantling legal aid and all of that kind of stuff, which I appreciate. Politics is politics but the fact of the matter is that we don't make that decision, that's a southwest corner. What I am undertaking you to do

tonight is to go to the provincial commission and say, what are the funds or what are the problems? Can we get a service into Kindersley because we'd like to have it into Kindersley? I am saying that's the answer.

On the agent for the Attorney General, this is news to me, doing it out of Saskatoon. But, it's possible Kindersley could . . . it's possible, but that I'll be ready for, I hope, if I could get Mr. Ketcheson or Mr. Bugera to make note of that. Why is the prosecution being done out of Saskatoon? I can't give you an answer on that. I don't know why that was done.

Section 21 agreed.

The committee agreed to report the bill.

BILL NO. 92 — AN ACT RESPECTING THE ESTABLISHMENT OF THE MEEWASIN VALLEY AUTHORITY

Section 1

MR. R. KATZMAN (Rosthern): — Mr. Chairman, I asked during committee second reading if the member piloting this bill through the House could supply me with some documentation and a map, which I hopefully think is in the tube there. If so, would he send it across?

MR. ROMANOW: — Mr. Chairman, this is the map. What's in here are Meewasin Valley project documents and that is the only map we've got. This is bigger and easier to see; this is smaller and less easy to see.

MR. BOWERMAN: — But there is more detail in that.

MR. ROMANOW: — So I would urge the member to take out his old binoculars there and take a good careful look and he will get all the information he wants.

MR. KATZMAN: — As the member knows, I asked him if he could give me the enlarged map which indicates all these parcels of land which are on the back of the bill . . .

MR. ROMANOW: — Schedule A.

MR. KATZMAN: — . . . and I assume that is the map which lay them out so that I can follow them. You can't identify the parcels of land on the little map — it's just about impossible.

MR. ROMANOW: — I will tell you what I will do. You see I can't give up this map; I'm the custodian of the Meewasin Valley map.

MR. KATZMAN: — Have it photocopied will you please?

MR. ROMANOW: — Who could photocopy it? If I put it outside, it would go from here right out to that door. How can we photocopy it — it cost \$2,000 to get it ready as it is. Well, maybe not as much as \$2,000, but quite a bit of money I can tell you. What we will do is this — we will unfold the map (and I am being serious now) . . . I will tell you what I will do. I will take Mr. Morrows to meet the hon. member at any time, unfold the map (it will take us the whole morning to unfold the map), and you can have it in the afternoon to take a look at it as long as you help to fold it back up.

MR. KATZMAN: — Can the Attorney General inform me on the committee A of the decision re the staff that are now working on all of these different parcels of land? Is there a plan down the road that in three or four years the Meewasin Valley Authority will have its own staff similar to the Wascana Centre Authority and what is the planned time in changeover?

MR. ROMANOW: — Well, Mr. Chairman, this basically has been kind of a volunteer effort. The members of the A committee, doing policy, represent the province, the city, the university and the R.M. Below them is a B committee of volunteers. Mr. Morrows is the representative of the Government of Saskatchewan on the B committee as a volunteer. His job is with the department as a social policy head, with Mr. Smishek. There is no staff at present. We anticipate we will have staff as soon as possible starting with, we hope, number one, the executive director, which by now will be the Joe Moran position with the Wascana Centre Authority. We're on the recruit for that and the result is that we don't know when that will be done, but as soon as we can get it done, we'll have it done.

MR. KATZMAN: — I understand there is correspondence between the lawyers of the city of Saskatoon and the A committee (I'm not sure where they are, I'm having a problem tracking them down) which indicates the proposed takeover of staff suggested and what facilities Meewaskin won't handle; for example the hockey rinks that fall in these parks will still be run by the city of Saskatoon and will not be taken over by Meewaskin and this type of thing.

MR. ROMANOW: — Mr. Chairman, I'm sure the hon. member will take this in the spirit in which it's given. He continually refers to this great project as the Meewaskin Valley Authority. That's not Meewaskin; it's Meewasin. Meewasin means Happy Valley. I don't want to tell you what Meewaskin means! It's Meewasin we're talking about.

Secondly, with respect to the question of the matter of the letters, Mr. Moroz who has been my lead man in this, if I can put it that way, has no knowledge of this correspondence. It's possible but I'd like to see a copy of it. Informally you've mentioned it to me but I would like to see a copy of it because I don't have it.

MR. KATZMAN: — I sent you a copy the other day.

MR. ROMANOW: — No, only a portion of it, not the actual correspondence, and we can't jibe it with anything. Now I'm not denying it's been sent but I'm wondering whether it hasn't been an internal letter from somebody from within the parks operations or whatever, but never from the city into committee A.

Again, I don't want to hang my hat on it too strenuously. If you want to come back to me after the bill I'd be pleased to — this is a very open government and we'll give you any information we can give you.

MR. KATZMAN: — Well, obviously I should compliment Mr. Moroz because I wouldn't want to compliment the Attorney General for an open government, because on all of their bills we've realized how open this government is. But on this bill I know, because of the other individuals who sat on committee A, that it will be an open bill, not because of the Attorney General.

MR. ROMANOW: — Mr. Chairman, I just have to finish off by saying, not to take the time

of the committee, but the member asked me in second reading two other major questions:

1. Will Meewasin Valley Authority have any taxing power?

The answer to that is no.

2. Will there be any tax change in this plan?

Answer: That will depend on the city of Saskatoon, as it normally taxes according to its assessment mill rates.

The other question I believe you asked was whether or not there have been any arrangements of taking over employees who work in the parks area, currently parks being administered by the city of Saskatoon.

Answer: No arrangements have been made and none can or will be made until such time as Meewasin is formally constituted and there is an executive director and there is a discussion with the city council of Saskatoon.

I anticipate that even at that stage in the game there may be no takeover, if I can put it that way. It will be a working relationship whereby the city of Saskatoon will continue to do all that is necessary but in accordance with the master overall plan of the Meewasin game plan.

MR. KATZMAN: — That's a concern, Mr. Attorney General, that I've asked you about. I suggest that I will take the assurances — basically what you've said is all anybody can go with. We'll leave it that way.

Section 1 agreed.

Section 1 as amended agreed.

Sections 3 to 8 agreed.

Section 9 as amended agreed.

Section 10 as amended agreed.

Section 11 agreed.

Section 12 as amended agreed.

Section 13 as amended agreed.

MR. KATZMAN: — Mr. Chairman, if it's agreeable to the Attorney General, go page by page if want, except for the amendments. Call those individually.

MR. LANE: — Just the numbers.

MR. KATZMAN: — Just the numbers.

MR. CHAIRMAN: — Okay.

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Sections 14 to 23 agreed.

Sections 24 as amended agreed.

Sections 25 to 27 agreed.

Section 28 as amended agreed.

Section 29 as amended agreed.

Sections 30 to 39 agreed.

Section 40 as amended agreed.

Sections 41 to 46 agreed.

Section 47 as amended agreed.

Section 48 agreed.

Section 49 as amended agreed.

Section 50 as amended agreed.

Sections 51 to 54 agreed.

Section 55 as amended agreed.

Section 56 as amended agreed.

Sections 57 to 64 agreed.

Section 65 as amended agreed.

Sections 66 to 77 agreed.

Section 78 as amended agreed.

Sections 79 and 80 agreed.

Section 81 as amended agreed.

Sections 82 to 84 agreed.

Schedule A agreed.

Schedule B as amended agreed.

Section 85 agreed.

The committee agreed to report the bill.

BILL NO. 93 — AN ACT TO AMEND THE OMBUDSMAN ACT

Sections 1 to 3 agreed

The committee agreed to report the bill.

BILL NO. 98 — AN ACT TO AMEND THE EXPROPRIATION PROCEDURE ACT

Sections 1 and 2 agreed.

Section 3

MR. J.G. LANE (Qu'Appelle): — You've indicated that supposedly the bill is not to be retroactive but it in fact applies to all cases expropriated — the Cornwall Centre, except for those that have been settled. Is that not correct?

MR. ROMANOW: — Mr. Chairman, I'm not sure that I understand the member's question. The way this bill is drafted is that it does not have a retroactive feature. When this bill becomes law, if a piece of property has been expropriated and has not been challenged, presumably that's the end of the issue — expropriation of payment out, end of issue. If it's been expropriated and there is or has been a challenge, to which I gather in Cornwall was the case, and as I'm further advised there is a settlement on that matter, then that's the end of the issue. So I don't know how it could apply retroactively. If there's an expropriation from henceforth on, yes it would apply.

MR. LANE: — What about an expropriation now that has been made but the question of validity has not yet been determined? Will it not apply to those?

MR. ROMANOW: — To that extent it would apply but that's not retroactive. Well, there's a change in the expropriation procedure but I don't see how it's retroactive. At least I think it probably applies, does it not? Maybe I should get some legal advice before I jump to the conclusion here.

Well, in fact, I think I'm wrong legally because now that I hear Mr. Ketcheson, who is sitting beside me here as a director of civil law for us . . .

AN HON. MEMBER: — A very good man.

MR. ROMANOW: — A very good man indeed. I think he's offered probably the correct legal answer. His advice to me, which I shouldn't quote, but my opinion to the committee is that it's possible that a court could interpret it retroactively, but very unlikely because you would have to have a specific retroactive provision in the bill to take away rights purposely from an individual. And I think that that's in fact the application of the law so I think it is not a retroactive application.

MR. LANE: — Let's not play games. The effect of this bill is that the question of validity that has arisen which hasn't been determined or settled, applies to those that are there now and in fact has a retroactive effect, although it is not deemed to be a retroactive bill. I think that's a fair assessment of the fact. What are you going to do about the Foster case? Does this apply to the Foster case?

MR. ROMANOW: — I don't know what the Foster case is. What is the Foster case?

MR. LANE: — In the Foster case the question of validity of the expropriation by Sask Tel was determined by the Court of Appeal and the Count of Queen's Bench that Sask Tel had not made reasonable endeavor to acquire by purchase. That decision was upheld by the Saskatchewan Court of Appeal and leave was refused by the Supreme Court of Canada, in fact, of course, upholding the decision of the Saskatchewan Court of Appeal. In that particular case, expropriation by Sask Tel being ruled invalid, title is now back in the name of Foster and it's land that is in that Cornwall Centre. There's been judicial determination, I advise the Attorney General. Now is this going to apply to that particular case?

MR. ROMANOW: — Well, Mr. Chairman, there are two different questions here, I think, asked. One is, what effect does this amendment have on the law as written by the judges in the Foster case and as a consequence on Foster? My information is that there is no legal effect by these amendments. There would have to be a specific provision in the bill or statute to take away any rights or definitions or privileges of law defined by a court. So I don't think Foster is effective. Now, the second aspect of the question is what about Foster per se. I don't know what about Foster per se. I don't know whether there's a negotiated settlement around or what the story is. Or whether he's got the full benefit of the court case? I frankly don't know the case. But I'm saying for the purposes of this committee and the bill, the legal effect of this bill is not to alter the rights of Foster as defined by the courts in Foster; that's my judgement.

MR. LANE: — It wasn't the law as determined in the Foster case. It was the facts as determined in the Foster case. The law was quite clear and that is that the government must make reasonable endeavor to acquire by purchase.

Are there any other cases to your knowledge or to your official's knowledge that haven't been settled on the Cornwall that will be affected by this where in fact, there hasn't been a determination as to the validity?

MR. ROMANOW: — I don't have such knowledge and neither do my officials. The Cornwall matter is being negotiated by or dealt with by Sask Tel people or housing corporation people. I'm not sure how the government is structured for that operation.

MR. LANE: — Did the request for this amendment come from Sask Tel or was this . . . you must have had some request that would cause you to make such a change in the law.

MR. ROMANOW: — No, we had no request. We looked at the decisions in the law and we said to ourselves, it doesn't make sense that because there has been a failure to have a reasonable endeavor by the expropriating authority, it does not make sense for the guy who is expropriated to have gotten that defeated, to turn around and come back to the expropriating authority three or four years later and say that property has escalated 100 per cent or 200 per cent — especially when virtually no other province in Canada has a reasonable endeavor provision.

Now, I know, I heard the hon. member in second reading speak. He said that it's to make sure that the expropriating authority does the job of expropriating. I agree with all that he says. We haven't altered that rule. There has to be a reasonable endeavor. It simply says that if there's a failure to have a reasonable endeavor, you can't invalidate the whole public policy which is behind the expropriating because it is an expropriating authority that is doing the expropriation. So, I say to the hon. member, that's the basis of the legislation. The genesis is that we try to keep up-to-date on the court decisions. We

try to see what kind of definition of law that does effect or doesn't effect and propose amendments that apply or don't apply.

MR. LANE: — You know, let's not play fast and loose with the law in this particular case. You tell me you took a look at the cases that caused you to all of a sudden make this substantive change, tell me what cases you looked at?

MR. ROMANOW: — Yes, Foster was the basic case.

MR. LANE: — Well, I don't know why you didn't say that. I don't know why you simply don't say so. I came back and I asked you the question about the Foster case that caused you to look at it. I asked you the very simple question whether this came at the request of Sask Tel.

MR. ROMANOW: — And I said, no.

MR. LANE: — It came as a result of the Sask Tel involvement in the Foster case.

Section 3 agreed.

Section 4 agreed.

Section 5

MR. LANE: — Again, a rather significant change in the law of expropriation, and those are the factors which a judge can no longer take into account in determining compensation.

Will the Attorney General not admit that there were a series of expropriations on the Cornwall Centre and the first group that was determined was announced, I believe, at the time of the municipal elections back in 1976? Last fall, prior to the provincial election, an extension of the original boundaries of the Cornwall Centre was announced by the government. Will you not admit that this has the effect of saying that those lands and buildings within the extended area can no longer be taken into account by the judge (the existence of the earlier project as announced)?

MR. ROMANOW: — Mr. Chairman, I am not an expert on expropriation law. My advice is that this is the law. This is a codification of the case law. A judge in the awarding of expropriating cases (and in the two or three that I have handled — now several years old, it is true) . . . this basically sets out the principles in awarding of the expropriation and the awards by the judge.

Now, if the hon. member doesn't agree with that — he is a member of the legal profession — and I don't know whether his legal advice is better than the legal advice I'm getting. But I am relying on the advice that I get within my department and they tell me this is basically a codification of the law; so there ought not to be a change in that. It is true that if the judge sees it another way, this statutorily could bar it; but my understanding is that that is not the case.

MR. LANE: — Except that you know better. If you take clause (b), any increase or decrease in the value of land expropriated resulting from the anticipation of expropriation by the expropriating authority, or from any knowledge or expectation prior to the expropriation of the purpose for which the land was expropriated, is not a

codification of the law. If I buy land knowing full well that it is going to be developing land and I buy it for that purpose and I have knowledge that it is going to be for that purpose, that is a factor to be taken into account in expropriation.

MR. ROMANOW: — Mr. Chairman, the key in expropriating cases is very simple. It is the market value of the land taken. That is the essential rule. There are all kinds of other aspects of the rule that are tied into it. If, as a result of other considerations there are these increased values, that's something the judge is going to have to take into account based on all the evidence. I repeat again what I said earlier. My legal advice, advice which I accept, is that there is no major or substantive difference in what the law is as has been determined by the judges.

MR. LANE: — The Attorney General (Mr. Romanow) is ignoring certain other factors, of course, such as value to the owner or items of that nature which can be taken into account in expropriation, but let me tell the Attorney General because in fact you are going to have them down your back and it's your problem. Those owners in the extended area from the original announcement of the extent of Cornwall Centre and to the more recent announcements are in fact going to have their land expropriated as if there was no project announced. That's what that term means. Now, let me tell you what the effect of that is, which I don't think you've taken into account. It is that suddenly those people who are expropriated for the Cornwall Centre are penalized, because the property owners on the other side of the boundaries of Cornwall Centre are now going to be the windfall profit makers as their lands are sky rocketing in value because of the existence of the centre. So, what you've done is penalized those whose lands you've taken and the ones that are bordering get all the benefit of the Cornwall project, and that's the extent of what you are doing. I don't think it's fair and I don't think it's proper.

Motion agreed to on division.

Section 6 agreed.

Section 7

Motion agreed to on division.

The committee agreed to report the bill.

BILL NO. 63 — AN ACT TO AMEND THE NORTHERN SASKATCHEWAN ECONOMIC DEVELOPMENT ACT

Agreed to on division.

The committee agreed to report the bill.

The committee reported progress.

SECOND READINGS

HON. E.L. COWLEY (Provincial Secretary) moved second reading of Bill No. 103 — **An Act to amend The Liquor Licensing Act.**

He said: Mr. Speaker, Bill No. 103 is an act to amend The Liquor Licensing Act and it provides some administrative changes such as simplifying the procedure with respect to the change of licences when you have premises sold by an owner to another owner. It is usually just a formality in the changes and it allows for some simplification of the procedure, unless there are some objections by members of the public, or by the commission who feel a full-fledged hearing is necessary.

A second change is that it will provide for both live and recorded music in dining rooms, whereas there is now only live music allowed. It will also provide for dancing to live or recorded music in licensed beverage rooms as authorized by the commission.

A third change is that it will allow the establishment of outlets on university campuses with licences issued to the university board of governors.

The final change is that it will provide for the sale of liquor in premises occupied by professional theatre groups on a regular basis.

There are some other changes in the bill which are primarily administrative in nature, such as allowing places which are open on Sunday to close on Christmas or Good Friday, which I think makes a fair amount of sense, and to allow in the cocktail lounges and dining rooms the sale of wine by the bottle.

Therefore, I move second reading of this bill.

MR. D.M. HAM (Swift Current): — Mr. Speaker, since they tell me I am one of the most talented dancers on this side of the House, I have an opportunity to answer to the bill.

We are going to support these amendments. We are pleased to support them. We would like to make a comment or two. I think the government has realized that this sort of change in The Liquor Licensing Act will allow Saskatchewan citizens to enjoy the same sort of social life as those in Alberta and Manitoba. I think, probably, it is long overdue.

I think it is important to note that we have had a problem, and no doubt we will have a problem in the future, with those who consume too much in bars. I think it is fair to suggest that those patrons who have more than their share of drink in a bar now are simply walking out the door and getting into their cars and oftentimes losing their licence or causing accidents. Now we are allowing those people to get up and dance and maybe wear off some of the effects of the alcohol. They may be walking less and driving more.

Secondly, I think it is important to know also that bartenders, under these changes, I would think, will be able to determine those patrons who have had more than they should have had and be able to control that problem.

We have two reservations, Mr. Speaker, one being that it's unfortunate these amendments weren't introduced some years ago, enabling Saskatchewan people to enjoy the same, as they say, social activities as those in our neighboring provinces.

Secondly, I think the most important note here is that it may have an adverse affect upon Saskatchewan musicians and I'm very concerned as we have a lot of

Saskatchewan talent and many musical groups who today are making a living by entertaining in bars and dining rooms, and I suggest that maybe we may see a loss of a great deal of our talent to other places. I would hope that over a period of time the government will see its way clear to make amendments or changes so that not only dining rooms but cocktail bars are given some sort of incentive to allow live entertainment rather than taped music.

MR. LANE: — I'd just like to make one reply. We're obviously not opposing the bill, but I think that the minister could in fact have allowed for the licensing of such facilities as discotheques in the province of Saskatchewan and there could've been a significant change. I think as well that the time is right in Saskatchewan that such facilities as piano bars and that type of entertainment could also have been accepted. I think it could've gone a little further and I pass that on to the minister responsible.

MR. COWLEY: — Mr. Speaker, just two or three very brief comments. I think first of all, as the member for Qu'Appelle (Mr. Lane) points out, it does not provide for the licensing of discos; it provides for live or recorded entertainment in beverage rooms or dining rooms. There is a difference there and that was a deliberate intent on the part of the government. That's where we're going.

With respect to the so-called piano bars and so on, the bill does provide for entertainment in cocktail rooms so it will allow the commission to authorize piano bars or folk singers or whatever, or a comedian — nothing more risqué than that or I'm sure the Attorney General will be after us — in cocktail rooms. So, I think we've met one of the member's two concerns.

With respect to the comments made by the member for Swift Current (Mr. Ham), I want to say with respect to musicians I think that's obviously a fair point he makes. I have met just a week or so ago with musicians from both Regina and Saskatoon and discussed this with them. The member will realize that in Saskatchewan, the only place where musicians are employed in licensed premises are in dining rooms which provide entertainment and dancing, and there aren't all that many of them. I think there are about 10 or 11 in Saskatoon, roughly the same number in Regina, and about 10 outside of the two cities on a regular basis. I think if the member would check he would find that more than half of those groups, on any given night, are from out-of-province. I grant you that opening up recorded music could cut into those local groups that are now employed there, but on the other hand, we are opening up beverage rooms for live and recorded entertainment. We are also allowing them to have a split of live and recorded, all of which, I think, will work to the benefit of Saskatchewan musicians. I agree with him it's a concern. It's certainly one we took into account. There's no easy answer. However, I think, in this province, as in other provinces, the experience will prove that it's not really a serious problem, but we'll have to watch it, and I agree with the member we should.

Motion agreed to and bill read a second time.

ADJOURNED DEBATES

SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Rolfes (Minister of Continuing Education) that Bill No. 8 — **An Act to amend The Universities Commission Act** be now read a second time.

Motion agreed to and bill read a second time, on division.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Rolfes (Minister of Social Services) that Bill No. 44 — **An Act to amend The Housing and Special-care Homes Act** be now read a second time.

MRS. J. DUNCAN (Maple Creek): — Mr. Speaker, we do have some concern with this bill. When the minister spoke on it, he suggested that the reason for the bill was to be able to transfer the Battlefords Regional Care Centre to a community based centre operation, and the accompanying explanatory notes explained that it was to be a community type of operation. The objection I have to this bill is that if it is to be a community type operation, and used by only that area, I would suggest that the board of directors should be elected by that community and the area it serves rather than be appointed by the government. However, we will be supporting this bill in principle and discussing it further in Committee of the Whole.

Motion agreed to and bill read a second time.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Rolfes (Minister of Social Services) that Bill No. 58 — **An Act to amend The Department of Social Services Act** be now read a second time.

Motion agreed to on division and bill read a second time.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Cody (Minister of Telephones) that Bill No. 23 — **An Act to amend The Saskatchewan Housing Corporation Act** be now read a second time.

MR. R. KATZMAN (Rosthern): — Mr. Speaker, I just have one question that I would basically like to place before the mover of the bill gives his closing-out remarks. He had promised us, in the estimates when we talked about Saskatchewan Housing Corporation and the additional funds that this bill will be creating, to give us the dealings that they had with Larr Housing and we are still waiting for it. We would hope that before we get into Committee of the Whole with this bill that we will have that information which you had promised us before.

Motion agreed to on division and bill read a second time.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Kaeding (Minister of Agriculture) that Bill No. 45 — **An Act to amend The Horned Cattle Purchases Act** be now read a second time.

Motion agreed to and bill read a second time.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Kaeding (Minister of Agriculture) that Bill No. 47 — **An Act to amend The Land Bank Act** be now read a second time.

Motion agreed to and bill read a second time on the following recorded division.

YEAS — 24

Pepper
Dyck
Bowerman
Romanow
Snyder
Byers
Robbins
Mostoway

Banda
Kaeding
McArthur
Allen
Rolfes
Shillington
Cody
Lusney

Prebble
Long
Gross
Nelson
Thompson
Engel
Poniatowski
Hammersmith

NAYS — 11

Larter
Katzman
Taylor
Lane

Birkbeck
Ham
Andrew
Duncan

Garnet
Muirhead
Rousseau

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Cowley (Provincial Secretary) that Bill No. 13 — **An Act to amend The Business Corporations Act** be now read a second time.

Motion agreed to and bill read a second time.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Blakeney (Premier) that Bill No. 60 — **An Act to establish the Department of Intergovernmental Affairs** be now read a second time.

Motion agreed to and bill read a second time.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Byers (Minister of Northern Saskatchewan) that Bill No. 89 — **An Act to amend The Northern Administration Act** be now read a second time.

Motion agreed to and bill read a second time.

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. MacMurchy (Minister of Municipal Affairs) that Bill No. 81 — **An Act respecting School Tax Rebates to Senior Citizens** be now read a second time.

MR. P.P. MOSTOWAY (Saskatoon Centre): — Mr. Speaker, I just want to say a few words on this particular bill. I want to say that I was really disappointed in the member for Rosetown-Elrose (Mr. Swan) the other day, when he got up on his feet to speak relative to this bill and backed up by the member for Rosthern (Mr. Katzman) when he said he would be opposing the bill in its present form. I am reading from Hansard, page 1907.

I want to say that I consider that to be a slap in the face to the senior citizens of this province. That is exactly what it is . . . (inaudible interjection) . . . Now, the hon. lady, if she has something to say . . . I'm sure you will get your opportunity in just a minute.

I want to give you an example, Mr. Speaker, of what I mean. I spoke to numerous senior

citizens last weekend when I was back home in Saskatoon.

AN HON. MEMBER: — One senior citizen.

MR. MOSTOWAY: — No, I beg to differ. I spoke to dozens of them and they are all in favor. Now, granted, some of them have said, certainly we would like to see more, but they say what they are going to get is certainly a lot better than getting nothing which is exactly what they would be getting if the Tories ever had the opportunity to form the government.

You mentioned \$50 and I say to you that that . . . (inaudible interjection) . . .

MR. SPEAKER: — Order! What is your purpose in rising?

MR. KATZMAN: — On a point of privilege. The member has attributed a statement to me and I would like him to point out where I said that in Hansard, please.

MR. SPEAKER: — Order. I think you have ample opportunity to debate the record and that is a question for debate. It is not a question of order. I know that the member for Saskatoon Centre (Mr. Mostoway) quoted from Hansard, allegedly quoted. I assume that he quoted accurately from Hansard.

Now, if the member for Rosthern (Mr. Katzman) doesn't approve of the quote, well I don't know what I can do about that. It is out of my hands, really.

MR. MOSTOWAY: — Mr. Speaker, I can't change the print in Hansard. I will be reading it if you will just be patient with me. I want to say that somebody from the other side had mentioned the other day, '\$50 — what's \$50?' Well, I'll tell you what \$50 is to a lot of senior citizens. It represents over 100 loaves of bread. Now, if you think that is peanuts to senior citizens, I dare you, I challenge you to tell that to them.

Getting back to the specific case that I mentioned just a little while ago, I was talking, in fact today, (because I had occasion to telephone him) to this gentleman in Saskatoon who pays property taxes of approximately \$800 of which \$373 goes toward local school taxes. He will be getting back \$360, and the hon. members over there sneer at that and laugh at it. What kind of nonsense is that?

Now, I would like to just quote the hon. member for Rosetown-Elrose (Mr. Swan) who, in Hansard, says, 'For that reason I oppose the bill in its present form'. And then the hon. member for Rosthern (Mr. Katzman) says on page 1908:

Mr. Speaker, on your ruling, which you are suggesting to me, are you suggesting that if I wish to correct a statement which I believe is not true (and that's referring to the other statement of the other member), the way to do it is to stand up on a point of privilege, and then, as the minister on the other side tries to twist the words, to knot the statements of what my seatmate has said.

Your seatmate said, for that reason I oppose the bill in its present form. As I said before, it's a slap in the face to senior citizens and we'll see how you birds react on this when it comes to voting on it.

MR. KATZMAN: — A point of privilege, Mr. Speaker. He made the comment that I had said something which he did not prove was in Hansard. I say I never said what he says I

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said in Hansard re voting against the bill, and I would suggest you either retract the statement or show me where it is in Hansard.

MR. SPEAKER: — Order! We all have to take the member's word and I'm sure we are all perfectly fair about what the member feels his point was. That was his point of privilege and I'm sure we all understand the point from the clear explanation the member has given of it.

Motion agreed to on the following recorded division:

YEAS — 36

Pepper	Allen	Hammersmith
Dyck	Rolfes	Larter
Bowerman	Shillington	Katzman
Romanow	Cody	Taylor
Snyder	Lusney	Lane
Byers	Prebble	Birkbeck
Robbins	Long	Ham
Mostoway	Gross	Andrew
Banda	Nelson	Duncan
Whelan	Thompson	Garner
Kaeding	Engel	Muirhead
McArthur	Poniatowski	Rousseau

NAYS — Nil

**COMMITTEE OF FINANCE
ENVIRONMENT
VOTE 9**

MR. CHAIRMAN: — Order. Is the committee ready to proceed? Mr. Minister, we're dealing with Environment, page 36 and we'll be on item 1. Would you first introduce your support staff?

HON. G.R. BOWERMAN (Department of the Environment): — Thank you, Mr. Chairman. To my immediate right, a very excellent and popular deputy minister, Mr. Mitchell. To my left, Mr. Hugo Maliepaard, director of policy planning and research and acting deputy minister. To the back of me and to the right, Mr. Howard who is the director of administration branch and the solicitor under the Treaty Indian Land Entitlement is Mr. Milen.

MR. CHAIRMAN: — Thank you, Mr. Minister.

ITEM 1

MR. G. MUIRHEAD (Arm River): — Mr. Chairman and Mr. Minister, I welcome your staff. Before we start asking questions, I have a few remarks to make. I have a few questions, one or two and my seat mates that aren't here have a few more but they'll be back.

The way I define environment is the hazards that affect the lives of people and I've put it

into four categories: (a) people; (b) water; (c) air pollution; (d) soil pollution. Now the theme of your government for so long regarding resources has always been the control, control, control of resources. What is the most important resource we have in our province and that's people. The control of the lives of the people is what I want to put in top priority tonight in my remarks on environment.

Mr. Chairman, I want to say a few remarks about the PCB spill. I don't want to spend too much time on this. It's been hashed over and hashed over but we just got to say a few words on this. My first remarks are, when this first came out last fall (the announcement about the PCB spill at Federal Pioneer) I read clipping after clipping after clipping in the paper and I cut them out and I cut them out and not for one minute can I believe when the Deputy Minister of Environment and the civil servants of the Attorney General's Department knew about this PCB spill. Not for one minute do I believe that every one of you knew about it. You're a close, close family. I haven't talked to anybody that believes for one minute that you people didn't cheat the people of Saskatchewan by saying . . . You misrepresented your credibility, where did it go? Credibility, my goodness, you won the election on credibility.

AN HON. MEMBER: — Short-lived, Gerry, short-lived.

MR. MUIRHEAD: — Where was it when it comes to hiding these PCB spills? Why did you hide it? Why couldn't you just come out and tell the truth? You didn't want anyone to know. You cannot tell me for one minute, no one will ever believe, that a deputy minister would know about the PCB spill and not tell his minister. It would be like me going home this weekend and finding that a member of my family had died but they didn't bother to tell me. That's how closeknit you people are.

Maybe you think you're fooling us, but you're not. I'm saying in this House that I feel you lied about Medicare the same way as you may be lying here. May.

You people say you're interested in the lives of people, the most important resource in this province, people. Let's compare, just for a moment, to seat belts. You said we had to put the seat belt law in so that we saved the lives of people. Why don't you tell the people the truth, you wanted SGIO (Saskatchewan Government Insurance Office) to break even. That's what you wanted. If you're really interested in the lives of people you'd put that fine so high that everybody would have to wear them instead of half fooling around the way they are now. Why don't you either keep that law or take it out?

Don't get me wrong. Don't quote me that I don't believe in seat belts. I am trying my best. I believe in keeping the law. I am trying to teach myself to wear them. I have been teaching my family to wear them. But, it's the way you put it in. You try to make us believe you were interested in the lives of people. They're interested in the lives of people. Let's get into what's really important — the water in this province of Saskatchewan.

I have a question. Before I ask the question maybe you would like to make a remark, Mr. Minister.

MR. BOWERMAN: — Mr. Chairman, I thought maybe we had had sufficient time to discuss this matter of PCBs and the questions which have been brought to the Assembly as a result of it. I suspected that we would likely get back into this question this evening and I think it is important then for me to respond to that particular issue. I would not have done so had the hon. member not been quite as vigorous in his attack

with regard to the continuing kind of allegation which he made, which is that the first time it was known was through the CBC release on television and in the press and so on, and the reference which continued to be made that it was a cover-up, that we were hiding something and that the accusations were against both staff and the government for doing such.

I found it interesting when I came to the Department of the Environment to research the files rather carefully, I found a rather interesting file with respect to it. I think while we are on the subject perhaps I should refer to the notes and the information which is here. I think it is well that it should be in the Hansard of the House. I think it is well that I should give as much information to the members opposite as I am able, as well to as to make the record clear with respect to it.

I want to tell the hon. member that the PCB spill, or the spill which he refers to at the plant here in Regina, the Federal Pioneer plant, was in 1976. It is obvious that there no conceivable advantage, in 1976, to either the department, to the company, Federal Pioneer, to the city government, or for that matter to any associated person relative to the PCBs, in hiding or suppressing the news that there had been a spill. There was no reason for that, absolutely no reason for anybody to take that position. In fact, at the time of the spill, in August, 1976, polychlorinated byphenyls, or PCBs as they are known, was a perfectly legal industrial fluid being used by the Federal Pioneer and many others. Not only was it being used by Federal Pioneer, it was being used by many others and specifically permitted by the federal and by the provincial laws of this province and Canada. It was perfectly legal — nothing wrong with it in 1976. Therefore, I suppose that it was considered, when the spill occurred, by the news media, that it was to be insignificant. It was not a matter of concern to the press; it was not a matter of concern to the others.

I am going to table some information later on that it was in fact known in 1976. It was known by the news media and it was known by, and printed by the way, in some of the articles relating to it. So when the member comes to this House and says that we covered it up or even when the news people say that it was a cover up they deny the facts related to the incidence regarding the spill of PCBs in Regina.

Mr. Speaker, the same reason that the PCB spill was not news in 1976, is the same reason why long-term well-qualified public officials in the Department of the Environment responded in an absolutely normal way and consistent in regard to their dealing with this clean-up and the reporting of same. Not until one year later . . . (inaudible interjection) . . . I want the member to listen. I want the member for Arm River (Mr. Muirhead) to listen because he is the person who made the accusations . . . (inaudible interjection) . . . Well, that's all right. I want you to listen because I think you'll learn something if you do. I think you will learn something too, Mr. Member for Estevan . . . (inaudible interjection) . . . All right, maybe not from me but maybe if you'll read Hansard you'll learn something. It wasn't until one year later in 1977 that chlorophenyls were made illegal to use in Canada, except for certain defined uses as set forth by the regulations. In 1976 when the spill occurred there was no law against them. They were perfectly legal. They were being used in a perfectly legal way. There was no objection to them by the laws of Canada or Saskatchewan. It wasn't until a year after, one year after the spill occurred that there was any legislation against the use of chlorophenyls by anyone, in Saskatchewan or otherwise.

Therefore, up until September 1977, it was both legally permissible and historically acceptable to use PCBs in a wide variety of consumer and industrial products. The

member may not realize that he had chlorophenyls on his own farm. He may well have spilled some on his own farm. I wonder if you reported it then . . . (inaudible interjection) . . . Oh no, you see but the hon. member stands up in the House and accuses the officials and accuses the government of hiding something or covering up something . . . (inaudible interjection) . . . That's all right, just listen a minute and you'll learn something. I am telling you, you are going to learn something tonight.

It must be noted, Mr. Chairman, that the Federal Pioneer Company voluntarily discontinued the use of PCBs early in 1976 and that the unused material was kept stored in a storage tank on the company property pending a safe disposal strategy. Mr. Chairman, like the preban of DDT and Dieldrin, chemicals which are reported to have some similar characteristics to PCBs. Until they were banned they were widely used and widely accepted. You used them in your homes, I'm sure you did. I'm sure you went around with a spray can and sprayed, most people did. Yes, I'm talking to you Paul. I'm talking to all of you over there. I'm sure that you did use them and I'm sure that everybody used them rather carelessly, but when there was no objection and when they were not illegal, people used them and they were of little concern.

AN HON. MEMBER: — Everybody is at fault.

MR. BOWERMAN: — We used them in our homes. We sprayed them in our fields and we spilled them. They obviously must have entered our water systems and our ecosystems in tonnage capacities. There is no question about the fact that Dieldrin (tons of it) was used in this province for years, but there was no cover up. There was no cover up, either alleged or otherwise. They were accepted. They were permitted. They were used, as were chlorophenyls, and they were subsequently banned for use, as chlorophenyls were banned in 1977, a year after the spill in Regina.

At this point I would like to re-emphasize the statement made by Mr. Stevens of the United Steel Workers whose members work at the Federal Pioneer plant. He pointed out that it is unlikely that any such spill would ever have been reported in any other province. The whole incident which brought the reporting of the spill was first addressed because union members were, under our unique Saskatchewan labor laws, sitting on a legal occupational health safety committee.

AN HON. MEMBER: — How did they know it was dangerous?

MR. BOWERMAN: — They were in possession of health and safety information about PCBs supplied to them by the Saskatchewan Department of Labour. That's how they knew. It was the complaint of the union about the handling orders which were given to the employees by the company which resulted in the Department of Labour sending out an inspector to the plant. Arrangements were made for immediate employee blood tests and passing on the information about the spill to the Department of the Environment . . . (inaudible interjection) . . . This was about two months after the spill. Subsequently, the information was passed on to Environment Canada. As best I am able to conclude this occurred approximately from August 12 to 19 in 1976. Mark those dates down Paul, from August 12 to August 19, 1976. Remember this, though. Remember this when you mark down the dates, that's one year before PCBs were declared a banned substance . . . August 12 to 19, 1976, almost one year before PCBs were banned as an illegal substance. This very unique situation . . .

MR. CHAIRMAN: — Order, please. Any member in the House will have an opportunity to ask questions and stand and make statements in due turn. But I would appreciate it if no

one would interject while a speaker is up from either side of the House, if this could cease and we could carry on in an orderly fashion, please.

MR. BOWERMAN: — Thank you, Mr. Chairman. One year before the PCBs were declared a banned substance, the spill occurred. This unique situation, for some reason which I cannot understand and which I'm not able to draw any conclusions with respect to why the public were not made aware, did not seem to have struck any local news source as particularly newsworthy. Can you feature the situation? Can you feature a situation where there were probably 100 employees involved in a situation where there had been a spill, where in fact the Department of Labour had called upon the employees and the plant officials for the employees to take medical examinations, which they did. This involvement went on almost a year before there was any listing of chlorophenyls as a banned substance and there was no attention and apparently it was not newsworthy enough at least for the news media to pick it up.

AN HON. MEMBER: — Of course not, you had it hidden.

MR. BOWERMAN: — Well, O.K. As we have said, PCBs being used by Federal Pioneer Limited was a perfectly legal industrial fluid being used in a manner specifically permitted by Canada under The Contaminants Act. It was specifically approved under The Contaminants Act by Canada. The substance had leaked out of a ruptured pipe . . .

MR. LANE: — Will the minister permit a question?

MR. BOWERMAN: — No, I will not permit a question. You sit and listen. You might learn something.

MR. LANE: — Mr. Chairman, point of order.

MR. CHAIRMAN: — What's your point of order?

MR. LANE: — It's a rather lengthy prepared defence and justification. I'm wondering is there any reason why the chairman couldn't direct the minister to supply us a copy of this justification . . .

MR. BOWERMAN: — I will.

MR. LANE: — Right now?

MR. BOWERMAN: — No, not now.

MR. LANE: — This year?

MR. BOWERMAN: — Yes, this year.

MR. LANE: — Tonight? Oh, he shakes his empty head.

MR. CHAIRMAN: — Order. I do not recognize that as a point of order and I will ask the minister to continue.

MR. BOWERMAN: — Mr. Chairman, I notice that they're getting a little edgy on the other side. They don't like to listen to this information. You see, because what it's going to do, Mr. Chairman, it's going to put them behind the eightball. It's in fact, going to put

them behind the eightball and the hon. member is not going to be able to stand up in question period any more and make the kind of accusations that he's made in the past. They don't want to listen. They'd like to do anything but have me deliver to them these facts, or deliver to the Assembly the facts which I have before me. But I shall proceed, Mr. Chairman.

Most of the substance . . . (inaudible interjection) . . . that leaked out had been mopped up or had been pumped out by the time any branch of government became involved. Upon investigation by the Department of the Environment, through soil testing in September of 1976, about a month after, it was found that there was no clear and no present danger that any of the fluid was washing into any Regina sewer or was seeping downward through Regina's subsurface soils to waterbearing sand and gravel.

On November 4, 1976, the company agreed to take extra precautions of waterproofing all soils still containing PCB contaminants. The company completed paving the spill area with asphalt in the fall of 1976. Federal Pioneer had not violated any law and was not presenting any provable clear and present danger to the environment. Under the rules that I have described, it did not constitute the kind of a story that would be automatically issued as a news release by the Department of the Environment . . . (inaudible interjection) . . . at any time. Furthermore, had such a release been issued, I wonder how many editors would have accepted as news the story of a spill of a legally permissible fluid which had taken place some weeks or even months before, most of which had been pumped out or mopped up, where there was no evidence of employee harm . . . (inaudible interjection) . . . where there was no evidence of employee harm and no evidence of any clear or present danger to the environment.

Maybe that's why the news media didn't write the story in 1976. In fact, evidence shows that the Regina news media seemed to be profoundly indifferent to an incident known by hundreds of people . . . (inaudible interjection) . . . It's on record. Two years later, when they finally did begin to show some interest, Saskatchewan environment staff co-operated fully in providing whatever information they wanted to know . . . (inaudible interjection) . . . Let me stress this point in more detail.

MR. LANE: — What evidence? Table your evidence.

MR. BOWERMAN: — I will do that.

MR. CHAIRMAN: — Order, please. I do not think that I should have to repeat to any member, particularly to senior members of the House, the rulings and the regulations governing the Committee of Finance. And I ask the member for Qu'Appelle (Mr. Lane), as well as any other member — he certainly should know and all members should know — and I ask them to co-operate with the Chair on both sides of the House and act as if we want to get these through and you'll have your opportunity to ask questions when the minister takes his seat.

MR. LANE: — A point of privilege, Mr. Chairman. It is a very, very serious allegation being made by the minister against media outlets in the city of Regina in particular. Surely that . . . (inaudible interjections) . . .

MR. CHAIRMAN: — Order! Order! That is not a point of privilege!

MR. BOWERMAN: — Let me stress this point in some more detail for the hon. member who is so mouthy and so wordy. Had any Regina news outlet assigned any reporter to

specialize in either industrial relations news or health news, it is hard to see how they could have possibly missed this story in 1976. Now just a moment! Any routine check of Regina's union offices or the industrial health section of the Department of Labour would have automatically tipped them off to any reporter who had been searching the information at that time.

As I indicated earlier, there is in fact evidence that some reporters knew about the spill at the time through their communication with the Department of the Environment. In a letter dated October 6, 1976 (take that date if you will and I'll table the letter), approximately two months after the spill, from the Department of the Environment's Water Pollution Control Branch to the Federal Pioneer plant wherein the company was urged to remove or otherwise protect the contaminated soils from the next spring's runoff, it was pointed out that there had been a telephone call to the department. The letter quotes, and I quote:

From a local radio station which said they had received a tip that a spill of dangerous material at Federal Pioneer had caused a fish kill in Pasqua Lake.

I'll table the letter for the hon. member. When told that there was no connection between the spill of PCBs and the fish kill the reporter apparently lost interest and was never heard from again . . . (inaudible interjection) . . . That's not the point. I will table the letter. I will table the letter and I'll table some more in addition.

This is two years later, more than two years later, and now it is reported by the news media that this was somehow a cover-up, that the department and the officials of the department somehow covered the matter up.

The next year, in the summer of 1977, it was still not an illegal fluid; there was still no ban on PCBs. There was more news freely available to the general news media.

I want the hon. member for Qu'Appelle (Mr. Lane) to listen. There was more news freely available to the general news media — a periodical — and I will table it. This periodical was entitled Ecolog Week. A well-known newsletter specializing in news about environmental and pollution problems printed a story about leaks of improperly packaged debris from a spill at Federal Pioneer Ltd. in Regina. Now do you call that a cover-up? Do you suggest that somehow the officials had kept that secret? If they had kept it secret, when certainly it was available to the news media outside of Regina, why wasn't it available to the news media inside of Regina? In fact, it was available to them.

AN HON. MEMBER: — You are not very convincing.

MR. BOWERMAN: — That's all right. I'm not very convincing, but I will table the documents for you.

This story in Ecolog Week related to drums of solid waste and liquids, empty PCB containers and pellets used in the mop-up which were being sent by truck through Canada to the United States disposal site.

Again, Mr. Chairman, even in early October of 1978, the same month in which the alleged cover up was uncovered there were no secrets. A Mr. E.T. Ratray (?) Of Environment Canada's Waste Management Board had an article on toxic spills printed in another periodical called Recoup — another newsletter circulating among the waste product and recycling circles. He led off with a story of 1500 gallons of ascoral (?)

which is the product name used, being spilled in the western province in 1976. While he did not specify the firm or the city involved he did go on to talk about the additional leakage dealt with the year before in the Ecolog Week.

I say it's regrettable that the CBC, who originally ran this supposedly cover up story, didn't take a little more time to do their research and to do their homework. Even you folks across the way didn't take any more time other than to read the news articles and continue the barrage of assault. Surely, the media must accept more responsibility toward investigative reporting than appears in this incident. Let's get even closer to this matter of the great uncovering of what hon. members opposite label as a cover up . . . (inaudible interjection) . . . I'm sure we are.

On October 23, 1978 a CBC researcher . . . I want you to get this . Got the date? October 23, 1978 a CBC researcher called up the Saskatchewan Department of the Environment and talked to a senior pollution control officer. He specifically asked if there was any information available on the spill of PCBs containing fluids at the Federal Pioneer plant. He was told, yes. He then asked if he could have the entire file to check it over. Obviously, the complete files were not given or turned over to him. But, he was told the Saskatchewan Department of the Environment staff would certainly supply any specific information he wanted or which he would make a request for.

The CBC researcher agreed to come over to the office but, subsequently, failed to appear at the Department of the Environment office. A week later, one week later on October 30, Mr. Shorvoyce of the CBC phoned the pollution control office asking about Regina's ground water. He was referred to one of the ground water experts, Mr. Ted Rey. Mr. Shorvoyce, unlike the researcher, did show up. Many Regina residents saw the interview with Mr. Ted Rey, which he taped on October 3, 1978. During the interview, Mr. Rey was specifically asked questions about the possibility of PCBs from the Federal Pioneer spill getting into Regina's ground water. Mr. Rey gave specific replies and, in his opinion, there was no such danger. Mr. Shorvoyce is unquestionably entitled to congratulations for resurrecting an old story that no one else seemed to want to make a banner scoop and to resurrect it two years later when he could get a banner scoop out of what he called a cover up.

But, all reporters, Mr. Chairman, would obviously have to agree that there was no such attempt, there was absolutely no attempt by any of the staff of the Department of the Environment to deny the spill or to reveal any requested information when that information was requested. Mr. Chairman, we have heard from the members opposite continuously, continuously, continuously that this matter was a cover up, that we were hiding something. That in fact the people of Regina were being mistreated by the Department of the Environment, great accusations about the deputy minister, great accusations about the minister, but all of those accusations on the basis of hearsay evidence only — not on the basis of factual evidence. I want to, Mr. Chairman, unlike the Conservative members, table for the members opposite, the information which I said I would table, so that they may take their own time at their own leisure and in doing so, they may come to the same conclusions which I have given them.

I want to table the letter addressed to Mr. I. MacPherson, manager of the Federal Pioneer Ltd., 1600 - 1st Avenue, Regina, Saskatchewan, dated October 6, 1976 and signed by R.A. MacDonald, Engineer, Director of Water Pollution Control Branch. I want to read from this letter the quote which I read earlier:

You may be interested to learn we today had a telephone call from a local

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radio station which said they had received a 'tip' that a spill of dangerous material at the FPE had caused the fish kill in Pasqua Lake.

I table that letter, Mr. Chairman, so that the members opposite may review the letter and that they may come to the same conclusions that I was able to conclude when I searched the evidence in the file.

I want to table, as well, Mr. Chairman, page 2 of a periodical called, Ecolog Week, dated August 1, 1977 from which I want to quote a paragraph. The headline is, PCB Contaminated Waste Problems:

Two other Kingsway transports were also contaminated by leaking drums carrying PCB contaminated debris. The Ontario Ministry of Environment ordered the floors replaced. The trailers carried 12 45-gallon drums of solid waste, 70 45-gallon drums of liquid, 14 empty PCB containers and about 40 contaminated pellets. The shipment basically, debris or waste from a spill came from Federal Pioneer (manufacturers of transformers) in Regina, Saskatchewan. The shipments were transferred to Waste Chemical Ltd., New York, for delivery to a New York incinerator.

I want to further quote:

Secondly, the current transport of The Dangerous Goods Act does not specify PCBs and the new legislation is not ready yet, therefore, no charges may be brought under this Act.

Mr. Chairman, I want to table that document. I want to say again, I have quoted from page 2 of a periodical called, Ecolog Week, dated August 1, 1977. I want to say again page no. 2 of a periodical called Ecolog Week, dated August 1, 1977 from which I am quoting. I want to additionally quote and place on the record for the members opposite, for all who would care to view the information a copy of a second periodical called Recoup and it's date is Monday, October 16, 1978. And I want to quote from the paragraph which I've highlighted and for the members to read. It's entitled:

Hazardous Waste Experiences and Conclusions, Improper Packaging and Shipment of PCB Across Provincial Borders.

Now listen closely to the dates and the times.

In 1976 a transformer and a capacitor manufacturer located in a western province.

Now, hardly, hardly, Mr. Chairman this could be said to be a cover up. I don't know why the press and the news media in Saskatchewan weren't aware of this information. I am sure it was available to them. Certainly it was available to the news media person from the radio station who thought that the PCB spill at the plant had caused the fish to die in Pasqua Lake. But when he found out it hadn't cause the fish to die in Pasqua Lake, he didn't seem to be interested any more. They weren't even, it seems to me, were not even interested enough to write the same kind of information which was reported and written in periodicals outside of the borders of this province. But surely you can't accuse the officials or the previous minister of this department of a cover up when that information was flowing around outside and inside the borders of this province. May I suggest to you and the news media in this province, the allegations indeed are without

foundation. Let me go on with a quotation from the second periodical:

In 1976 (it says) a transformer and a capacitor manufacturer located in a western province suffered a spill of 1,500 gallons of transformer asterol containing PCBs. Some 2,000 gallons of an oilwater mixture containing 17.1 per cent PCB were collected together with substantial quantities of contaminated soil. The matter was put in drums for shipment to a waste hauler in a different province for export and disposal to the United States of America. Both the waste hauler and the commercial shipper bid on the work with the commercial shipper being awarded the contract on the basis of a lower price.

Now all of this was taking place in 1976 . . . (inaudible interjection) . . . I'm going to table it so that you can read it for yourself. It's going to the table just as soon as I'm finished quoting from it.

Both the waste hauler and the commercial shipper bid on the work, with the commercial shipper being awarded the contract on the basis of a lower price. The barrels used were not new and were not in good shape to withstand the 1500 mile trip. The first shipment of 73 drums left for Ontario in June, 1977. Midway, the driver noted that one drum was leaking and it was replaced, and when the truck reached its destination the second drum was leaking.

The next day a second truck left with 101 drums. It was stopped midway for overload and part of the cargo was transferred to a third truck. Both of these trucks, on arrival at their destination, contained leaking drums and substantial quantities of PCBs were spilled along the highways.

Now that is an interesting conclusion to what has been a long debate and a long time in making accusations about officials of this department, about the former minister of this department, and about this government and how it treats environment and environmental issues.

I say again, I must say again, Mr. Chairman, that I don't know why it was that the press, in 1976, didn't see the importance of this spill as they did in 1978. I can give you what I think is one explanation, which I've already given. That explanation is that in 1976 when the spill occurred it was a perfectly legal substance, there was no law against it. It was being used in a perfectly legal way.

Not until one year later did the Dominion of Canada move in its legislation to designate the PCB material as banned. Not only that, but during that year interval hundreds of people, a staff of probably 100 or more, were called upon by the Department of Labour to go and have medical examinations, whether or not any injury had come to them as a result of the spill.

The Department of the Environment had worked with the plant, had cleaned up the matter and had taken action to resolve the issue. It had been published in a periodical which I've already tabled in a letter which was dated as well indicating that the Department of the Environment had received a call from a news media, from a radio station in this city, indicating that he was aware that there had been a spill, even before the fluid was declared banned for use.

Subsequent to that, another periodical came out telling all in Canada of this situation in Saskatchewan.

In addition to that, Mr. Chairman, the CBC researcher who called the Department of the Environment one week before the story broke, asked whether he could have the file, asked whether there had been a spill, was told that there had been, and never did show up. Never did show up!

It wasn't until Mr. Shorvoyce called and wanted to come over and have an interview that he taped and pictured the interview.

I suggest, Mr. Chairman, that this matter has been sufficiently dealt with. The members of the opposition, from now on at least, having read the same material which I am laying before them for their own perusal, should cease and desist from their accusations about officials of this department and about the former minister of the department in what they have referred to on the basis of hearsay evidence as a cover up.

For the hon. member for Arm River to continue to pursue that line of questioning and that line of accusation I think is both unfair and certainly not in keeping with the proof. From here on I would trust that the member in fact will respond accordingly and lay this on the table.

SOME HON. MEMBERS: Hear, hear!

MR. LANE: — My first question to the minister . . . You've indicated that that was the full story as far as you're concerned. Are you prepared to say now that that was the full and complete story as far as you are concerned and that's the story that you're riding with and that's the story, the defence so to speak, for the government? Is that correct, that's the full story?

MR. BOWERMAN: — As a result of my investigations of the file (which I called for from the department officials and reviewed and had the department review again) it's the information which I have, that I have tabled and the evidence which I have laid before the members of the House is the evidence which I think succinctly and clearly and once and for all lays clearly out before the public of this province the issue as it does in fact appear on the files.

MR. LANE: — Complete defence, that's the assurance that you are giving us, that there are no other facts.

MR. BOWERMAN: — That's what I said.

MR. LANE: — I know what's on the record. I'm looking for the facts! Are there any other facts pertaining to this PCB spill and the department's position in it and the department's activities that you have not tabled tonight?

MR. BOWERMAN: — Mr. Chairman, obviously there are many things undertaken by the department officials that were not relayed in detail. But, there are no other significant facts relating to the issue which you people attempt to make and have made — that there was a cover up by the government and by the officials of the Department of the Environment. That was the issue you raised. All right, and I have laid before you on the table of this Assembly the facts respecting that matter.

There may be other incidental kinds of situations which occurred relevant to the clean up, the conversations, the actions taken with regard to moving on with that issue that have not been related here in detail. If there are any that you need to know I certainly will bring them before this Assembly or any other Assembly. But the material facts related to the accusations laid by the press of this province and by you members of the opposition in this Assembly; there are no other facts.

MR. LANE: — We're going to read, obviously, in some detail the minister's statement. I hope that he would immediately send a copy of his prepared statement and prepared defence over to the opposition. I am sure that he will supply us with that immediately because let's look at the allegations that the minister is, in fact, making. First of all, he says there's no cover up because it appeared in two journals and I gather, by the names that they're technical journals or journals of a very limited and specialized readership.

Now, let's take a look at that statement because he's accused the press of irresponsibility; he's accused the opposition of irresponsibility and he has said because of these two technical journals of very limited specialized readership, the press and the opposition should have had full knowledge that there was in fact a spill and should have acted upon it at that time. That's his defence for saying that there wasn't a cover up. But, let's find out who else didn't know about the PCB spill. The very person who was entrusted by this Assembly, your cabinet, to protect the public and to protect the physical environment of the people of Saskatchewan says himself that he didn't know until two years after the spill.

Now, you expect the press to know; you expect the average citizen to know and you expect the opposition to know, when your former cabinet minister, responsible for this department, admits publicly that he didn't know. I have never seen a cabinet minister hung out to dry by one of his colleagues, as I have seen tonight. You have made against a former colleague the allegation that he, in fact, is irresponsible because he didn't know, that the press was irresponsible because they didn't read the technical journals, that the opposition was irresponsible because they didn't read the technical journals. That same logic and that same rationale applies when that cabinet minister didn't know. The difference is he had a duty to the public to know. He's obviously, from your very statements tonight, in a severe breach of his cabinet duties to protect the public and to keep the public informed. That's what you said tonight!

You have also said — and we haven't had an opportunity as well to look at detail because we don't have this pseudo justification. We have the surprising admission by the minister tonight that the Department of the Environment doesn't think it's dangerous to health, that the people involved in the Department of the Environment don't think it's a serious matter, that there was no public concern because the federal government didn't think it was a matter of public health or public concern. It wasn't a dangerous chemical says the minister; therefore, we take the position that it was all right.

It certainly leaves a strong unanswered question. The Department of Labour happened to know about it. The Department of Labour happened to know how dangerous it was. In fact, a union member at the site happened to be triggered that it was a concern. You said that it came from a department employee who raised it with that excellent Department of Labour and Occupational Health. I think I'm paraphrasing your words pretty accurately. He was concerned enough. He was concerned enough about this particular chemical. He took it upon himself to advise the Department of Labour who happened to know it was a serious matter. They certainly had concerns about it.

Let me congratulate the Minister of Labour who may have in fact had the only organization around which can protect the environment, at least for a limited number of people, that being the workers of this province. They happen to know about it. They happen to be concerned. But, you certainly didn't explain to the people of Saskatchewan in what you've admitted as a full defence why your own department didn't have the information that the Department of Labour had, information from which the Department of Labour knows just about immediately that it is a danger to health. In fact, you have just by your own admission stated that your own department failed to recognize the seriousness of the spill at the time, at the very time that the Department of Labour knew about it. I think that the statements by the minister tonight only dug the hole a little deeper, in fact, raised more questions than were answered. And I say to the hon. minister that I have never seen a minister hang his colleague out to dry as being irresponsible as he has just said. But in fact he admitted by his own words that his own department wasn't competent or capable of realizing the ramifications and the dangers of the spill at the time when, in fact, another department could and that's just a cursory assessment of the remarks made by the minister. I'll tell you, the minister, when we start going into detail from the facts that he's already given tonight, not only is going to dig the grave a little deeper but is going to prove to the people of this province what we've been saying, what the press has been saying, what the environmentalists have been saying. And that is the very major fact, the salient fact that your department is not qualified or capable to protect the environment and the people of this province from the spill of dangerous chemicals and, we will prove tomorrow, the dangers of nuclear activity on the part of the government.

MR. BOWERMAN: — Well, Mr. Chairman, I think we don't need to spend a lot of time more on this matter . . . (inaudible interjection) . . . That's right. No, I didn't start it. The member for Arm River (Mr. Muirhead) was the one who again tonight said we were hiding something and about this PCB issue. That's the way it started out and I thought perhaps that what I should do is lay some information before the House. Well, it doesn't really concern me how the members twist and squirm and want now to back up and to camouflage the issue. They want to talk about all the irrelevancies. They want to talk about the former minister. I made the point, Mr. Chairman; the Hansard is clear. It's going to be there for you to read. The other evidence which I have laid on the table is something which the Tories say they are going to do and never do, but I've laid this information there for you to read. You can make all the accusations you want from here on in but you can't do it now having known the facts and do it honestly. And I say to you, insofar as the hon. member for Qu'Appelle (Mr. Lane) tries to whitewash or launder the issue and launder their embarrassment, it doesn't bother me one little bit. He may say that the minister didn't know. I made the point that really it was a non-issue in 1976. I'm sure there are things going on daily that are non-issues which ministers if they were officials of departments were required to bring to the attention of the minister. There isn't enough time nor is there enough material available to rehash these things and bring them forward.

In 1976 it was a non-issue by the very fact that a news media person from the radio station knew there was a spill and didn't say anything more than what he said about it . . . (inaudible interjection) . . . No, just a moment. In fact in 1976, why was it necessary? It was not an illegal fluid. It hadn't been banned. It was perfectly legal, perfectly responsible. The member for Arm River was using it on his farm. I had it on my farm. I probably still have some. He probably still has some as well in his machinery. He is not aware of it, but it was a non-issue in 1976. It was at least a year later before the federal government recognized that they should pass any legislation with respect to it. Why

should my hon. colleague, the former Minister of the Environment, why should he have been aware of or why should he have been apprised of that situation at that particular time? Why should the officials of the department be aware of it, anymore than they did with respect to dieldrin, when it was in fact a permissible substance, or DDT when it was a permissible substance? Why should PCBs be considered any differently than that situation at that time?

That doesn't mean to say, not for one moment, that it wasn't critical or of concern to the Department of the Environment. In fact, the evidence will show that the information, as soon as it was available to the Department of the Environment, in fact, took action to see that the matter was properly and effectively looked after. They initiated action with the Federal Pioneer plant. They went over and checked the surface. They went over to see that the matter was cleaned up. Not only did they see that the matter was cleaned up, but they recommended to the officials of the Federal Pioneer plant, knowing that when the spring run-offs would come that there was a possibility of the material washing away, that they surface the area with a bituminous surface so that the spring run-offs would not carry any of the contaminants that might remain in the soil into the water systems.

The facts will show that that's what indeed happened. And so you can twist and you can squirm and you can get . . . (inaudible interjection) . . . Yes, I know, you're not. I know you feel a little uneasy . . . (inaudible interjection) . . . The member for Arm River says, oh, we're not squirming, no, we're not worried. At the moment, the cover up is on the other side of the House trying to cover up their emotions . . . (inaudible interjection) but it's showing through gentlemen. You emotions are coming through . . . (inaudible interjection) . . . and the embarrassment that we see on your faces is beginning to show! It's all right. What I'm saying to you is that you do as you so often do on that side of the House, you read the headlines and you make no further attempt to verify or substantiate or to gather facts. All you do is rush into the House, lay the matter on the table — oh, I'm going to table the issue! That's what you fellows do.

I remember another fellow who sat on that side of the House. He's not around any more and that's the reason why he's not around. One of them was an hon. member at the time from the constituency of Sutherland, Saskatoon Sutherland. Where is he today? There is another one who sat in this House who came from Prince Albert-Duck Lake. Three months after an issue had been over and solved he rushed into the House with a little armful of papers and laid them before this Assembly. All sorts of accusations? That's what you've done. That's what you continue to do. You don't investigate! You don't look for facts! All you want to do is just mouth off. You want to arouse the emotions of the public of Saskatchewan. That day is gone, Mr. Member for Arm River, that day is gone for you. The facts are there. You can stand up if you want to from here on in but you can't stand up, make those same accusations and tell the truth at the same time. That's what you can't do.

SOME HON. MEMBERS: Hear, hear!

MR. BOWERMAN: — You can twist and you can squirm and so can the member for Estevan. He can do all the squirming he wants, but I'll tell you the facts are before you, gentlemen. The facts are there. The facts are before the people of Saskatchewan as well, The facts are before the people of Saskatchewan and you fellows are going to get hung with your own rope!

SOME HON. MEMBERS: Hear, hear!

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MR. BOWERMAN: — You're going to get hung with your own rope!

For the member for Qu'Appelle to suggest that somehow he wants to turn the tables — and I can understand the reason why. Those griddles get hot when you sit on them and they are burning. Those griddles get a little hot and he'd like to move over. He'd like to shift. He'd like to lay it on my colleague, the former Minister of the Environment.

I have both seen and heard a lot of emotion coming from Garner Ted Armstrong but I've never seen the emotion or heard the emotion as I've seen it tonight!

The member for Qu'Appelle holds up the document which in fact will hang that PC caucus. He hangs up the facts. Those facts were known back in 1976. You can say all you want to. You can tell the Chamber and you can tell the Assembly and you can tell the people from here on in all you want to. You can make excuses for the press all you want to. All I'm telling you, Mr. Chairman, is . . . (inaudible interjection) . . . I'll be here tomorrow.

AN HON. MEMBER: — He'll be here tomorrow.

MR. CHAIRMAN: — Order, order, please. Order, please. I think both sides have had their rounds now. I think we could settle down and try to end the evening in a better mood, some way or another.

MR. ROMANOW: — Mr. Chairman, I'm going to provide that good mood, I move the committee rise, report progress and ask for leave to sit again.

The committee reported progress.

The Assembly adjourned at 10 p.m.