

The Assembly met at 2 p.m.

Prayers

ROUTINE PROCEEDINGS

READING AND RECEIVING PETITIONS

Clerk: — According to order, under rule 11(7), I hereby report that I have examined the following petition, lay it on the Table for reading and receiving: — Of Our Lady of the Prairies Foundation of Saskatoon, praying for an act to amend its Act of incorporation.

NOTICES OF MOTIONS AND QUESTIONS

Hon. Mr. Devine: — Mr. Speaker, I give notice that I shall on Monday next move:

Whereas the Constitution Act, 1982 came into force on April 17, 1982, following an agreement between Canada and all the provinces except Quebec;

and whereas the Government of Quebec has established a set of five proposals for constitutional change and has stated that amendments to give effect to those proposals would enable Quebec to resume a full role in the constitutional councils of Canada:

and whereas the amendment proposed in the schedule hereto sets out the basis in which Quebec's five constitutional proposals may be met;

and whereas the amendment proposed in the schedule hereto also recognises the principle of the equality of the provinces, provides new arrangements to foster greater harmony and co-operation between the Government of Canada and the governments of the provinces and requires that conferences be convened to consider important constitutional, economic, and other issues;

and whereas certain portions of the amendment proposed in the schedule hereto relate to matters referred to in section 41 of the Constitution Act, 1982;

and whereas section 41 of the Constitution Act, 1982, provides that an amendment of the constitution of Canada may be made by proclamation issued by the Governor General under the Great seal of Canada, where so authorised by resolutions in the Senate and House of Commons and of the Legislative Assembly of each province;

now therefore the Legislative Assembly of Saskatchewan resolves that an amendment to the constitution of Canada be authorised to be made by proclamation issued by Her Excellency the Governor General under the Great seal of Canada

in accordance with the schedule hereto.

A copy of the schedule which contains the text of the proposed amendments is attached to my notice of motion, Mr. Speaker, and is as copy of my notice of motion and the resolution in the French language.

INTRODUCTION OF GUESTS

Hon. Mr. Devine: — Mr. Speaker, it gives me a great deal of pleasure to introduce to you, and through you to members of the Legislative Assembly, some guests we have from the United States, and particularly from the great state of Montana.

I want to, first of all, introduce the Governor of Montana, Mr. Ted Schwinden, who is here for a one-day visit, discussing matters of interest between Saskatchewan and the state of Montana with respect to developing a better working relationship and moving towards areas of mutual interest with respect to agriculture, trade, environment, tourism, and so forth.

I want to say that Governor Schwinden was elected Governor in 1980. He's been involved in political life since 1958. He's held several positions in the state of Montana. He hosted the western governors' conference and the premiers of Saskatchewan in 1983, and did an outstanding job, and has pursued with a great deal of vigour a better understanding and a better working relationship between the province of Saskatchewan and the state of Montana.]

Would you please welcome the governor of Montana, Ted Schwinden. Governor.

Hon. Members: — Hear, hear!

Hon. Mr. Devine: — And he has some colleagues with him, Mr. Speaker. I want to introduce the Hon. George Turman, Lieutenant Governor of the state of Montana, the Hon. Swede Hammond, state senator, and several other people for the delegation,. Would they all rise and be recognised. Welcome to the province of Saskatchewan.

Hon. Members: — Hear, hear!

Hon. Mr. Blakeney: — Mr. Speaker, may I join with the Premier in adding our word of welcome to Governor Schwinden, and the Lieutenant Governor, the state senator, and other members of the delegation from the state of Montana.

We have always had warm relations with the state of Montana her in Saskatchewan, and I am happy to see that the Governor is here to cement and perhaps even to augment the good relations which have existed between our two jurisdictions. We regard the people of Montana as good neighbours, and we hope that the good relations which have existed will continue to exist. And we thank you, sir, for coming here and adding your support to what has been a very acceptable and expanding relationship.

Hon. Members: — Hear, hear!

Mr. Martin: — Mr. speaker, it's a pleasure for me, and indeed a privilege for me, to introduce to you, and through you and to the members of the House, 17 students from Quebec who are here at the University of Regina to learn English. I suppose they probably already speak it to some degree, but to fine tune it for use back in their own home towns. With them is Mike Little.

I apologise, Mr. Speaker, to our visitors from Quebec for my inability to address you in your first language. However, I am proud to say that two of our daughters have studied French for a year at Laval, and a third one will be down there this fall, so we are trying to get along with it.

I know that the members will join me in saying to you, bienvenue à Saskatchewan. Amusez-vous bien. Thank you very much.

Hon. Members: — Hear, hear!

Hon. Mr. Blakeney: — Mr. Speaker, I want to join with the members for Wascana in extending a welcome to the students from Quebec. I join with him in apologising to the guests because of inability appropriately to express our greeting in the French language.

I want to say that we have watched with the interest the program operated at the *centre bilangue* at the University of Regina. I've had a daughter who has been a monitor there, a wife who has taken a number of courses at the *centre bilangue*. We had one of the students who was there on a previous occasion, one Sylvie Drapeau, from Disraëli down by Thetford Mines who stayed with us for a year or so while she was studying English. We very much wish that your stay here in Regina will be a joyful one and hat it will be a successful one, that you will come to know and appreciate our province.

Bienvenue à Régina. We are happy you are with us.

Hon. Mr. Maxwell: — Monsieur le président, bienvenue à nos visiteurs de la belle province ici aujourd'hui. Nous espérons que vous allez enjouir de votre visite à la legislature. Bienvenue.

Some Hon. Members: — Hear, hear!

Mr. Tchorzewski: — Thank you, Mr. Speaker. Mr. Speaker, and members of the House, I would like to welcome and ask members to join me in extending a welcome to the member of parliament for Regina East who is seated in the east gallery, Mr. Simon de Jong.

Some Hon. Members: — Hear, hear!

ORAL QUESTIONS

Financial Situation of the Province

Hon. Mr. Blakeney: — Mr. Speaker, my question is to the Premier, and it is the question of which I gave notice to the Premier on Tuesday afternoon. And my question is this, sir: were you or any person responsible to you within

the Executive Council, either cabinet ministers or senior officials, advised in writing or otherwise before October 20, 1986, by any person or persons from the Department of Finance, that the provincial deficit for the 1986-87 fiscal year would exceed a figure of approximately \$500 million?

Hon. Mr. Devine: — Mr. Speaker, I want to thank the hon. member for providing me with the question in advance. First let me say that I received, and the Minister of Finance received, several estimates of what the deficit may be in 1986 on into 1987. Some of the estimates forecasted lower revenues and higher expenditures; some forecasted lower interest rates; and obviously there were a combination of forecasts that were made, depending on and assuming certain things about taxation and about government expenditures and prices.

In October, at that time I suggested that the deficit would be in the neighbourhood of half a billion dollars, and knowing full well, as I said a that time, that a government has three possibilities in dealing with a deficit of any kind, and depending on which way it will go. It can obviously modify expenditures; it can modify revenues, which means you're going to change the tax structure; or you can do some things to obviously help change the economy.

I will say, Mr. Speaker, that it also depended upon the size of the stabilisation payment.; It would depend on the size of a deficiency payment, which I'm sure the hon. Member recalls that we were after to a very large extent. It depends to a great deal — and I won't pursue it any more than this and I'll let him respond — on whether you're accurate enough with respect to oil prices, and potash prices, agricultural prices, and interest rates at the time.

And we had many forecasts, forecasts that were higher and indeed forecasts that predicted that we would have some relief in terms of both agricultural commodities like livestock and other prices, as well as interest rates.

Hon. Mr. Blakeney: — Mr. Speaker, my question is to the Premier, and it's the same one I asked before, and it is this. Were you, or any person responsible to you within the Executive Council, either cabinet minister or senior official, advised in writing or otherwise before October 20 that the provincial deficit for the year '86-87 would exceed a figure of approximately \$500 million? If the answer is yes, I would be happy for you to say so.

Hon. Mr. Devine: — Mr. Speaker, I've already answered that. We received forecasts that showed that it could be larger or it could be smaller, depending on what we do. And we have three things at our disposal. We can either cut expenditures, or we can change the tax system, or in fact we can look at the international markets and say . . . I mean that's your best guess and my best and our forecasters'.

I could, if I might, Mr. Speaker, give an example. In 1982 we had a forecast — a forecast, Mr. Speaker, and the hon. member's aware of it — that our 13 and a quarter program would cost us \$400 million. And that was our best estimate on interest rates. Now as it happened, it only cost us \$58 million.

Now we were obviously wrong with respect to our forecast on interest rates. We looked like it was going to be a terrible time in '82; it was terrible. We said we're prepared to eat that, and we were out, Mr. Speaker, about \$350 million in terms of interest rate exposure. I say the same thing, Mr. Speaker. We had forecasts, some of interest rates would decline rapidly, some were not as rapid, others would say: if you don't do anything, you will find the combination of things could change the deficit. And I put them all together and I know what's at my disposal. I know what I might be able to get from the federal government; I know what I might be able to do with respect to our own programs; I said the appropriate thing.

Hon. Mr. Blakeney: — Supplementary, Mr. Speaker, Mr. Premier, as you know, we're not talking about an estimate made prior to the commencement of the fiscal year. We're talking about an estimate made in the middle of a fiscal year. And you well know that the payment of deficiency payments, if it was going to arrive in March, would have made virtually no impact on the deficit — virtually no impact on the deficit.

I ask you again, sir: are you asking the people to believe that your Department of Finance didn't know in October within three or \$400 million what the deficit would be five months later?

Hon. Mr. Devine: — Mr. Speaker, that . . . Well two points. He raises that point that a deficiency payment wouldn't make an impact on revenue and income tax and sales tax if it was paid in a five-month period. Now he knows that's not the case. It could make a significant difference, and certainly a significant difference in terms of loosening up people's attitude toward spending. And that's the case.

When we look at forecasts, Mr. Speaker, with respect to a deficit, I mean, that's all they are. And in the middle of a term you're going to say: what's interest rates, what will they be; what will be the price of grain; what's the price of livestock; how much tourism will we have; what will be the price of oil? I can give you, Mr. Speaker, forecasts from agencies all over North America, and indeed, the world, that are at odds with each other. The Royal Bank, Econometrica, other people who have all kinds. And Yes, assuming the tools that you have before you as a government, you can forecast it will be up if you don't change anything. It will be down if you increase taxes. If you hold it this way, Mr. Premier, it won't vary much. If you do this it will go up, if you don't do anything it might change, and here's the line — our best guess. Well, I mean what it is in an estimate. And the best information that I had at that time, knowing what I could do, knowing what I might be able to get out of the federal government, knowing what I thought interest rates would be, knowing what others think it might be, was in that neighbourhood of one-half a billion dollars.

Hon. Mr. Blakeney: — Supplementary, Mr. Speaker. The Premier indicates that an announcement with respect to deficiency payments would have loosened up spending even if the money hadn't come. Now there was an announcement. It presumably loosed up spending. It

presumably, therefore, raised your tax revenues. Is that why the deficit was only \$1.2 billion and not \$1.4 or \$1.5 billion had not that been the case?

Some Hon. Members: — Hear, hear!

Hon. Mr. Devine: — Mr. Speaker, the member of the opposition is fallen into the proverbial trap. The trap is: is the deficit of particular size or is the argument about whether there is variability.

The truth is it's difficult to forecast. That's the fact. Now whether it's going to be up or whether it's going to be down is the whole question. Whether a deficiency payment of one-half a billion dollars or \$1 billion or \$3 billion would have an impact — of course it would, and that's a variable you have to take into account. So certainly we're better off having got the deficiency payment, but some other things were even worse. So we got lucky on one side, we got unlucky on another, and of course you end up with a deficit.

Well, Mr. Speaker, it's the forecasting of all those together that makes the point.

Hon. Mr. Blakeney: — Mr. Speaker, I'd like to direct a new question to the Premier. And it is this, Mr. Premier: The Saskatchewan Department of Finance prepares a periodic status report — monthly, I believe, but perhaps more frequently — on the finances of this province. I used to receive them as Premier. The member for Regina North East used to send them when he was Minister of Finance. These status reports update the revenues and expenditures, and the deficit, as it is predicted periodically. Are you aware of those reports, Mr. Premier, and did you receive them in the course of 1986?

Some Hon. Members: — Hear, hear!

Hon. Mr. Devine: — Mr. Speaker, I receive information as the hon. member said that he used to receive information, and in 1981-82 he received information and it was \$1 billion out. And he wouldn't allow this Assembly to vote on that budget. He called an election. He called an election and wouldn't allow us to vote.

All the estimates are there, and he was out \$1 billion, Mr. Speaker. Well, he must have got that information from the member from Regina North East who obviously erred — erred very large — because it's on the record, and we both have access to the record; it's up to over \$1 billion in oil itself. Now that's an estimate by the minister of Finance.

Well, the Minister of Finance gives his best guess on what interest rates are going to be, and whatever else is going to be. So I say to the hon. Member; my record and the Finance minister's record are just as in touch as the former minister of Finance from the opposition, because he wouldn't even let us vote on it, and obviously he was very, very wrong.

Hon. Mr. Blakeney: — Mr. Speaker, we'll have an opportunity to deal with the Premier's rhetoric in estimates. My question, in case you forgot it, sir, was: did you receive these periodic reports during 1986, supplied,

I believe, by the Department of Finance to your office?

Some Hon. Members: — Hear, hear!

Hon. Mr. Devine: — Mr. Speaker, my office receives estimates and forecasts from Finance, from my own policy group, from Intergovernmental Affairs, from Energy, from Agriculture, from Econometrica, from the university, from all kinds of forecasts. I probably get a stack that high. Our people go through them. They provide all of this information in one place. They go through it and say — given the expectations of the people, the forecasts of groups in the grain business, the oil business, resources, interest rates, the banks, the international people — they'll say, Mr. Premier, this is the information that provides you with most of the characteristics that you need.

I look at those, as he did, and you take that information and know what you can do in terms of the variables you have at your disposal, and you make the appropriate decisions.

Hon. Mr. Blakeney: — Supplementary, Mr. Speaker, I'm not sure whether I put my question in a way that the Premier can understand it. Mr. Premier, my question was pretty simple: do you receive from the Department of Finance a regular — I believe monthly, but let's call it regular report giving an update on the budget; giving an update on what taxes are collected and whether or not you are meeting your targets. And do you, sir, not look at those reports, at least in a cursory way, once a month to find out whether or not this province is meeting its financial targets?

Some Hon. Members: — Hear, hear!

Hon. Mr. Devine: — Mr. Speaker, the hon. member asked it — it was about October — he asked me if in fact I'd received more information that would say the budget was in excess of half a billion dollars.

Well, in the month of October I might not have read as many documents as that I would on a normal time. As he recalls, we were in an election. Okay, I get all kinds of estimates; my officials get all kinds of estimates. I don't know, Mr. Speaker, whether on the campaign trail my hon. colleague was reading financial forecasts or whether he was out shaking hands. I can say, Mr. Speaker, during the election of this last October I was shaking hands, and evidently I shook a lot more hands than the member opposite. Maybe he spent too much time on fiscal forecasting.

Some Hon. Members: — Hear, hear!

Hon. Mr. Blakeney: — Supplementary, Mr. Speaker, I would take it therefore, Mr. Premier, that you agree that you got those reports, since I take it you don't deny that they're prepared and you haven't denied that you saw them — or at least they were available to you. Now if you shook hands, fine, but you were making fiscal forecasts. And the question that I want to ask you is: before you made that fiscal forecast of a deficit of half a billion dollars, did you not have available to you — which you may or may not have read — conclusive evidence that the forecast was

wrong and that it was going to be much higher than that. Did you not have that information in hand? Did you not get it from the Minister of Finance?

Some Hon. Members: — Hear, hear!

Hon. Mr. Devine: — Mr. Speaker, by definition, when people are making forecasts they make assumptions that either this trend line will continue or assuming nothing's going to change, *ceteris paribus*, it will stay exactly the same, then this is the conditions that you'll have.

Well, it's an estimate, Mr. Speaker. That's what it is, it doesn't . . . there was nothing there that would assume how much a billion or two or \$3 billion would do in terms of our revenue. There were not estimates that would . . . what would happen — at least, if you can pursue it — if you changed a tax system. I can show you estimates of what, if you modify a tax system, what it does to your revenue, what it'll do to a deficit. You know that.

Changes in terms of government expenditure — you're quite aware — if you modify government expenditures, you're going to modify the deficit. Now that's my discretion. And I know, and only I know, as Premier, what you can do in terms of the ultimate decisions and what I might do or may not do under certain circumstances.

I said it's in the billion dollar range, half-a-billion dollar range, under the things that I know, Mr. Speaker, and that's the information that I'm provided with — a stack full of estimates, just the same thing as you have.

Mr. Speaker: — Order, please. Order. Order, please.

Proposed Tax Changes

Hon. Mr. Blakeney: — Mr. Speaker, I'll ask just a very narrow question to see whether or not we can pin down some of the verbiage which the Premier is offering to us.

He — and you heard him, sir, — said that if we change taxes it would affect the estimate of the deficit. Now, sir, would you mind telling us what taxes you propose to change which would have brought extra money in if you had changed the taxes between October and March. Please tell us. There was no legislature at the time. Please tell us what tax changes you had in mind to yield \$700 million.

Some Hon. Members: — Hear, hear!

Hon. Mr. Devine: — Well, Mr. Speaker, I can recall — I believe it was a CKRM interview and an interview that I had when I said the deficit would be in the neighbourhood of half-a-billion dollars and Lorne Harasen, I believe, at the time says, well, what can you do to contain that? And I have. We can hold expenditures, manage better, or we can increase tax revenues, or we can do a combination of things that would increase economic activity. And I talked about that and people said, well, what are the alternatives? And we said, would you rule out taxes on this and that? I said I wouldn't rule out anything in terms of tax changes. We've gone through them, already. We've just got finished introducing a flat tax, and you certainly

were aware of it. And we removed the property improvement grant, and you aware of that. I campaigned all over the province saying that we needed a billion dollars in revenue for farmers, and you're aware of that. So the issues were out there.

And I can go back to 1976. You increased taxes on gasoline without the legislative even being in place — 3 per cent, a sliding tax. Income tax increases and gas tax with a 20 per cent sliding scale and there was no . . . the House wasn't even in power.

Hon. Mr. Blakeney: — Final supplementary, Mr. Speaker, I hope it's final, since perhaps we can get a simple answer. You said that Mr. Harasen indicated that you indicated to Mr. Harasen that the deficit would be about 500 million and he asked you what seeps you could take to contain that, and you outlined them. Could you indicate what steps you took to contain the \$500 billion deficit that led to a deficit of 1.2 billion five months later?

Hon. Mr. Devine: — Mr. Speaker, we have just brought in a budget that put together the entire program to bring the deficit down dramatically. And we can go through it. The Minister of Finance has just explained in detail a series of modifications. And the opposition is quite familiar with them. They've been going around the province saying, well a deficit's terrible, but they shouldn't do anything about it.

Well, Mr. Speaker, the Minister of Finance has taken months and months and months in consultation with the public to review all the things in consultation with the public to review all the things that we can do. We've got a budget document here, Mr. Speaker, that goes through every single department and every single walk of life and puts together a budget that is significantly less in terms of deficit. And he spent a considerable amount of time and you're asking me to . . . well I can read the entire budget to you again. But that's all the measures that we've decided to do.

SGI Employee Wage Freeze

Mr. Trew: — Regina North, Mr. Speaker. Thank you. My question today is to the minister responsible for Saskatchewan Government Insurance. On March 5 the Minister of Finance issued an economic statement which imposed a two-year freeze on all government employees' salaries. I ask the minister: when did that wage freeze take effect at SGI, and does it apply to the corporation's executive officers and out-of-scope staff as well as to the in-scope employees?

Hon. Mrs. Duncan: — Mr. Speaker, in answer to the hon. member, Mr. Lane on March 5 indicated that there would be zero and zero for all public sector employees.

Mr. Trew: — Supplementary. If that wage freeze applies to all SGI staff, can the minister explain how the out-of-scope staff received a salary adjustment in the range of 7.6 per cent retroactive from April 1 when it was given, retroactive to January 1, right to the beginning of the year? This was three weeks — a full three weeks after the Finance Minister's announcement. How can you tell the unionized staff that they have to accept increases of nothing for at least two years when SGI's management

staff are receiving 7.6 retroactive, and isn't that really a double standard?

Some Hon. Members: — Hear, hear!

Hon. Mrs. Duncan: — Mr. Speaker, I can just reiterate to the member that the zero and zero announced by the Minister of Finance will be in place for all SGI employees, in-scope and out-of-scope.

Mr. Trew: — I want to be clear on this because I'm not sure I heard. Are you saying, are you saying — and I want you to answer for the record — are you telling this Assembly that there was no out-of-scope staff at SGI, they've received no salary increase since the Finance Minister announced the two-year freeze on March 5? Is that what you are telling this Assembly and the people of Saskatchewan?

Hon. Mrs. Duncan: — What I am telling the member opposite, Mr. Speaker, is that Saskatchewan Government Insurance will participate in the zero and zero as announced by the Minister of Finance on March 5, 1987.

Mr. Trew: — Further supplementary. Madam Minister, I don't think you heard the question. The question was, quite simply: was there a wage increase granted to out-of-scope employees at SGI, April 1 of this year or any time this year, but in the order of 7.6 per cent? Was there an out-of-scope wage increase, or was there not?

Hon. Mrs. Duncan: — Mr. Speaker, Saskatchewan Government Insurance, in-scope and out-of-scope employees, shall participate in the two-year freeze implemented by the Minister of Finance on March 5. That clearly means that for the two years henceforth, it will be zero and zero for in-scope and out-of-scope employees.

Mr. Trew: — Effective when?

Hon. Mrs. Duncan: — The Minister of Finance, Mr. Speaker, and to the hon. member, the Minister of Finance on March 5 announced that there would be a wage freeze for two years and for all government and Crown employees. On March 5 he announced that there would be zero and zero in the next two years. And that is the policy that SGI shall follow.

Mr. Trew: — Final supplementary. I want the minister to measure her words. You are saying, then, that SGI is following that zero per cent increase for the next two years and that, therefore, there has not been a salary increase for out-of-scope SGI employees this year?

Hon. Mrs. Duncan: — What I said, Mr. Speaker, to the hon. member's question, is that on March 5 the Minister of Finance announced to the public that there would be a two-year wage freeze, zero and zero, and SGI, as a Crown corporation, shall participate in two years of zero and zero.

Pharmacy Closure at Ile-a-la-Crosse

Mr. Thompson: — Thank you, Mr. Speaker, and I direct my question to the Acting Minister of Health. Effective July 15 the only pharmacy in the northern community of

Ile-a-la-Crosse will close. This is a regional pharmacy, Mr. Minister. This makes Buffalo Narrows, a return trip of approximately 100 miles, the closest pharmacy where Ile-a-la-Crosse residents can get medication. It also leaves the Ile-a-la-Crosse Hospital, which is a regional hospital, without night stocks of medication, and this means emergency medication will not be available.

Is the minister aware of the town's closure of this pharmacy, and what arrangements has his government made to provide the residents of Ile-a-la-Crosse with emergency medication if the planned closure goes ahead?

Hon. Mr. Taylor: — Mr. Speaker, I'm not aware of any planned closure. I will take notice of the member's question and have my colleague, the Minister of Health, look into the situation.

Grant to Ile-a-la-Crosse Pharmacy

Mr. Thompson: — New question, Mr. Speaker, and I direct this one to the Premier. Mr. Premier, the public accounts for 1985-86 show that your government provided the owners of the Ile-a-la-Crosse pharmacy with a northern economic development grant of \$60,000 to open up this drugstore in the first place, and drugstores at La Loche and Buffalo Narrows.

My question, Mr. Premier: was the grant conditional, or can they just close down and pull out whenever they feel like it? How much of the \$60,000 will be returned to the taxpayers since the owners have clearly decided to break their commitment to the residents of Ile-a-la-Crosse and that region? And how much money will you demand back from the owners on behalf of Saskatchewan taxpayers?

Some Hon. Members: — Hear, hear!

Hon. Mr. Devine: — Mr. Speaker, that's a good question, and I will consult with the Minister of Health and take notice and get back to the hon. members at my first convenience possible.

INTRODUCTION OF BILLS

Bill No. 14 — An Act to amend The Saskatchewan Telecommunications Superannuating Act

Hon. Mr. Berntson: — Mr. Speaker, I move first reading of a Bill to amend The Saskatchewan Telecommunications Superannuation Act.

Motion agreed to and the Bill ordered to be read a second time at the next sitting.

Bill No. 15 — An Act to amend The Student Assistance and Student Aid Fund Act, 1985

Hon. Mr. Hepworth: — Mr. Speaker, I move first reading of a Bill to amend The Student Assistance and Student Aid Fund Act, 1985.

Motion agreed to and the Bill ordered to be read a second time at the next sitting.

Bill No. 16 — An Act to amend The Time Act

Hon. Mr. Klein: — Mr. Speaker, I move first reading a Bill to amend The Time Act.

Motion agreed to and the Bill ordered to be read a second time at the next sitting.

ORDERS OF THE DAY

GOVERNMENT ORDERS

SECOND READINGS

Bill No. 11 — An Act to amend The Farm Security Act

Hon. Mr. Andrew: — Thank you, Mr. Speaker. I rise to move second reading of The Farm Security Amendment Act, 1987.

Without this amendment to the two sections of The Farm Security Act will expire this year. Section 2 will expire at the end of the year; section 7 will expire July 1 — yesterday.

Section 2(1) of the existing Act provides that, during the years 1984 to '87, inclusive, a vendor, mortgage, or collateral lessor, under an agreement for sale or mortgage, cannot take more than one-third of crop production in any one year under the crop-share agreement.

Section 2 (2) provides that if, in each or any of the years '84 to '87, the crop produced is less than the value of 10 bushels of number one CW red spring wheat, the farmer can present the current tax receipt to the vendor, mortgagee, lessor, and retain, from the latter's share of crop, sufficient grains to cover the taxes.

In the alternative, if he farmer fails to pay the taxes, the vendor, mortgagee, or lessor must pay the taxes, when so demanded by the municipality, an amount equal to what he has received from the farmer in that year.

Subject to exception, section 7 of this Act provides that the final order foreclosure cannot be enforced against a homestead so long as it remains a homestead.

The new legislation removes the time limits of section 2 and section 7 altogether, allowing these sections to continue indefinitely, along with the other provisions of the Act.

With respect to section 7, the new legislation will be retroactive to July 1, 1987.

The impact of section 2 of this Act is difficult to measure because crop-share mortgages, agreement for sale, which section 2 protects, are not thought to be all that common. However, it's important to maintain farm protection during this difficult time, and continuing section 2 will help those farmers under these types of arrangements.

Section 7 is the protection with the wider application. It protects homesteads of all farmers unless an exemption

has been specifically made. Protection of farmers' home base continues to be very important to protect. This particular legislation was brought in 1944, and since 1944 has been extended for three-year periods each year since 1944 to 1987.

What this particular amendment will do is not only will it extend it again, but it will extend it indefinitely, as opposed to extending it only for three years, then have to come back into the House and extend it another three years. So this will be to extend that indefinitely. It is part of a package of programs, Mr. Speaker, designed over a period of time to protect the farmer, protect the farmer in this case against foreclosure. I think it was an appropriate piece of legislation then; it's an appropriate piece of legislation now.

And with that I would move second reading of an Act to amend The Farm Security Act.

Some Hon. Members: — Hear, hear!

Mr. Upshall: — Thank you, Mr. Speaker. This Farm Security Act of course we know was brought in 1944 by the CCF government, and it denied mortgagees the right to foreclose on homesteads. And actually it came to be known as the home quarter protection Act. And this Act still goes on, and it's done a good job. But the problem has arisen that lenders routinely ask farmers buying land to agree to an exemption, an exemption from the Provincial Mediation Board. And with that the Act then offers little or no protection.

We have a situation now similar to those that arose in the '30s when this Act was brought in. And the time before the Act, for this minister's reference, was similar to the times we have now. And therefore when the government came in '44, it did do something to rectify that. And as I said, it has done a good job.

And, Mr. Speaker, in order to give this Act more thought and consultation, I would now beg leave to adjourn the debate.

Debate adjourned.

COMMITTEE OF FINANCE

Consolidated Fund Budgetary Expenditure Environment and Public Safety Ordinary Expenditure — Vote 9

Item 1 (continued)

Mr. Anguish: — Thank you, Mr. Chairman. Through you to the minister, I'd asked some questions of you on June 26 when you were last before the Committee of Finance, and since that time I've had a look at the legislation concerning developments within the province — it's an Act respecting the Assessment of the Impact on Environment of New Developments. And in light of this legislation, Mr. Chairman, through you to the minister, I'm asking you whether or not there was permit issued to Gainers, either by yourself, the Department, or the former Minister, the member from Kelsey-Tisdale, before Gainers started construction at the North Battleford

location?

Hon. Mr. Swan: — I'm advised that there was not.

Mr. Anguish: — Do you find that in contravention to the Act that I've just cited to you?

Hon. Mr. Swan: — No, we do not.

Mr. Anguish: — Well, if not, why not?

Hon. Mr. Swan: — I'm advised that the matter was reviewed at the time and was not deemed to be a development under the terms of the Act.

(1445)

Mr. Anguish: — Well, Mr. Minister, I'd like to quote from you from section 8 (1). It's concerning ministerial approval required and it reads as follows:

Notwithstanding the requirements of any other Act, regulation or bylaw relating to any licence, permit, approval, permission or consent, a proponent shall obtain ministerial approval to proceed with a development, and no person shall proceed with a development until he has received ministerial approval.

Hon. Mr. Swan: — I would refer the hon. member to section 2 of the Act and items the outline what is considered a development fall there under section 2 of the Act.

Mr. Anguish: — Well then I think we should examine section 2 of the Act, Mr. Minister.

Section 2(d) "development" — and I believe that's what you're referring to. This is under definitions or interpretation of the Act.

"development" means any project, operation or activity or any alteration or expansion of any project, operation or activity, which is likely to . . .

And I'll refer you to a little further down, and I quote, under (d)2:

substantially utilize any provincial resource and in so doing pre-empt the use, or potential use, of that resource for any other purpose.

Mr. Minister, they use water. They add solutions to the water. They expel the water, then, into the environment. I think that you're in contravention of the Act, and someone within your department, or you, or the former minister should answer to this.

I accuse you, Mr. Minister, of being in contravention of your own legislation.

Hon. Mr. Swan: — I want the hon. member to realise what he's saying here. Gainers uses water. Yes, they do. In your home you use water. But you're not deemed to be a development just because you build a home and use water. Gainers will use more water, but they still just use

water purchased from the city.

Mr. Anguish: — So what you're telling me then, Mr. Minister, is Gainers bacon plant is just another residence, as far as you're concerned, in the city of North Battleford. Is that what you're telling me?

Hon. Mr. Swan: — No, that's not what I said. I said that simply the fact that Gainers uses some water does not make him a development, the same as you using water in your home does not make you a development. That's what I said.

Mr. Anguish: — Mr. Minister, in your terms could you describe to me what a development is? In the meaning of the Act, what is a development?

Hon. Mr. Swan: — I'd advised that you apply all of the six items under section (d). And if Gainers were using all of the water that the province had available, then it might have been considered a development. But simply to come on stream on a city water system and use some water does not in itself make them a development.

There's a . . . You know you have to draw some fine lines, and the department has made the decision that it was not a development. And I think if you read the six items under section (d), you probably will come to the same conclusion.

Mr. Anguish: — The department, Mr. Minister, doesn't have the authority to make the decision whether or not it's a development. It's quite clear under the Act they need a ministerial permit before proceeding. And at that time, at that time, in the wisdom of the department and your closest advisers, if they decide that it's not necessary, you can say the environmental impact assessment is not necessary and issue the permit, and then that's your responsibility. But you can't just allow developments to occur within the province without issuing a permit or ministerial approval for developments in fact to happen.

And what I heard you saying is that Gainers is not a development. Is that true? First off, Gainers is not a development. I maintain to you, your department does not have the authority to override legislation. You're the one that's on the hook. If it's not you personally, then it's the member from Kelsey-Tisdale because he was the minister of the Environment at the time of the Gainers construction.

Hon. Mr. Swan: — If the project that Gainers were going ahead with had been deemed to be a development — and it was not — but if it had been deemed to be a development, then it would have needed the ministerial approval. It was deemed not to be a development and therefore did not require ministerial approval.

Mr. Anguish: — Could you give us an example, Mr. Minister, of a development that in the eyes of the department would require an environmental impact assessment?

Hon. Mr. Swan: — If the hon. member would read under the Act, section 2(d) and all six of the items, those are the ones that define what a development is under the Act.

And any one of those, if they come under that Act and are defined to be a development because of the method of defining a development — that's the section of the Act that deals with it — if they come under those and they are defined then by those to be a development, then they would require. Otherwise they do not.

Mr. Anguish: — Mr. Minister, I go back to this again, to the act. Section 2(d):

“development” means any project, operation or activity or any alteration or expansion of any project, operation or activity, which is likely to:

And then it lists about six different examples of what would denote a development, that would describe a development.

So are you telling me that if any one of these items are violated by a potential development, then there should be an environmental impact assessment done on that development? Is that what you're saying.

Hon. Mr. Swan: — I'm advised that if they contravene any one, individually or severally. And I might tell the hon. member that in clause (iv) it says:

cause widespread public concern because of potential environmental changes;

We haven't had one letter concerning the development of that particular plan, not one question to the Department.

Mr. Anguish: — Thank you for that information. It's totally irrelevant, though. I ask you again very clearly: if any one of those six items listed under number 2(d) are in contravention of any potential development, does that then mean that there is a development and an environmental impact assessment should in fact be done?

Hon. Mr. Swan: — Yes, that's right.

Mr. Anguish: — Well, thank you. We've determined that now.

So then ink your opinion, or more accurately he department's opinion, the gainers plant had no potential for violating any one of those six subsections?

Hon. Mr. Swan: — I'm advised that, yes, that's the case. They were not violating any one of those.

Mr. Anguish: — Oh. Well let's look at section 2(d), number 3. Let's look at that one:

. . . cause the emission of any pollutants or create by-products, residual, or waste products which require handling and disposal in a manner that is not regulated by any other Act or regulation.

Well, there's fluids come into the plant — water. There's substances added to the water; it has to be expelled. Why, then, is that not a violation of those six criteria that are set down?

Hon. Mr. Swan: — I'm advised that they don't even have

to come to the department for the disposal of sewage when they tie in with an existing system. And they tied into the system at the hospital in North Battleford, which is regulated.

Mr. Anguish: — I'm not so sure that it is regulated, in that particular lagoon. It's on your Crown land; it's not regulated by any municipal level of government; it's regulated by the province of Saskatchewan. And I still maintain, even if you got away from this, you're still required to issue them a permit before construction under An Act respecting the Management and Protection of the Environment, a completely different Act.

And it's section 17, under this Act, is entitled "Permits Required" . . . That we'll look for that now. "Subject to section 18 . . . "I'm quoting from section 17:

Subject to section 18, no person shall:

(a) cause or allow any contaminant to be discharged, deposited, drained or released where there is reasonable possibility that its discharge, deposit, draining or release may change the quality of any water or cause water pollution.

(b) notwithstanding the generality of clause (a), discharge, deposit or release any contaminant in surface water or along the banks or shores of surface water for the purpose of poisoning, killing or otherwise controlling weeds, algae or other organisms.

or,

(c) construct, install, alter, extend or operate any industrial effluent works;

without holding a valid and subsisting permit that authorized him to do so.

I would draw you attention to (c), which refers to the construction — "install, alter, extend or operate any industrial effluent works." Is that not the case that's happening at the Gainers plant in North Battleford?

Hon. Mr. Swan: — I am advised that at the time that the project was being looked at and the Department of Justice was consulted, and under that section of the Act the department advised that because the drainage from the Gainers plant would go into the North Battleford industrial sewage connection, that there was no need for a permit to be issued by the department.

Mr. Anguish: — I disagree with you. I don't think that you can stand there and honestly say that they don't require a permit. I can even agree that you could waive — are you consulting with your officials now, Mr. Minister? I agree that you could, in fact, waive the right or the requirement that they do an environmental impact assessment. You could waive that right, but I think very clearly, under these two pieces of legislation that came in under your government, they require a ministerial permit to proceed with that development. We want to know why there was not a ministerial permit issued to authorize them your

approval to go ahead with construction?

Hon. Mr. Swan: — I would refer the hon. member to section 18 of the Act, 3(b), and it says:

Industrial effluent works that discharge industrial waste exclusively into sewage works operated by a municipality;

The portion that they discharge into is that, in turn then goes into the hospital grounds.

(1500)

Mr. Anguish: — Mr. Minister, I think you should check your accuracy with officials within your department.

The section you quoted to me — you read it very well and accurately — the sewage works are not operated by a municipality. Those sewage works are the responsibility of the province of Saskatchewan; it's on Crown land, and there may be some agreement that other industrial sewage or wastes go into that lagoon, but I believe that the lagoon is, in fact, your responsibility and not the responsibility of the municipality.

And I think, again, I draw you back to getting away from the issue, and Gainers isn't the only example, is what I'm afraid of. I use Gainers as an example because I think you're very clearly in violation of legislation that came in under your government, and I want to get back to the fact that you have a responsibility to have issued a permit, or the minister at that time had the responsibility to issue a permit because of the possible environmental ramifications that could occur.

And now we do find that in that lagoon the brine and whatever else in the water that is discharged from the plant causes another reaction, in fact, in that lagoon. And so somebody in your department is not their job, and I don't know who that is, or are they so bogged down with work that they don't have time to get on top of these things? You require a permit for such operations to proceed, and why haven't you issued that permit?

Hon. Mr. Swan: — As I advised the hon. member, at the time that the plant was being planned, this issue of sewage went forward to the Department of Justice, and they are the legal experts within our province. The advice that was received by the department was that because it connected to an existing municipal sewage system in an industrial park, along with many other businesses in that park, and in turn that industrial sewage connects in that one at the hospital grounds. So the original connection from gainers goes into the industrial park, which is a municipal sewage system, and then that park then in turn goes on into the one on the hospital grounds. And because of that, there was deemed to be no need of us providing the permit.

I'm advised by the member on the question that you raised with regard to corrective measures at the sewage lagoon that some of those corrective measures have been put into place now, and they're still waiting to see whether they're effective.

Mr. Anguish: — Well I appreciate that, Mr. Minister, that you have taken such rapid action to rectify the problem that was there, because it was very unpleasant for the people that lived in that area.

But I find it very strange . . . I still want to go back to this thing about the permit. I find it very strange that your people in the Department of Environment and you and the former minister rely on Justice to interpret whether or not you should have environmental impact assessments. If it gets that technical, if there's any question of whether there should be environmental impact assessment done or not, you shouldn't do the bloody thing if there's that much question. You shouldn't have to run to Justice and ask them for a legal interpretation of the Act.

Hon. Mr. Swan: — That isn't what I said. I told you that we went to the Department of Justice with reference to the sewage and the connection of that sewage to the industrial park, and that was deemed not to require a permit.

Mr. Lyons: — Thank you., Mr. Chairman. The question following, I think, from the minister's previous comments were: why did you go to the Department of Justice? Was it for the sole purpose of trying to find some technical loophole in The Environmental Assessment Act so you could let your buddy, Peter Pocklington, off the hook in North Battleford? Isn't that why you went to the Department of Justice?

Hon. Mr. Swan: — I think that the hon. member's comments that we were trying to protect Peter Pocklington, I think he protects himself reasonably well and he doesn't need my protection. But on the other side, we go to the Department of Justice because they are the proper branch of government for all departments to go to for interpretation of legislation. This was a very complicated piece because it connected with municipal sewage and then later on onto the hospital grounds. And for that reason we go to the Department of Justice, and the decision that came was that they did not require the permit.

Mr. Anguish: — Well I agree with one statement that you make, that Peter Pocklington is certainly powerful enough to take care of himself, but I don't think Paul Meagher was, and it seems to me that you get involved in making political decisions as to whether or not there's an environmental impact assessment or not. You know, you're picking on Paul — he has to do an environmental impact assessment after the fact. Why didn't you let his development go ahead the same as Peter Pocklington's in North Battleford?

I think there's some pretty independent value assessments, I would say, to say the least, placed on whether or not you do an environmental impact assessment. And I think that you have to go by the Act, and if there's any question, regardless of how complicated the lagoon system, is, if there's any question that there should be an environmental impact assessment done, then in fact it should be done. And I think that people in your department should be honouring that; they should be looking at environmental impact assessments if there's any danger at all.

But why then, can you explain to me, Mr. Minister, the double standard where Pocklington, Gainers, no environmental impact assessment necessary; Paul Meagher and the people with him all of a sudden need an environmental impact assessment, and they're shut down? Why the double standard?

Hon. Mr. Swan: —The members throws around the term "double standard" very freely, and I think you ought to stop and realise what you're saying.; To begin with, the Pocklington plant was dealing basically with the city. It was coming to the city under invitation of the city in co-operation with the city. The development that was proposed for Redberry Lake was going into a federal bird sanctuary if it were given the permission to go ahead.

I read to you before that if it should cause widespread public concern before of potential environmental changes, that it would be considered a development. That's section 2(d)(iv). The one at Redberry did cause considerable public concern, long before any bulldozer came on site at Redberry Lake.

So we're talking about two entirely different circumstances. The two don't relate in any way. I think we made the right decision in both cases.

Mr. Anguish: — Mr. Minister, what you're saying to me is that it doesn't matter; the only reason the Department of Environment's there is, if there's a large public outcry, then you'll do something? I think the Department of Environment should be there to stop large public outcries, because people should have some confidence that our Department of Environment is in fact taking care of the environment. Shouldn't that be the purpose of the department?

Going back to the Gainers operation, I want to know if you have anyone in your department that could have predicted that brine would have broken down bacteria reaction in a lagoon. Do you have anybody in your department with that kind of expertise?

Hon. Mr. Swan: — We do have engineer in our department and can predict things, but in this circumstance the brine is one commodity that goes into that sewage system, but so do the drainage items from the other members of the industrial park. So I don't know whether you should lay all the blame on any one industry within that industrial park. Probably the combination of a number of them contribute, but it would be most difficult, I think, for you or for anyone to make that statement that the brine was the sole cause of the smell from the sewage lagoon.

Mr. Anguish: — I think that, you know, if there's problems there, I'm not blaming any particular business. I'm blaming you and your department for not honouring the Act, is what I'm trying to do. I'm trying to use that as an example. It's not the most great concern that I have as a member of the legislature from that area. It certainly isn't our greatest concern as an individual case on this side of the House. But it's an example where you're not doing your job. You're definitely not doing your job.

What I ask you: is there anybody in your department that would know that the brine from the Gainers plant would stop the bacteria reaction in the lagoon? Does anybody know that in your department?

Hon. Mr. Swan: — I believe I answered that question as clearly as anybody could. Yes, we do have engineers; and yes, we do have others within the department. But because it's not only one industry that is dumping their sewage into that lagoon, it's very difficult to make that assessment that it was the brine or any other one.

I might also mention to the member that we did follow the Act. The interpretation under the Act, we followed it 100 per cent. If the member doubts that, he's quite capable of challenging it in the courts of the province. But I don't think that you would find, if you do to any of your legal people, that you will find that we have broken any terms of the Act in the development in the Gainers plant in North Battleford.

An Hon. Member: — The intent of the Act.

Mr. Anguish: — Very right. The member from Regina Lakeview says, the intent of the Act, which I think is very important. And you've certainly broken the intent of the Act, because your department doesn't want to take action on the environmental concerns within the province unless it's some issue that's a large public outcry. And public outcry is important even though, when you have 7,000 people demonstrate here in the legislature, your Premier says it's not important. But if that's all you rely on is public outcry, then your department and the Department of Environment in the province, how can people have confidence in you as the Department of the Environment if you just wait until public outcry before you proceed on any activities?

I'm a little aghast to say that . . . for you to say that it might be any one of a number of things going into the lagoon system that caused the breakdown in the bacteria action, it's, I think, even for those that are not of sound scientific mind would know that salt kills things; it kills the bacteria action. That's mainly what the brine is that's going into the lagoon system. And certainly if that was being pumped onto a farmer's field or some growing area, I would hope that your concern would be a lot greater than what you've shown us that it is over some people who can't stand the stench and the smell. And you must admit that there's some problem there because now you're taking remedial action to correct it.

And the bottom line, Mr. Minister — and I think I'll go back, defer to my colleague from Regina Rosemont — but the bottom line is that that's not the big issue there. It's important to the people who have to put up with it. But I think that you need to take a very close look, Mr. Minister, when developments are going ahead, that those developments receive your ministerial approval. I think that that's required. They don't have to necessarily go through the environmental impact assessment because you, and within the wisdom of your officials, can in fact make the decision that they aren't in contravention of the Act; that it's environmentally safe; there's no public outcry; no concern. Fine. Issue your permit.

If there is a problem though, the buck comes back and stops with you as minister. If, in your wisdom of the department officials, there is an environmental impact assessment required, then you do that. And once the conditions are met and all the concerns are met, then issue your permit to them and make sure that they're honoured in there. But I think that it's very shoddy work of whoever's responsible in the Department of Environment for not taking a much closer look at environmental impact assessments in the province. And I think there's far too much value judgement that takes place as to which one should, and which one should not, have environmental impact assessments.

And from now on, Mr. Minister, if you want myself and likely some other members this side of the House to have respect for you, I would at least be in a position, if I were you, to be issuing permits for those developments to go ahead so that we have some confidence your department's at least looking at it. Thank you.

Hon. Mr. Swan: — Well, the member takes quite a side-swipe at the staff and the department. I believe that the legislation that we have before us outlines what a development is, and it does it very clearly. We have followed that outline as closely as anybody could follow an outline and demand environmental impact assessment from anybody that falls within the area defined as a development.

(1515)

I might also go a little further and suggest to the member that if these are not the right terms to outline a development in, then the former government — the New Democratic Party, when it was in power, wrote the Act — if they didn't define development well enough, the talk to the leader of his party now, because he evidently made a mistake if it doesn't suit you.

But the people in my department do a very thorough job, and they review every enterprise that comes and seeks permission to go ahead. And we are demanding environmental impact assessments by many, many people. And I believe the general outcry that we heard from Redberry indicates again that we made the right decision — that there was a development there that was going to need to be watched very closely. The numbers of letters that I had prior to the time that the bulldozer started to work at Redberry, and the number of letters I've had since saying, yes, you did the right thing to stop it, I think that indicates that it is a development and that it, yes indeed, must have an environmental impact study before it can go ahead.

So I don't appreciate the slur that you throw at the staff of the department. They've done a good job and I think are continuing to do that.

Mr. Anguish: — I think one final little series of questions, Mr. Chairman. I'm not slurring your whole department, I'm slurring whoever is responsible. It's mainly the minister, and if you're directing the department, you require permits to go to developments that have any possibility of contaminating the environment. You're not doing that.

Development, you say, was not well enough defined by the New Democrats. Well I'd say it's your interpretation of development in this Act because my interpretation of it is, is that you have to issue a permit. You didn't do that. You went to the Department of Justice, right? You went to the Department of Justice for interpretation. Show us that interpretation. I'm asking you: will you give us that interpretation? Table it today here in the legislature. I'd like to see that interpretation.

Hon. Mr. Swan: — The department of Justice interpretation was with regard to the permit for sewage, not to the decision of whether or not it was a development.

I think you were quite clear on that; we were in the other Act at the time we talked about the Department of Justice. So that was the area, it was with regard to the connection to the sewage and the sewage going on into the lagoon on the hospital site. So that was the area that they went to the Department of Justice for a decision. There is a written decision in the department, but it's not customary for departments to table that kind of information in the legislature.

Mr. Lyons: — Excuse me, Mr. Chairman. Mr. Minister, that leaves us in a little bit of a quandary. We heard before you say that you went, or somebody in your department went, went to the Department of Justice in order to get a determination whether or not the Peter Pocklington plant in North Battleford . . . you're shaking your head, no. That was the question: whether or not the Peter Pocklington plant in North Battleford was a development within the meaning of the Act. Now you're retracting your statement and saying, no, it wasn't a development within the meaning of the Act; that you only went to the Department of Justice in reference to its connection with the sewer in the North Battleford sewage system. What I want to know is this: who initiated and where was that initiation taking place? From which . . . Was it the assessment branch that initiated going to the Department of Justice to try to find some way of getting Peter Pocklington and his plant off the hook? Who went to the Department of Justice to get the determination?

Hon. Mr. Swan: — I'd like the hon. member to recall what we were discussing at the time that we talked about Justice. And the member was quoting really from section 17, and I quoted back to him from section 18 of an entirely different Act than The Assessment Act, and it's an Act respecting the Management and Protection of the Environment. That's the act we were talking about; that's the Act that the legal interpretation was under.

We were not at that point talking about whether or not the Pocklington plant was considered a development. That was earlier. But the judicial decision was made under this Act, and under section 17 and 18.

Mr. Lyons: — I'll ask the question fairly straightforward. Why did the department go the Department of Justice? Were they looking for loopholes to let Pocklington off the hook? Is that the reason they went to do it?

Hon. Mr. Swan: — I guess the simple answer is no.

Mr. Lyons: — Could you please tell us why they went to the Department of Justice?

Hon. Mr. Swan: — Yes, I explained that earlier — that because it was a complication of the sewage going into a municipal sewage in an industrial park first, and then later going from that industrial park sewage into the hospital sewage grounds. Those two cause it to be a somewhat different circumstance. The department wanted to be sure that the decision they made was right, and that the interpretation of the Act was right, so they seek interpretation from the Department of Justice. That's not uncommon in government. It's done all the time.

Mr. Lyons: — Then the decision of the department that you're referring to was the decision not to issue a ministerial permit. Is that the decision that you're talking about?

Hon. Mr. Swan: — Yes. The decision was that, because it went into a municipal sewage system, that the permit was not required from us.

Mr. Lyons: — And the reason that the permit, in the estimation of your officials, was that it did not fall within the purview of a development as defined by The Environmental Assessment Act. Is that correct?

Hon. Mr. Swan: — No. You're jumping from one Act to the other, and perhaps the member should have one of each in his hand, and then he'd understand it easier. That had nothing to do with the development side of it. It had simply to do with the sewage side of it.

Mr. Lyons: — Well I understand what the sewage side is. It comes from Pocklington's plant into the municipal sewage system, and then onto the sewage lagoon at the Saskatchewan Hospital.

Your department at some point in time in the past made a decision that said two things: a ministerial permit is not required; and we will not require Peter Pocklington to submit an environmental impact statement. Were those the two decisions — because there were two decisions and we're dealing with both Acts — were those the two decisions that your department took?

Hon. Mr. Swan: — Under the assessment Act, under section . . . The Environmental Assessment Act, under section 2(d) and the six points, those are the points that are used to decide whether or not it's a development.

When it came to the decision with regard to the sewage, then you move to the other act, which is an Act respecting the Management and Protection of the Environment. And if you would like to read section 17 and section 18, they define. And under those two sections of that Act, the Department of Justice advised us that no permit was needed from the Department of Environment.

Mr. Lyons: — I understand what you're saying in regards to the sewage, although I would submit, quite frankly, that it's a technicality, that in fact that the sewage lagoon is operated on property not within the jurisdiction of the municipality, but that the final resting place of the effluent

from Pocklington's plant ends up in the facility which is not a municipal facility, and then is strictly precluded from The Environmental Protection and Management act, the sections 17 and 18 which you are referring to; and that, in fact, because the effluent ends up in the sewage lagoon, it falls within the purview of the Act.

And I believe the member from North Battleford is correct in his assertion that what you and your department have done, and particularly what the minister that preceded you has done, is used a technicality — used a technicality in these two Acts — to get Pocklington and his guys off the hook

You have yet to answer the question: why was the Department of Justice approached in the first place? What reason could there possibility be to go the Department of Justice when you know there was going to be a development, and the parameters of the development were outlined; why did your department go to the Department of Justice looking for that technical connection between the municipal sewer, the provincial sewage lagoon, if you like, and Pocklington's plant? Why did they go to that if not for one reason, and that's to let Mr. Pocklington off the hook?

Hon. Mr. Swan: — Well I believe I've answered the same question two or three times for the hon. member. And I told you the reason that we went for a decision. With regard to the sewage, the development decision had been made before that; that it did not under the Act constitute a development. So when we come into the sewage, because it was complicated, because it involved the city sewage system in the industrial park and then moved on into the hospital grounds, they wanted clarification as to where we stood under that type of legislation and this particular circumstance.

You go to a department of Justice because it has a group of lawyers with much expertise in law, and they interpret the law of the province. Under their interpretation it was deemed that we not required to issue a permit.

Mr. Lyons: — Okay. If you want to get into . . . if you'd like to get into sort of dealing with those technicalities, I refer you to section 2(d)(iii), An Act respecting the Assessment of the Impact on the Environment . . . The Environmental assessment act, as it's become to be known. And it say, Mr. Minister, that:

“development” means any operation, project . . . (or, pardon me) project, operation or activity or any alteration or expansion of any project, operation, or activity which is likely to: (go to the third part)

(iii) cause the emission of any pollutants or create by-products, residual or waste products which require handling or disposal in a manner that is not regulated by any other Act or regulation:

And we've gone through that in terms of the sewage. But the key point here and the key word in that section (iii) is: “cause the emission of any pollutants.” We look a little further down in the act and we see, under pollution:

“pollution” means (the definition of pollution) alteration of the physical, chemical, biological or aesthetic properties of the environment, including the addition or removal of any contaminant that (and we go down right to the bottom):

(iii) is harmful to wild animals, birds, or aquatic life;

Now we have a situation in North Battleford in which the waste products of the packing plant, owned by Peter Pocklington, is put into a municipal sewage system which is then emptied into a sewage lagoon which is not under the municipality. The brine, as the member for North Battleford has pointed out, has been harmful to the aquatic life in that sewage lagoon — and if we want to be technical we'll use the bacteria as aquatic life that live in that sewage lagoon — and in fact has been harmful to that, and has then caused inconvenience and has raised some general outcry and general concern in North Battleford.

(1530)

And I would submit, Mr. Minister, that even under the definition of the Act, under the definition of the Act that Peter Pocklington's plant would be classified as a development. I know darned well that we would classify Peter Pocklington's plant as a development, because we know what the spirit of this Act is. and the spirit of this Act is very plain: it's to protect people from developments which will affect the environment.

And what we've seen in your case, and what we've seen from words from your own mouth, that you and somebody in your department is utilising the Department of the Environment, utilising The Environmental Assessment Act for political purposes to get people like Peter Pocklington off the hook. Because it is the spirit and it is the intent of this Act, as you very, very well know — your predecessor may not have known, but you very well know — that it's the spirit of this Act to protect Saskatchewan people from developments like the Gainers plant, when they could cause harm to the environment.

They have caused harm to the environment. We have a *prima facie* case of that, where there was a situation that existed prior to the plant dumping brine into municipal sewage system, to a situation after the plant began dumping brine into the municipal sewage system.

My question to you, Mr. Minister, in this regard is this: in light of what we know, in light of the fact that it is going to cause the taxpayers of Saskatchewan some considerable resources to clean up the mess made by the Pocklington plant, do you believe that your predecessor made the correct choice? Do you believe that he made the right decision in not looking more closely at this plant and not requiring a ministerial permit to be issued and, in fact, not requiring an environmental impact statement? Do you believe that the former minister made that . . . (inaudible).

Hon. Mr. Swan: — Mr. Chairman, we've been through this several times; I don't know how many times he would

like to go back over the same ground.

The people that made the decision that this was not a development, as it is spelled out in the Act, would have been the same people that would have made the decision had the former government been in power, because it's the same people in that assessment division. I am advised that they would have made the same decision regardless of who was in power. And from that point of view, I guess, perhaps what you are saying about us using it for political purposes is a bit wrong.

I would like the hon. member also to know that if there are problems develop at the lagoon, my department does have authority to step in and demand corrective measures, and that's what we are doing at this point.

Mr. Lyons: — Mr. Minister, I can appreciate that, and as the member for North Battleford pointed out, we appreciate the speedy response in bringing that to your attention.

But that's not the problem. The problem that we're getting at here is that somehow environmental concerns have dropped to the bottom of the priority barrel in dealing with your government. And that was the assertion we made at the beginning of this estimates; that's the assertion we're making now. And as we go along, we will see case after case after case of that being the case.

But I'm a little bit disturbed. I'm a little bit disturbed when I hear you say that the decision that we made then, or would have been made by an NDP government, was a decision that would have been made now.

It's my understanding that the minister is responsible for making decisions in the department, and not the department officials, and that the buck stops at the minister's desk. The question I had asked you before was this: do you agree that the decision made by your predecessor was, in light of what we know, in light of the fact that the development has caused problems in North Battleford, do you agree that that, in fact was the correct decision?

Hon. Mr. Swan: — Absolutely, I agree that it was the correct decision as you interpret the Act. The Act spells out what a development is. That one did not fall under that Act as a development; it does not register as a development. And yes, the minister did make the right decision.

Mr. Lyons: — Sop you're saying that it is the view of you and your department that when any time anybody wants to put in a development, that provided that there is no general uproar; provided that you can get away with it; provided that you can sneak it under the back door; provided that you don't get caught after, that it's the right decision. You didn't listen to what I said. I said: in light of the fact, in light of the fact that we had a development in North Battleford which has caused pollution problems in North Battleford, pollution problem in North Battleford, you still agree — you still agree with the decision made by your minister despite the fact that it's caused problems.

Hon. Mr. Swan: — Yes, I do. And I believe that we have

sewage lagoons that have caused odour problems around the country before. This is not the first one by any means. The department has gone in to initiate things that will bring about a solution to the problem that's being experienced. I believe that the aeration systems that were developed in Moose Jaw provided a solution when their lagoons were causing trouble. With all probability, the aeration system will clear the problem that's occurring in North Battleford.

Mr. Lyons: — Could you provide us with an estimate of the costs to now introduce aeration systems in the North Battleford sewage lagoon. What's it going to cost the problems, given the fact that your predecessor didn't carry out his job?

Hon. Mr. Swan: — I'm advised that because prompt action was needed, we wouldn't have the detailed costs that was expended to cover that. The costs will likely surface in the property management corporation when they are coming forward. And perhaps it'd be more appropriate to ask under those estimates.

Mr. Lyons: — Mr. Minister, did you receive a report, as Minister of the Environment, from officials in your department which dealt with the problems at the North Battleford sewage lagoon.

Hon. Mr. Swan: — Yes, we . . . as I advised you on our last day in the House. Yes, my department may be aware of it, but not until that day. It was a fairly a new occurrence.

Mr. Lyons: — Okay, they made you aware on the last estimate day of the problem. You hadn't received a report prior to that. And you're saying now that within the report there isn't even a broad estimate of what the costs are for the remedial action to be taken.

Hon. Mr. Swan: — I'm advised that the department was aware a day or two ahead of the time that we were in estimates. I was not aware. But the cost estimates were not called for. The temporary trial solution was put in place, and the cost estimates are still not available to us.

Mr. Lyons: — Do you have . . . Could you outline for us what are the temporary solutions that your department tends to do?

Hon. Mr. Swan: — I'm advised that there have been two circulation pumps at that lagoon for some time, but they were not run continuous. What they've done now is to add additional outlets that will operate from those pumps, and the pumps will be run continuous. So that's the basic change.

Mr. Lyons: — This is a technical question and I don't expect you to know the answer to this. The additional outlets, are they additional outlets on the pumps through the circulation machinery, or are they outlets out of the lagoon.

Hon. Mr. Swan: — They would be more aeration nozzles connected, and they would run into the lagoon to cause air to circulate.

Mr. Lyons: — Okay, so the department hasn't added any

new machinery or hasn't taken any actions which would add additional costs other than the costs of running the pumps?

Hon. Mr. Swan: — They had to supply the additional outlets that went into the lagoon. The same pumps will operate the additional outlets, so they haven't added any new pumps — strictly the additional nozzles that are required to put more air into the lagoon.

Mr. Lyons: — We're dealing with the lengths of pipe that have got nozzles on them. Is that correct?

Hon. Mr. Swan: — Yes, that would be basically correct. I'm not sure whether it's large pipe, small pipe, or what the style is.

Mr. Lyons: — I appreciate that fact. You have absolutely no idea of what the cost of adding the additional outlets onto the pumps?

Hon. Mr. Swan: — No. I have no idea at this time of what that cost would be, and the costs will come forward to the property management corporation.

Mr. Lyons: — I've just got two more questions in regards to the problem in North Battleford. First of all, and I asked you back on last estimates day when or how the decision not to demand an environmental impact statement was transmitted to yourself — was transmitted. Was it by verbal report or written report? At that time you said you'd refer to your minister, or refer to your officials. I wonder if you could tell me at this point in time when the decision not to do an environmental impact statement was made.

Hon. Mr. Swan: — I'm advised that there was no written transmittal. It was a verbal discussion within the department first, and then transmitted to the minister.

Mr. Lyons: — Okay, you're saying that the decision to make . . . pardon me, that the decision not to do an environmental impact statement for the Gainers plant was made verbally, without written documentation?

Hon. Mr. Swan: — I think that you have to first realise that the decision isn't made that we don't do an environmental impact assessment. The decision is made that we do an impact assessment when it is required. There's no decision needed if we're not going to do one, so if we decide to have one done, that's the decision that is made, and then it's transmitted to the proponent.

In this case, we were not seeking to do an environmental impact assessment, so there was no need really of a transmittal to the proponent.

Mr. Lyons: — I'm not asking about the transmittal to the proponent. I'm saying that you had a meeting — there must have been a meeting somewhere in which someone said, hey, we don't have to do an environmental impact statement.

It's my knowledge of government that those kinds of decisions aren't made by one person in a department, whether it's the environmental assessment branch, that that decision is not made — that that, in fact, would have

to be transmitted. There would have to be some kind of memorandum coming from the branch to the minister's office that say, it's our opinion that an environmental impact statement is not needed in this particular case.

Are you saying that there was no transmittal, written transmittal, of information from the environmental assessment branch to your office in this case?

(1545)

Hon. Mr. Swan: — I want the hon. member to realise that it's the proponent, the person who's going to do the project within the province, who must make the decision of whether or not an environmental impact statement is required, and he can come and seek that advice from the department. He can take the legislation and to his own legal profession. Whichever way he chooses, the decision within the department would not necessarily have to come across in writing. A minister meets with the deputy on a regular basis. Meetings within the department are held on a regular basis within every division of any department, and you don't always have written communication back and forth unless there's need of written communication.

Mr. Lyons: — Well, Mr. Minister for the . . . I'm looking at section of the Environmental Assessment act. It says:

For the purposes of administering and enforcing this act and the regulations, the minister may:

- (a) conduct research with respect to the environment, assessments or statements;
- (b) conduct studies of the quality of the environment . . .
- (c) gather, publish and disseminate information . . .
- (d) appoint committees . . .
- (e) make any examinations, tests . . . that he considers necessary;
- (f) with the approval of the Lieutenant Governor in Council, enter into an agreement with any government or person with respect to the environment, assessments or statements.

This Act makes it clear that the initiative for requiring proponents of new developments — that initiative rests with the minister. I just heard you say that it's the proponent makes the decision.

So let's put it . . . And I don't believe I just heard you say that, although I did hear you say that. In other words you're saying, in the case of the Gainers plant in North Battleford, it's Peter Pocklington who makes the decision whether or not to do an environmental impact statement. That's what you just said.

Hon. Mr. Swan: — I told the hon. member that it is the requirement of the proponent to evaluate, for his own purposes, whether or not an environmental impact

statement is required. Many times they will come and seek that assistance in making that decision from the staff in the department, or come to the minister and consult.

But it is the responsibility of the proponent to make that initial assessment. I wish the member would suggest under which of these sections of section 5 he felt that it was the responsibility of the minister to have done something different.

Mr. Lyons: — Mr. Minister, I suggest that you, sir, in all due respect, read the Act. You will see, running throughout the whole Act, there is a spirit, and there is a spirit which is embodied in the words of the act. And that spirit says that the role of the Minister of Environment is to protect the environment in Saskatchewan.

And in terms of dealing with the protection of the environment in Saskatchewan, he is going to require proponents of developments to carry out things like environmental impact statements, or he's going to require proponents of developments to submit to himself in the legislature or to his office, data that's necessary — information which is necessary for the minister to make that kind of judgement.

There is nothing in the Act — there is nothing in the Act that says that Peter Pocklington has the right to go ahead, build a plant, and to decide whether or not he's going to have an environmental impact statement.

If you look at section 8 of the Act, section 8 of the Act talks about "ministerial approval required." And I want you to look at section 8 of the Act in light of the statements that you've been making here today.

Section 8(1) says:

Notwithstanding the requirements of any other act.

"Notwithstanding the requirements of any other Act," right? This Act remains supreme, reigns supreme in deciding who shall or who shall not submit an environmental impact statement, and who shall or shall not determine what is a development. No other Act. This reigns supreme above all other Acts in this regard. It says:

Notwithstanding the requirements of any other Act, regulation or bylaw relating to any licence, permit, approval, permission or consent, a proponent shall obtain ministerial approval to proceed with a development, and no person shall proceed with a development until he has received ministerial approval.

That's what it says. Now you've made the argument, sir, you've made the argument — well, this isn't a development; that this really isn't a development.

The question I guess I have to ask is: how did Peter Pocklington find out that this wasn't a development? How did Gainers find out that this wasn't a development within the meaning of the Act? Did you or did you not write to Gainers and tell them: you don't have to put forward an environmental impact statement? Did you or any person

in your department do that?

Hon. Mr. Swan: — You know, you can read section 8, but you should have gone on and read section 9, as well. I guess we come back to the original discussion that we've had today.

The decision is made whether or not it's a development. If it is not a development, the other parts of the Act then apply differently. So under the terms defined in section 2(d), those six points, this was not classified as a development. The way that Mr. Pocklington or anyone else would find out would be to go to their legal profession, outline what they're proposing to do, have it looked at by a legal person, and the interpretation of that section of the Act then applies. If there's any doubt, then they can come to us and we will be involved at that stage.

Mr. Lyons: — Okay, that's one answer. I don't read the Act that way. I think that section 9 and section 10, that you're playing a very, very strained interpretation upon that section of the act. But let's suppose, for example, that that's what the Act means from your point of view.

Did Peter Pocklington or any official of Gainers approach the Department of the Environment prior to, during, or after the completion of his plant in North Battleford, to request a ruling from the department whether or not his plant qualified as a development under the meaning of the Act?

Hon. Mr. Swan: — I'm advised that officials from Gainers met with officials from the department and explained to them what they were proposing to do. With the way the Act would apply, they were advised that it would not be classified as a development requiring an environmental impact statement.

Mr. Lyons: — Now, well, Mr. Minister, you give me the date upon which the officials from gainers met with the officials from the Department of the Environment, and the date which and the means whereby the decision that you've just said — the decision that it's not a development within the meaning of the Act. I want two things. I want to make it clear. I want the dates on which the officials from gainers met with the department officials; and I want the date which Gainers was notified that their plant was not a development within the meaning of the Act.

Hon. Mr. Swan: — I'm advised that the department don't have that date here, but they would have it in the department if they could bring it back for you, probably this evening, whenever.

Mr. Lyons: — I wonder if I could have a commitment that it will be brought back so that you can hand that it to me by 7 o'clock tonight?

Hon. Mr. Swan: — They'll attempt to have it tonight.

Mr. Lyons: — Can they give you assurance that it will be here by 7 o'clock or in the immediate vicinity of 7 o'clock?

Hon. Mr. Swan: — They advised me that they would try and bring it for 7 o'clock. That's the best assurance I can give.

Mr. Lyons: — All right . . . (inaudible) . . . that assurance. I appreciate that assurance because . . . I find it very interesting though, Mr. Minister, the tack that you're taking in regards to your interpretation of the Act. Because it's not the interpretation that the previous government had in regards to environmental matters — that this type of thing is just a . . . it's inconceivable how a Minister of the Environment can say to us here that it's the proponents of developments who decide whether or not that development is a meaning within the Act. and that's what I thought I heard you say here today quite clearly, quite clearly.

But I think we'll turn now to, until we get the other information back from your department officials, another issue that regards the whole procedure of assessment and some of the assessment problems that have arisen, and that's Redberry Lake, and my colleague from North Battleford had alluded to the problems at Redberry Lake.

I guess the first question I want to ask you was: when was it that the Redberry Lake development of the former member from Prince Albert, Mr. Meagher, and his partner, Mr. Mamchur, when was it that they first approached the Department of the Environment seeking approval for their development?

Hon. Mr. Swan: — I'm advised that the first contact came at an interdepartmental committee meeting in January of 1985, and the department of Tourism was one that was involved. Three were a number of departments: Parks was there; our department was there; there were several.

Mr. Lyons: — Okay. It was some time in January of 1985 the issue was first raised. Was it raised by any of the officials of the departments involved in that meeting, or was it raised by Mr. Meagher?

Hon. Mr. Swan: — I'm advised that it was discussed at that interdepartmental committee meeting and was raised . . . the issue of the possible need of an environmental impact statement was raised by Mr. Walker.

Mr. Lyons: — Sorry, Mr. Minister, I didn't get the name. Are you saying it was raised by Mr. Meagher? I didn't hear you.

Hon. Mr. Swan: — Mr. Walker.

(1600)

Mr. Lyons: — I wonder if you could tell us how Mr. Walker came into the possession of that information. Was it through reading news reports? Or was he approached by any department officials? Or was he approached by any of the proponents for the development?

Hon. Mr. Swan: — The proponents, Mr. Mamchur and Mr. Meagher, were at the meeting to describe to the departments, all of the departments that were present,

what their proposal was.

Mr. Lyons: — Was there an answer given to Mr. Mamchur and Mr. Meagher at that time?

Hon. Mr. Swan: — The whole issue was discussed at that meeting and, as it related to the bird sanctuary at Redberry, it was indicated to them that it was quite possible that there would need to be an environmental impact assessment, and they acknowledged that fact.

Mr. Lyons: — Now, I just want to make this clear. Mr. Meagher and Mr. Mamchur . . . You're saying Mr. Meagher and Mr. Mamchur, at that time, in January of 1985, acknowledged the fact that they would have to make an environmental . . . submit an environmental impact statement.

Hon. Mr. Swan: — No, they didn't acknowledge that they would make an environmental impact statement. They acknowledged that there may be a necessity for it, because of the bird sanctuary, but they didn't acknowledge that they would do the statement at that time.

Mr. Lyons: — I'm not asking whether they acknowledged that they'd have to do it. Obviously, from what's happened in history, is that they take the position that they didn't have to do it.

I just want to make it clear, just make it clear to the House, that they were informed by officials at this meeting that they would possibly have to submit an environmental impact statement based on the fact that there was the existence of the bird sanctuary at Redberry Lake. Is that a reasonable interpretation to place on what happened?

Hon. Mr. Swan: — Yes, that possibility was raised with them at that meeting.

Mr. Lyons: — I wonder if you'd be able to indicate to me — or indicate to the House, I should say — whether or not they were . . . were they prepared to do that environmental impact statement, or whether or not they asked the officials present at this meeting when a final decision would be made, as to if they would have to submit the environmental impact statement?

Hon. Mr. Swan: — I want to draw to the attention of the hon. member that the question that we are discussing is being appealed to the court, so we're limited, both him and I, as to how far we can discuss it here, and I think we've reached about that limit.

I will give you this answer to your last question, though — that there was no request from the proponent for us to give him a date on when we would give him an answer of whether or not he needed to do the assessment. So that was not a thing that he asked, nor was it something that we promised to give at that point in time. But I believe we would be unwise to go into great detail on this particular one because it is in the appeal process before the courts of Saskatchewan at this time.

Mr. Lyons: — Well, Mr. Chairman, and Mr. Minister, I'm fully aware of the fact that the proponents of the Redberry

Lake development, Mr. Mamchur and Mr. Meagher, are appealing the decision made by your department. I don't believe, however, that the questions that I'm asking and will continue to ask for the next while will have a bearing on whether or not you made the right decision, or your department made the right decision. And I think that . . . believe that that's the basis upon which the appeal is being challenged in terms of law.

What I'd like to ask you is that, at the January meeting of 1985 at which this issue was discussed, was the Environment minister at that time present at that meeting?

Hon. Mr. Swan: — I'm advised that he was not.

Mr. Lyons: — Were there any members of executive Council at that meeting?

Hon. Mr. Swan: — My staff do not recall whether any others were there. They were sure that the Environment minister wasn't and I guess that's the only department I can speak for.

Mr. Lyons: — To the best of your staff's ability for recollection, were those present at the meeting at which they attended on their capacity as representing the Department of the Environment; were there any other people at this meeting, other than Mr. Mamchur and Mr. Meagher, who were not officials of the department, normally attend at this type of interdepartmental meeting?

Hon. Mr. Swan: — We're going back some two and one-half years, and it's a little difficult to recall exactly who was at the table. So my staff are not aware and do not recall whether someone else was there or not.

Mr. Lyons: — Did any member of your staff take minutes of that meeting?

Hon. Mr. Swan: — My staff were not responsible to take the minutes.

Mr. Lyons: — I take it, Mr. Minister, that somebody took minutes at that meeting.

Hon. Mr. Swan: — I believe one of the other departments did, but we did not.

Mr. Lyons: — Did your staff receive copies of the minutes of that meeting?

Hon. Mr. Swan: — Yes, they have copies.

Mr. Lyons: — On those minutes, am I to presume that there was a list of those who attended the meeting?

Hon. Mr. Swan: — He says he can't recall whether the names are there, but they usually are.

Mr. Lyons: — Do I have to go through this, or can I ask you to submit the list of names that were given to your department of the people who were present at the meeting attended by Mr. Meagher and Mr. Mamchur in January of 1985, at which they were informed of the decision that they would possibly have to . . . that they

would possibly have to file an environmental impact statement?

Hon. Mr. Swan: — The staff will look at the minutes tonight, and if they're there we'll bring you the list of the people who were present at the meeting.

Mr. Lyons: — Just skipping ahead a little bit. The original meeting at which the proponents of the Redberry Lake development met with your officials was, I believe, you said January of 1985, and I'd appreciate it if you could provide me with the date in January. I think that will be on the minutes as well.

When was it . . . when did you make the decision — you as minister — make the decision that an environmental impact statement would be required of Mr. Mamchur and Mr. Meagher?

Hon. Mr. Swan: — It was before my time as minister. Is was possibly August of 1985.

Mr. Lyons: — I want to get this really quite clear. You are saying that sometime around August of 1985 that the Department of the Environment made the decision that an environmental impact statement would be required of the development at Redberry Lake, the proponents being Mr. Mamchur and Mr. Meagher. Is that correct?

Hon. Mr. Swan: — We're not exactly certain of that date. Perhaps it would be best if we confirm the date to you because, you know, when you go back to 1985, it's very difficult to recall that kind of detail. So if it would be satisfactory, we could confirm the date in August, if it was August, or the date of that meeting.

Mr. Lyons: — That's fine, provided that we get the . . . you know, within the next day. It's safe to say then that eight months after the original meeting with Mr. Mamchur and Mr. Meagher, that the department had made a ruling, or the minister, I guess — because as you said, the buck stops there — the minister made a ruling that an environmental impact statement would be required by Mr. Mamchur and Mr. Meagher. Is that the fair and reasonable way of putting the case?

Hon. Mr. Swan: — I am advised that at that time the minister made that decision, yes.

Mr. Lyons: — Was that decision, was that decision communicated to Mr. Mamchur and Mr. Meagher at on or about the same date that in fact the decision was made?

Hon. Mr. Swan: — The decision was communicated from the department to Mr. Mamchur by letter.

Mr. Lyons: — So we have the letter going to Mr. Mamchur. What date was the letter sent to Mr. Mamchur?

Hon. Mr. Swan: — I would have to get that information. The information we have here is . . . It doesn't go back far enough to be clear on that.

Mr. Lyons: — Okay. Will you undertake to table that material in the House tomorrow — the date in the letter to Mr. . . . from the department to Mr. Mamchur?

Hon. Mr. Swan: — We'll do our best to bring it back, possibly this evening.

Mr. Lyons: — Okay, Mr. Minister, on . . . Can you tell us now on what basis that the decision made in August of 1985; what was the basis that the department made the decision requiring Mr. Meagher and Mr. Mamchur to file an environmental impact statement?

Hon. Mr. Swan: — It was the interpretation of section 2(d) of the Act that spelled out the requirement, because of the project they were proposing.

Mr. Lyons: — Okay. Section 2(d) of the Act. Which subsection of section 2(d) of the Act?

Hon. Mr. Swan: — I'm advised it was sections (i), (iv), and (vi).

(1615)

Mr. Lyons: — For the record, you're saying that the department made its decision to require Mr. Paul Meagher and Mr. Boris Mamchur to file an environmental impact statement based on the fact that a development means any project, operation or activity, or any alteration or expansion of any project, operation or activity which is likely to:

(i) have an affect on any unique, rare or endangered feature of the environment;

(ii) cause widespread public concern because of potential environmental changes;

Did I understand you to say:

(vi) have a significant impact on the environment or necessitate a further development which is likely to have a significant impact on the environment.

It was those three sub-clauses that in August of 1985 was used as the basis for making the decision determining that: (a) it was a development, and (b) that it required an environmental impact statement.

Hon. Mr. Swan: — Yes, that was the answer I gave you.

Mr. Lyons: — After this, and I assume for the assumption on or around August of 1985 when Mr. Mamchur was informed by letter that the environmental impact statement would be required, did the department receive any correspondence, from either Mr. Mamchur or Mr. Meagher, that: one, objected to the necessity of filing an environmental impact statement; tow, or acknowledge the fact that an environmental impact statement was going to be required by the department; or, three objected to the decision made by the minister with or without outlining grounds for that objection?

Hon. Mr. Swan: — We advised the proponents of the need to file an environmental impact statement and advised them that we would advertise publicly that the statement was required. They asked us at a meeting; they

asked the department not to advertise until they had made the decision of whether or not they wanted to go ahead with the development or not.

Mr. Lyons: — Okay, Mr. Minister the . . . You say that they asked at a meeting that you not be advertised. When was that meeting? Could you tell us when that meeting took place; who was present at that meeting; and if, in fact, any other meetings had taken place between officials of your department and any other department officials and Mr. Mamchur or Mr. Meagher, between the time that this meeting that you've just told me about that took place, and the January '85 meeting?

Hon. Mr. Swan: — The information was transmitted at the same meeting in August that we spoke of earlier, and the meeting was called specifically to decide whether or not an environmental impact statement was required, and the decision was made and transmitted to them at that time.

I'm advised that they had no other meetings right around that time, but rather that they had had some telephone conversations with Mr. Mamchur.

Mr. Lyons: — Okay. Just on the meeting — the meeting that took place with Mr. — was Mr. Mamchur present at that meeting?

Hon. Mr. Swan: — Yes.

Mr. Lyons: — Was Mr. Meagher present at that meeting?

Hon. Mr. Swan: — No, he was not.

Mr. Lyons: — Was it a meeting with just Department of Environment officials, or were any other official from any other department there?

Hon. Mr. Swan: — We'll bring you that. That's the same list that we were speaking of a few minutes ago. The list of the people that were at the meeting will be brought forward for you so you have a list of all of them.

Mr. Lyons: — I just want to make sure that this is the same meeting that you talked about earlier on. In other words, there was a meeting in January at which the proponents of Redberry Lake put forward the ideas for their development. There was a meeting in August at which the decision — and I take it this is what you're saying — is that the decision of the Department of the Environment was then transmitted to the proponents of the development. Is that correct?

Hon. Mr. Swan: — The decision had been actually made prior to that time, but at that meeting the decision was transmitted.

Mr. Lyons: — The decision was made by the minister in respect to that proposal prior to this meeting in August that we're now talking about. How much time lag between his decision and this meeting?

Hon. Mr. Swan: — I'm advised that it was probably a week or less, but about one week.

Mr. Lyons: — Okay, I'd like, then, the date on which the decision was made by the minister, and the date of this meeting. And you've already offered to supply me the dates for the meeting. I'd like the date now at which the decision was made.

Hon. Mr. Swan: — I think you had asked for that prior, and it will be provided.

Mr. Lyons: — thank you, Mr. Minister. Now you mentioned that there were several telephone calls between Mr. Mamchur and, am I to take it was officials of the department, or were there telephone calls to the minister?

Hon. Mr. Swan: — My staff are not aware of whether the minister received any calls. The calls that they refer to were to the department.

Mr. Lyons: — Now I'm not asking whether your staff are aware of any calls that went to the minister. I'm asking whether you're aware of any calls that went to your predecessor, in regards to Redberry Lake, from Mr. Mamchur?

Hon. Mr. Swan: — I'm sorry I wouldn't be privilege to that information. I was not in that department at that time.

Mr. Lyons: — Now, Mr. Minister, it's my understanding that cabinet ministers log phone calls. Is that not correct?

Hon. Mr. Swan: — Some may do and some don't. Personally, I don't. I don't know what the previous minister did.

Mr. Lyons: — So you've got no record; you're telling us that you've got no record of when people call you or what people call you. Does anybody in your office have any records as to when incoming calls are made, because I know very well that you don't receive calls directly to yourself?

Hon. Mr. Swan: — My secretary would have some records of when the calls come in, and I suppose the phone bills are the other record, but I don't know which calls Mr. Mamchur or Mr. Meagher may have made to any minister.

Mr. Lyons: — I find it convenient, at least not necessarily for yourself, at least for the former minister in this regard. I guess the question I'm asking you: would you have any written record, or would there be any files in your department, which would indicate calls made by Mr. Mamchur to the former minister? Would there be any written record whatsoever of those phone calls?

Hon. Mr. Swan: — I'm not aware . . . I don't have the same secretary that was there in Environment before, so I wouldn't have access to that kind of information.

Mr. Lyons: — I guess I'm to interpret from what you're saying, Mr. Minister, is that nowhere in the files in your office are there any records kept of phone calls made between Mr. Mamchur and your predecessor. Am I to assume that that's what you're saying?

Hon. Mr. Swan: — I'm saying to the hon. member that I'm not aware of any records that were kept. There may be records kept; I'm not aware of them. We could check if you like, but I really would have a difficult time, I think, tracking down back into the last — like into '85, that's quite awhile ago.

Mr. Lyons: — I wonder if the minister would undertake to have one of his staff people, in fact, check out the records, the files, regarding Redberry Lake development and so on, in regards to phone calls made to the minister by Mr. Mamchur or Mr. Meagher?

Hon. Mr. Swan: — I doubt very much if that kind of record would be still within my office, going back to '85. So we could look, but I wouldn't want to promise the member that I would bring anything back.

I think the important part of the discussion that we're having is that a decision was made, and that a decision was transmitted, and we've agreed to bring that forward. I believe the information that you're asking for now is a bit erroneous. And I don't really see that I should promise to go and do that much detailed work, because I don't think it has really that much to do with the decision.

Mr. Lyons: — Well, I beg to disagree with you, Mr. Minister. We have a court case before the court that, in fact, questions what went on between proponents of a development, i.e. Mr. Meagher and Mr. Mamchur, and the actions of the former minister of the Environment, and now your actions. So I think that, in fact, that you will find those — as you'll see as time goes along — the relationship between the proponents to the development and your department will take on some significance. And that you'll see, in fact, that communications between Mr. Meagher and Mr. Mamchur and your department and your predecessor may, in fact, play a bearing in the whole matter.

Be that as it may, I would ask you once again whether or not you will instruct one of your staff people to determine whether or not you have any written records of telephone calls made between Mr. Mamchur or Mr. Meagher and the former minister of the Environment in regards to the Redberry Lake development, between January of 1985 and the day that the decision to demand an environmental impact statement was made.

Hon. Mr. Swan: — I believe that I answered that question fairly straightforward — that I was not prepared to do that.

And I believe the member, in his comments indicated that this kind of information that you're now seeking could very well be involved in any court case decisions that are finalized in the next short while. So I believe it's really not proper that you seek that information, or that I give it. So I'm not going to give it at this time.

Mr. Lyons: — Well, Mr. Minister, the fact that it may be involved, the fact that it may be involved doesn't absolve you of the fact that somehow you may be trying to hide phone calls or documentary evidence regarding a controversial decision — one, by the way, in which I agree; I think you did a good job in making that decision, and I'll say that publicly right here. You and your

department did a good job in shutting down that development. And in fact, in my point of view, Mr. Mamchur and Mr. Meagher have lost all further rights, given their arrogant attitude toward the department. So I'll commend you on the fact. I'm not attacking you for what you did, sir. I am saying . . . You can take that as a compliment. It will be one of the few you will get, let me tell you. It will be one of the few

But what I'm trying to get at, sir, I think is fairly straightforward. kW had a meeting back in January of 1985 at which the proponents of the Redberry Lake development indicated what that development was, and which you tell me departmental officials told them at that time that they would probably have to submit an environmental impact statement. We have then, all the way up to the spring of 1987, more than two years; of a sudden we're faced with the kind of foofraw that went on at Redberry Lake.

(1630)

And I think the people of the province deserve to know what went on in the intervening time, particularly in regards to the fact that if you say that in August of 1985 a decision was made to require that environmental impact statement, why was it that the minister of rural affairs; why did he issue a permit which would allow this thing to go ahead when we've already seen that The Environmental Assessment Act says that in fact this Act shall rule above all others, regardless of what the Act says, what the regulations say, or what the by-laws say? What I want to know is that why did it take so long for you to make that decision or to shut down that development; wasn't the decision communicated to the members of cabinet by your predecessor? I see your predecessor sitting there. Didn't he,, sometime between spring of 1987 and August of 1985, communicate to the Minister of Rural Affairs that this project shouldn't go ahead and that it was going to require an environmental impact statement?

Hon. Mr. Swan: — I indicated to the member that we would give him the information of when the date on which the decision was made and the date which the meeting was held, that would transmit that decision, and who was present. I think, beyond that, I would prefer not to go down the garden path and give out information that's going to affect a court case, either pro or con.

It's not proper, as members of the legislature, to discuss in great detail issues that are before the courts. So I think with the information that I'm providing you, I think that's as far as we should really go on that issue.

Mr. Lyons: — Well, Mr. Minister, we are not here discussing the issue which is before the court. We are here discussing actions taken previous to the launching of any court case; we are here discussing and trying to get information from yourself regarding actions that were taken prior to the launching of any court case; and we are not discussing the merits, we are not discussing the merits of the appeal by the proponents of Redberry Lake. So I think that I'm perfectly within the parliamentary tradition, and also perfectly within my rights as a member, and also as a critic, asking you questions regarding the decisions

made by your predecessor and also made by your department. So I don't accept your argument on that.

In other words, I not going to let that, I'm not going to let that issue . . . I'm not going to let this issue slide by on the pretext that something . . . that an appeal is launched before the courts. Okay? I'm not letting that go by.

You said you had a meeting; you had said you had a meeting in August at which the proponents of the Redberry Lake development were told that an environmental impact statement would be necessary. You told us that they were advised by letter. You then said that the proponent of Redberry Lake development asked the department not to advertise . . . asked them not to advertise the fact that — the usual ad for an environmental statement, on the basis that they were going to reassess their position in regards to development. Is that correct?

Hon. Mr. Swan: — Yes, that's what I told you.

Mr. Lyons: — Were there any further representations made to your department after this contact in which the proponents of the development said, don't advertise? Were there further representations made to your department by either Mr. Mamchur or Mr. Meagher in regards to the Redberry Lake development?

Hon. Mr. Swan: — I'm advised that the issue lay dormant for a long period of time, and until such time as my department would receive an environmental impact assessment, or an advice that they were going to go ahead with the development, there's really no involvement by the department.

Mr. Lyons: — When you say it lay dormant, am I to take it then that what you're saying is that you, your predecessor, or any official of the Department of the Environment was not approached after the August meeting by either Mr. Mamchur or Mr. Meagher. Is that correct?

Hon. Mr. Swan: — There were contacts made periodically by telephone of specific information from the department that was provided by the department.

Mr. Lyons: — So the issue didn't lay dormant. In fact, there was an ongoing relationship between the proponents of Redberry Lake and your development. So the issue didn't lay dormant. Why did you say it lay dormant? I mean it's not laying dormant when they are there asking for information and they're making that kind of contact.

Hon. Mr. Swan: — There were no major meetings, there were no major decisions required., there was no indication from the proponent that they wanted to proceed to develop. So, yes, the issue did lay dormant, but at times they asked for information from the department. They didn't make a decision to go ahead with the development. So the issue laid very dormant for a long period of time.

Mr. Lyons: — I'm not going to argue over semantics in the question of dormancy. I guess if something you think is

dead keeps on breathing and twitching, I guess that's your definition of rigor mortis — that's fine.

In regards to those telephone calls that you've just mentioned, after the August meeting, were these telephone calls made to your officials? Were they made by Mr. Mamchur or Mr. Meagher or a combination of both?

Hon. Mr. Swan: — I'm advised that the only contacts that were made after August '85 were made by Mr. Mamchur to the department. Mr. Meagher was not involved at any time until the current year.

Mr. Lyons: — I just want to get that straight, Mr. Minister, because that's one of the issues of point. You're telling the legislature that Mr. Meagher was not involved in any of the dealings of the Redberry Lake development. Is that what you're saying?

Hon. Mr. Swan: — No, that's not what I'm saying. What I said was that the only contacts with the department made between August — I believe it would be; we'll wait until we can get the actual date of that meeting — but from that meeting, the only contacts made with the department from then until this year were made by Mr. Mamchur. That's all I said.

Mr. Lyons: — The only contacts prior to this meeting in August . . . only contacts made with your department, were they made only by Mr. Mamchur, or did Paul Meagher make any contacts with your department in regards to the Redberry Lake development prior to the decision being made sometime around August?

Hon. Mr. Swan: — I'm advised that Mr. Meagher was only involved in the initial January 1985 meeting. After that, he was not involved in any of the meetings. It was Mr. Mamchur that was involved from that time on.

Mr. Lyons: — Okay, Mr. Minister, I hear you say that Mr. Meagher was not involved with any of the meetings after the initial meeting in January 1985. Did Mr. Meagher make any contact with the Department of the Environment through writing, telephone, or any another method outside of meeting, in his capacity as a proponent, within the meaning of the Act, of the Redberry Lake development?

Hon. Mr. Swan: — My staff say that not that they're aware of, during that whole period.

Mr. Lyons: — If there was any contact made, would you . . . is it your opinion that there would be some kind of record of contact having been made between Mr. Meagher and your department, given Mr. Meagher's status as a member of the Legislative Assembly?

Hon. Mr. Swan: — I'm advised that there are no records that they can recall of him having contacted the department during that period of time.

Mr. Lyons: — Mr. Minister, I'm certainly not going to question the veracity of your statements in that regard. But I'm a little curious to hear the words "recall", "recall". Now, this has been a political issue for the last while in

the province. It's one that's before the courts. It's one that's been given prominence in the press. It appears to me that it would be one that you would normally expect to come before the House at estimate time, and that you would have background briefing by your ministers or by your officials, and that your officials would have this information at hand.

When you say your officials can't recall, are you telling us that those records do not exist, or that they can't recall if they exist or not? And if they can't recall, is there any way that you'll co-operate with this House by having your officials check back in the Redberry Lake file — for want of a better term — to see, in fact, if there were any contacts made between the Department of the Environment and Mr. Meagher between August of 1985, in regards to the Redberry Lake development.

Hon. Mr. Swan: — My officials say that there was no contact between January and August of 1985 by Mr. Meagher. But they're not aware of any contact prior to '85 either.

Mr. Lyons: — well, if that's what your officials tell you, Mr. Minister, that's fine, because you weren't there, and I know you weren't there. So obviously he wouldn't be making the contact with you. He'd be making it with the member from Kelsey-Tisdale if he was making any personal representation on behalf of the development.

(1645)

Going back to this period of dormancy. When was it that this dormant period came to an end in terms of the Department of the Environment? In other words, when did this issue become active in terms of the Department of the Environment? Was it when the bulldozers began their work at Redberry Lake, or was it at any point prior to that time — between August of 1985 and bulldozer time, this spring?

Hon. Mr. Swan: — Let me just say to the hon. member that the issue is very much before the court. And I believe that we've given the information that it's really possible to give. I can just tell you that it was reactivated during the year 1987.

Mr. Lyons: — Reactivated during the year of 1987. Mr. Minister, was this reactivation brought about prior to the commencement of construction activity at Redberry Lake or was, in fact, the reactivation of this issue a consequence of the activities of Mr. Mamchur and Mr. Meagher, in terms of driving the bulldozers into Redberry Lake? Was it prior to the bulldozers going, or was it because of the bulldozers going?

Hon. Mr. Swan: — I believe the only answer that I really should give on that is that it happened during 1987.

Mr. Lyons: — Mr. Minister, I can appreciate the quandary you are in, which is why I've been kind of beating around the bush on this. So let's not beat around the bush on it. You made a decision to halt the Redberry Lake project. That decision was made by certain actions, I would submit, not yourself, but I'm submitting this, was made

because the proponents of the plan took certain actions to begin their project, i.e., they started the bulldozers going at Redberry Lake.

You have submitted that during the period after August of 1985 until some time in 1987, in other words, over a period of a year, with the exception of a period of time when the proponents of the development said that they wanted to not advertise because they were going to make up their mind on this issue, that between August of '85 and some time in 1987, there was no activity in regards to, from a departmental point of view, in regards to what was going on at Redberry Lake. And that it was only at some time in 1987 that you began to take action as the Minister of the Environment in regards to the proposed Redberry Lake project.

The question to you, Mr. Minister, is this: were you advised by any of your department officials, or anybody else in this province, that in fact the Redberry Lake project was going to go ahead, and that in fact preparations for Redberry Lake were in the process of being made prior to — prior to — the day at which you took action to begin to stop the development at Redberry Lake? Were you advised by anybody that Meagher and Mamchur were going to go ahead with the development, prior to you taking action?

Hon. Mr. Swan: — I would have to say no to the hon. member, that the information was never relayed to me that they were going ahead with any development. And when I was advised that the bulldozers had gone in and started work at Redberry, we immediately proceeded to put a stop to that action because the environmental impact statement that was required had not been filed.

Mr. Lyons: — Yes, I understand that; I understand that, Mr. Minister. My question, however, was: were you or any of your department officials advised of the fact that the Redberry Lake development was going to go ahead and that preparations were being made in Redberry Lake, on the site? Did anybody tell you or your department officials, or was this all sort of done behind the backs of everybody in the province and nobody let your department know what was going on? Is that what you're saying?

Hon. Mr. Swan: — There was nobody that gave us advance notice that that bulldozer was going in to go to work. We were advised immediately by people who were very close to the Redberry site. Immediately that the bulldozer came, we were advised, but we weren't advised prior.

Mr. Lyons: — Well is it not true, Mr. Minister, that there were reports in the press prior to the bulldozer starting up at Redberry Lake?

Hon. Mr. Swan: — There were reports, all kinds of reports, but we were not advised by anyone that there was a development going to begin — reports that came from the papers as you recall, or permits granted by other departments, that sort of thing. But until the environmental impact assessment was done, our department would not give permission to go ahead, so he did not have clearance at any time.

Mr. Lyons: — Well I guess we're getting to the point of this line of questioning, Mr. Minister, is that there were reports in the press that there was ongoing contact between your department from January of 1985, when the project was first laid out, until the bulldozers were going; that there were telephone conversations between officials in your department after August of '85, when the decision to shut the . . . or to require an environmental impact statement was made; and that there were reports in the press that there were these telephone calls. Didn't you think that, as the Minister of Environment, that perhaps you should direct one of your officials to find out what was going on at Redberry Lake prior to the bulldozers starting up?

Hon. Mr. Swan: — I believe that the information was coming forward to the press, that type of information was very much in the eyes of my department. But there was no indication that the development was going ahead — none. The proponent was talking to everybody, but he was not talking to the Department of Environment at that time.

Mr. Lyons: — Well again, Mr. Minister, and I want to refer back to what the member from North Battleford said. Your job isn't to sit there like a bump on the log while the world falls around about you, and while the environment gets degraded about you.

The Acts that are laid out in this province, The Environmental Assessment Act and The Environmental Protection and Management Act and the other Acts for which you are responsible, but particularly The Environmental Assessment Act, is a pro-active piece of legislation. It says that the minister has a responsibility to protect the environment. And it confers upon you, sir, a great many responsibilities.

And then it also confers upon you a great many powers under which you can carry out those responsibilities. It says, quite bluntly, that if you think something's going to happen, you get your tail in there and you find out what's going to happen, and you act upon it to protect the environment; you don't sit like a bump on the log; you don't sit like nothing's going on; you in fact act to protect things.

As I say, you acted — you acted to protect Redberry Lake — fine and good. This was after the project was under way; this was after the project under way. This is after you knew about it. This is after that. you admitted yourself that you knew the project was under way, because you read it in the papers and . . . (inaudible) . . . I believe you just said that Mr. Meagher and Mr. Mamchur were talking to anybody else but you.

Well don't you think that you have some responsibility to take some initiative to deal with these kinds of issues as they arise? You said you didn't have to when it was . . . the question of North Battleford and the Pocklington plant. Here we come to Redberry Lake, and it's the same attitude. You minister sits there and doesn't protect the environment.

Don't you think you have some responsibility to go ahead

and initiate actions on behalf of yourself, your department, and the people of this province, in dealing with the environment?

Hon. Mr. Swan: — I would like to advise the hon. member that there was no development taking place until that bulldozer pulled on the site. And you know how quickly I acted, and the project was stopped immediately. Nobody could have acted any quicker than that. You cannot act before something happens, because you have no authority to act.

You know, there was no development, there was no indication that there was going to be a development. There was a lot of talk. But as you realise, this item had been dormant for a long period of time. There were a lot of discussions, but there was no indication that a firm development was being proposed to go ahead.

And I believe it was a surprise to the people at Redberry and to many people when that bulldozer came on site. Immediately that we heard it was on site we put a stop to the project, and I think that was the job of the department, and we carried it out.

Mr. Lyons: — Well, Mr. Minister, I really think that we've got two entirely different roles of the Minister of the Environment in this case. The fact is that you knew since January, 1985 that there was a proposal to develop Redberry Lake. We had a kerfuffle . . . there was a kerfuffle in the Legislative Assembly over the role of Mr. Meagher, and the propriety of Mr. Meagher, in developing that project.

we had, from your own admission, a series of contacts and conversations between officials in your department and the proponents of that development, right up to the fact that they began to drive the bulldozers. By your own admission, in your own very words, you said that there were lots of discussions going on. The fact was, Mr. Minister, something had happened prior to the bulldozers going.

There is a whole history to this project. And what I am submitting, sir, and I am submitting that it's not just this project but it's the North Battleford project, and there will be other projects as we go along and examine the same thing, that your government and your role as Minister of the Environment is, one, not to protect the environment, but to sit there and wait until there's a public outcry or until things happen, and that you're not taking your responsibility, despite the fact that you had all this knowledge and despite the fact that you have some of the best officials in Saskatchewan dealing and working with your department. When are you going to take the chains off their hands? When are you going to start acting like a minister for this province; when are you going to act as a proponent for the environment and go ahead and protect the people of this province, and protect their environment?

Some Hon. Members: — Hear, hear!

Hon. Mr. Swan: — I don't think the hon. member

understands the way that the Act applies. The decision is made by my department that there must be an environmental impact statement filed, and then it's the responsibility of the proponent to file that statement. The fact that he didn't file a statement is the reason that the project was stopped. As soon as he put the bulldozer on the site, we proceeded to stop the project. that's the process. We followed the process exactly. The proponent did not.

Mr. Lyons: — Mr. Minister . . . (inaudible interjections) . . . I think I've got a minute and a half, Mr. Deputy Premier.

Mr. Minister, in regards to the statement that you just made, that in fact that as soon as you knew anything about it you took action, as soon as something happened. Don't you agree that you and your departmental officials knew about the Redberry Lake development from January of 1985, from the time the bulldozers went on, and that you didn't take an initiatory role? Let's ask this question: did you or any members of your department, because you were the minister at this time, did you or any members of your department phone Mr. Mamchur and ask what the intentions of the proponents of the Redberry Lake development were?

Hon. Mr. Swan: — I personally phoned Mr. Meagher and advised him that an environmental impact statement was required.

The Assembly recessed until 7 p.m.