

EVENING SITTING

SECOND READINGS

Bill No. 46 — An Act to amend The Statute Law

Hon. Mr. Lane: — I won't make any remarks on this other than to say that is the standard statute law amendment dealing with some technical amendments. I move second reading of Bill 46, The Statute Law Amendment Act.

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

GOVERNMENT ORDERS

ADJOURNED DEBATES

SECOND READINGS

Bill No. 43

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Lane that Bill No. 43 — An Act respecting Police Services be now read a second time.

Mr. Koskie: — Thank you, Mr. Speaker. I want to make a number of comments, Mr. Speaker, in respect to this Bill. I want to talk first of all in respect to the consultation process as provided by the Minister of Justice in respect to the introduction and getting the public input in respect to the Bill. And I also want to talk briefly about some general principles which are of concern to us.

As a basis of a history in respect to the introduction of The Police Act, Mr. Speaker, may I remind the House that last year a new Bill, police Bill, was introduced and it was stood on the order paper and died on the order paper and in effect was a white paper. So in essence we had a new police Act out for the public and those particularly interested, for over one year. And one would have hoped, therefore, that the Minister of Justice had ample time to do a good job in respect to the consultation and to see whether and to review and to determine whether various aspects of improvement of The Police Act had indeed been examined.

And there is no doubt as I talk to the groups that have a great interest and respect to The Police Act, that there has been throughout the last year some consultation. If I talk to the federation of police officers for Saskatchewan, they indicate that they had discussions with the minister and the minister's staff sometime last fall, and they had more recently this year.

But it doesn't end quite there. Because in my discussions with some of the groups, they indicate that while they had those discussions, and while they raised some of the concerns to the minister and/or his staff, that they were under the impression that once the anticipated final draft was prepared, that there would be consultations in respect to their concerns before the introduction of the Bill. And they're disappointed that that didn't happen. There may be a mistake in understanding of language as

to whether they would be consulted before proclamation or whether before it was passed in third reading, but that is the clear indication of some of the groups that I talked to.

Let's take a look after this Bill was introduced as a white paper last year, providing input. And the minister comes to this House and we're sitting at day 62, I believe it is — day 64 — and the minister introduces the Bill in first reading and there's absolutely zero time before he's launching into second readings and wanting to get on with the passage of the Bill. And when we go out to contact after first reading, which I believe was last Friday — right, second reading on Friday — at that stage already shortly after he introduced in first reading and we contact a number of groups that are interested in it, they had not even received a copy of the Bill that was introduced in this House. And the minister says this is consultation.

I want to put it to the minister, here he had over a year to put in place some real meaningful consultation. And I want to ask the minister: has he followed up with some of the associations and some of the organizations that are interested in the amendments to The Police Act, or the new Bill rather? I wonder whether he has had any further discussions with the John Howard Society who I understand had to almost foist himself onto the process of making representation. I wonder whether he indeed did go back and deliver a copy to them that they might be interested. I wonder if the minister, in his consultation process which he said is complete, has included the native people of Saskatchewan in a meaningful way in respect to the consultation process. And now I understand, well, the minister is indicating — or at least the latest reports that I get — is, oh well, there's some complete support in respect to it.

So I think that there has been less than fruitful and total discussion that really should have been provided during that whole year that the consultation process took place. And there's no doubt at the present time the minister has rapidly decided that the version that he has is the version that should proceed because he introduced it in first reading, and as soon as he could, he went into second reading and no further consultation. In fact, when we contacted the groups, they hadn't even received the Bill, and it was into second reading already.

So we're concerned with that. And I know that in consultation you can't address all of the concerns of the various parties because of the divergence of views. But certainly the major actors, I think, should have at least had been privy to whether or not some of their concerns were going to be addressed. And indeed I understand in part of the Act, a section which is completely and totally new to them, that they had never seen before. And we're going to be addressing it here tonight.

That's on the process that I wanted to talk about. I think it could have been more thorough. I think that there has been some consultation and maybe rightly or wrongly the minister may have felt that he completed the . . . that some of the parties really anticipated that you would be coming back with the final version and discussing the concerns prior to introduction of the Bill.

Within the legislation itself, Mr. Minister, you indicate that one of the aspects of the Bill is that what you introduce in this new Bill is a greater capacity for the ordinary citizen to launch a complaint in respect to police actions. And I can indicate to you that there has been some pressure to make it streamline the procedure.

And in the procedure that is adopted here, while it doesn't certainly go the full route, nor I doubt whether the minister even explored the possibility of a totally independent commission separate and apart from The Police Act in so far as grievances against the police, and so there . . . While we have increased the capacity of individuals to lay complaints, one of the aspects that is of concern to the police officers across the province is that under the previous Act, when complaints were brought either by the public or internal discipline or incompetence — internal discipline — that the standard of proof that was required in respect to charges against an officer, the standard of proof that was used, Mr. Speaker, was that as provided by the Criminal Code, which said that the standard of proof would be that it would be have to be proven beyond reasonable doubt rather than the civil standard of proof which is the balance of probabilities.

What we have done here . . . we have been using the Criminal Code burden of proof previously, in the previous Act, I'm advised. I'm not advised that there was major concerns in respect to using the Criminal Code standard of proof as against an officer, either by an individual or within the force itself. What we have done is open up the process and what we have really done is lowered the standard of proof as against the officer.

They're concerned with that — many of the officers — because they feel that it was working; the standard of proof that we had previously was working fairly well and that it should be maintained. Moreover they indicate that if you decrease the standard of proof that has to be proven in a case against an officer that that may affect the performance of that officer, that he will take absolute and total caution, that he's working strictly and totally within the rules.

Let's assume that officers want to do that, but they work in crisis situations as well. And the thing is what you do to them by decreasing the standard of proof to have a charge against them is that they say, well I won't take the chance — it's a crisis, but it's better for me to walk away because I am not going to get up against a review hearing and be charged under a lower standard of proof. I raise that for the minister's consideration. There is certainly widespread concern.

Now it can be argued that if you're broadening the aspect of the right of the individual complainant to launch an appeal that commensurate with that you lower the standard of proof. But I don't think the two necessarily have to go hand in hand. I think if you increase the availability of being able to raise complaints and the process has been improved, then you don't necessarily have to go the next step. And certainly that is a major concern and I think it has been raised with the minister. And certainly we will be discussing that further in

Committee of the Whole.

That same thing applies not only to . . . Well I shouldn't deal with sections, but there's two provisions in which that burden of proof has been altered. And we feel that whether it's a public complaint or disciplinary actions that the standard of proof should really remain at the level of the criminal standard of beyond reasonable doubt.

(1915)

There are a number of other provisions that are of concern and have been raised. There is a section which provides within the raising a complaint and if a hearing is brought forward, and I think it's a positive aspect, that the complainant may attend the basic hearing but can be excluded if the hearing officer feels that it's in the public interest. You have to have a pretty sensitive hearing officer, and there should be perhaps some right of the officers to make applications that the complainant not be there because their consideration here, Mr. Minister, is that sometimes evidence may disclose some of the methodology that police use.

And the complainant that is sitting in on the hearing itself could be, not necessarily, but may have a legitimate complaint but could be a hardened criminal.

An Hon. Member: — But that's in the Bill.

Mr. Koskie: — Yes I know. But the officers do not decide whether or not the complainant won't be there, the hearing officer does. And that's the concern that they have. And they may very well have a sensitive hearing officer. That's the position that they put forward in discussions of that section.

There's several other areas that need to be discussed. And I'm just going to mention a couple of the other sections, not sections but principles of the Bill that we are indeed concerned with. And my colleague, the member from Moose Jaw South, is going to elaborate in respect to those. And just to articulate — not to explain but to mention them — there is a provision also that provides in the Act, that the provisions of the Act supersedes any provisions of a collective bargaining agreement, present or future. And my colleague as I said is going to discuss that in some detail but I want to raise that as a concern. I think it . . . well, I'll leave that for my colleague.

There's another provision which also . . . there's a section 83 and I can't go into sections because the principle of the conciliation and what appears to be the binding arbitration provision under section 84. And also, Mr. Minister, there is a provision which requires five days notice before a strike.

A few other aspects are of concern which I'll deal with clause by clause. But basically those are the essential concerns that have been raised to me, and as I say, my colleague from Moose Jaw North, following my comments, wants to make some comments in respect to the provisions which I think run against good labour practices in the provinces and in fact derogates against good labour relations between the parties.

And so other aspects of the Bill, Mr. Minister, we will be dealing with when we come to Committee of the Whole. Those are the comments that I wanted to raise for your consideration at this time.

Ms. Atkinson: — Thank you very much, Mr. Speaker. I would ask for leave to introduce some guests.

Leave granted.

INTRODUCTION OF GUESTS

Ms. Atkinson: — Thank you very much, Mr. Speaker. I'd like to introduce to you, and through you to other members of the legislature, several teachers who are visiting the Legislative Assembly tonight. I understand that there are teachers from Moose Jaw as well as the city of Regina and surrounding areas.

They have come to the legislature to monitor the potential for any legislation that might have a direct impact upon them. And I would ask all teachers and superannuated teachers to please rise so that we could recognize you and thank you for coming.

Hon. Members: Hear, hear!

Hon. Mr. Meiklejohn: — Thank you, Mr. Speaker. I too would like to ask for leave to introduce the guests.

Leave granted.

Hon. Mr. Meiklejohn: — Thank you, Mr. Speaker. I too would like to add my words of welcome to all of the teachers and superannuates that are with us this evening. It's indeed a pleasure to have them with us and I am sure that they will enjoy the proceedings. I also am sure that as the next few days unfold, that they will appreciate the type of things that have been happening with regard to some of the concerns that they have. And I too would just like to welcome them here to the legislature tonight. Thank you.

Hon. Members: Hear, hear!

ADJOURNED DEBATES

SECOND READINGS

Bill No. 43 (continued)

Mr. Hagel: — Thank you very much, Mr. Speaker. I rise to join with my colleague the member from Quill Lakes in second reading debate on The Police Act.

First of all, Mr. Speaker, I would concur with my colleague the Justice critic and the comments that he's made and the concerns that he has raised in this Assembly regarding The Police Act before us.

I would also like to place special emphasis, Mr. Speaker, having the same concern, sharing the same concern about the lack of opportunity for consultation between the time that the Bill was introduced in first reading and then comes to the House in second reading for debate now. I'm sure that the Minister of Justice will be taking

note of this and doing his best to do some quick consultation to understand the concerns of groups impacted by this Bill, as the opposition has done.

However, Mr. Speaker, I'd like to address the bulk of my comments on this Bill to matters that the member from Quill Lakes referred to just briefly. And, Mr. Speaker, interestingly enough, on matters in which, when I review *Hansard* of June 15 and the comments of the minister in second reading of the Bill, to which he made absolutely no reference whatsoever. And I would say, Mr. Speaker, that is not surprising to me that he made no, absolutely no reference whatsoever because they have to do with issues that have come to our attention that are of significant concern — and I underline the word significant — not just in passing but of significant concern to the rank and file police officers in Saskatchewan.

Mr. Speaker, when we're dealing with this Bill, The Police Act, we are obviously dealing very, very significantly with the provision of police services and obviously dealing with the mechanisms by which rank and file police officers in our province deal with their administrations, Mr. Speaker, and it's in that area that I bring concerns to the Legislative Assembly.

Mr. Speaker, there is implicit in this Bill a new principle which in my time in this Assembly has not been introduced in this Assembly before. And it is of all the items in the Bill the one that appears to be of greatest concern to the largest number of police officers — rank and file police officers — in Saskatchewan. And it has to do with the fact, Mr. Speaker, that this Bill will require police associations to give five days notice before taking strike action if they come to that point in their collective bargaining negotiations, Mr. Speaker.

Now, Mr. Speaker, to some that may seem to be a fairly minor point, that police officers should be required to give five days notice before taking strike action. But on reflection, Mr. Speaker, it is a much more significant point than many may give at first thought. One has to ask why it is that the government of the day would require police officers to give five days notice.

Now, Mr. Speaker, when I look at that issue, it seems to me that there is only one explanation — I can think of no other — and the one explanation . . . the minister says from his seat, long weekend. Well what does the minister mean by long weekend? When he says the issue is long weekend, therefore police have to give five days notice to strike.

What he's saying, Mr. Speaker, and I'll allow the minister to make his own comments on this, but it would seem to me very clear that what he's saying is that there would have to be a five-day period. Should police association give strike notice at 2 o'clock on a Friday afternoon after this Assembly has adjourned and it's a long weekend and you need five days to go through the long weekend, come back to this Assembly and legislate an end to the strike before they have an opportunity to take strike action. Mr. Speaker, that seems to be very clearly the implication of requiring five days notice.

Mr. Speaker, when I think about that, there is also a very,

very serious implication in the principle that's being applied and the thought processes that the government is using. Because clearly, Mr. Speaker, what the minister is saying is that it is standard practice. The approach to dealing with the potential for strike action by police officers in our province will be to legislate away their right to strike should they ever use that, prior to their being able to use that.

Now, Mr. Speaker, some people would say, well that's in the interest of the protection of public safety. And we get into the debate about necessary services and the like. But, Mr. Minister, when the government of the day walks into this Assembly and introduces a brand-new section that was not in the previous Act, not in the previous police Act, which says, our approach to dealing with the potential for strike will be to legislate that right away before they have a chance to use it, Mr. Speaker, implicit in that is the conclusion that from the point of view of this government, police in Saskatchewan shall no longer have the right to strike. There is no way of avoiding that conclusion when you look at the implications of this principle, Mr. Speaker. One can conclude nothing other than that.

Now, Mr. Speaker, one has to then ask the minister if it is your objective to legislate away their right to strike, what problem are you solving? Has there been some significant problem, or series of problems, related to strikes by police officers in the province of Saskatchewan that we're attempting to remedy or address in this Act?

Now, Mr. Speaker, as I look at the history of Saskatchewan, the answer is a clear no. I will be asking the minister in Committee of the Whole — and I give notice to the minister that I will be asking this question — to point to a case here in Saskatchewan where the police, having taken strike action, has led to a significant public problem.

Now, Mr. Speaker, the minister may very well say, well we don't want to endanger the security of the people of Saskatchewan. And I would concur with that objective. Now, Mr. Speaker, does that also say when comparing setting aside . . . setting beside each other, the right of Saskatchewan citizens to have police protection, with the collective bargaining rights of the police of Saskatchewan to use ultimately, although extremely rarely — extremely rarely — the ultimate bargaining chip that they have in their negotiations which is to withdraw services.

How does the minister justify putting into place an item which appears to be intended to do nothing more than to eliminate that right from them? — presumably justified on the grounds of police services being a necessary service. And so then we have to ask, Mr. Speaker, if police services are a necessary service, which justify in a very through the back-door kind of way, withdrawing their right to strike without officially doing that, then who's next? If that's the approach to police services, what's next?

Is it nursing services, Mr. Speaker? Because nurses provide necessary health care services in the province of Saskatchewan. And, Mr. Speaker, what next? Is it the teachers right to strike? Because teachers educate

our children, and particularly, when we come to the end of a school year it becomes a little more pressing and more inconvenient if people are not allowed to finish their year of studies uninterrupted. Or is it the university professors?

Mr. Speaker, once we begin to slide down the slippery slope of withdrawing the right to strike, taking away the democratic right of working people in the province of Saskatchewan to organize themselves and to bargain collectively with their employer — and, Mr. Speaker, that's clearly the implication of the principle that is introduced in section 85 of this Bill — once we start to slide down that slippery slope, Mr. Speaker, what we begin to do is to diminish the bargaining power of people who choose to organize collectively to deal with their employers in the province of Saskatchewan.

(1930)

Now, Mr. Speaker, I point out that until this Bill was presented in the House the previous police Act had no similar section. It had no similar section. And the provisions of The Trade Union Act applied to the police in Saskatchewan the same as they do to all other bodies in our province that are organized collectively.

Mr. Speaker, I also point out that it is within the authority of this Legislative Assembly to take action where it is deemed to seriously jeopardize the public interest — actions that are taken by bodies in our society, including strike actions — it is clearly within the purview of this Legislative Assembly, should that be the judgement of the government of the day, to use legislative force to draw conclusions to those. And that has nothing, absolutely nothing to do . . . that's a principle that exists. It is in no way affected by The Police Act with or without this clause, this principle being introduced requiring five days notice for police officers to take a strike.

And so, Mr. Speaker, it is not surprising to me that rank and file police officers — I'm talking rank and file police officers across the province of Saskatchewan . . . The minister shakes his head, I can hear it from here. Mr. Minister, you'll have the opportunity to respond to this in Committee of the Whole.

And I find it interesting that in introducing this brand new section in The Police Act you chose not to even make any passing reference to it in your second reading debate. Now either you consider it insignificant or you do not want to draw attention to it, Mr. Minister. But I'll tell you that rank and file police officers, the people who are working on the beat, on the street, Mr. Minister, those people are concerned about this provision in the Act and it's one of the largest concerns that they have about the Act that you're bringing to this Assembly. I'm telling you that. If you don't know that then you should ought to get out there and do some consultation and find that out for yourself, Mr. Minister.

Now, Mr. Speaker, I raise this concern because it is of importance to the rank and file police officers in our province; but I raise it as well because of the public policy implications — if it should carry in this Act — the public policy implications that it would have for others who are employed in the public or the quasi-public sector, who

are or could be considered to be in a position to provide necessary services, and we can look as I said before, from the police to the nurses to the teachers and on down the line.

Mr. Speaker, I can finally conclude on this point by pointing out that any body that loses its right to strike, whether it be officially, informally, or in effect, as this would seem to me to imply, any body which loses its right to strike also reduces its ability to win through negotiations, through collective agreements, the kinds of benefits that they feel that they would like to seek as part of their employment benefits arrangements, Mr. Speaker. And that is of concern to not only police officers but to virtually all who are employed in situations in which a collective agreement applies.

Mr. Speaker, moving beyond that point, I'd like to draw reference to three other principles in the Act, two of which are new and one of which is a repeat of the previous Act in essence. As my colleague, the member for Quill Lakes, pointed out that this Act introduces a conciliation section which did not previously exist in the current Police Act. It's new, and one has to ask the question — I give the minister advance notice of the question: why here? Why now? That's the question. Why is it not possible to arrive at conciliation procedures through the collective bargaining process? Why is it necessary to place it in to The Police Act?

The conciliation also . . . and I give the minister advance notice of another question. For some odd reason, we have here the principle of conciliation placed into an Act, which is a different concept, Mr. Speaker. But not only that, for some odd notion, it's possible — it appears to me as I take a look at this Act — it's possible for one party to request conciliation for it to occur. Now that's an odd way to approach conciliation when conciliation is, by the authority of the Act, can be put in place with only one party, without both parties agreeing to it. That's what it says.

If the minister says that that's not what is intended, then I invite the minister to read his Act and I invite the minister to review it and I invite the minister to consider withdrawing that section of the Act. I invite the minister to consult with the people who are affected by it.

Mr. Speaker, there's also within this Act what appears to be essentially a rewriting of a principle that was in a previous Act, and that has to do with arbitration. And, Mr. Speaker, as I look at the presentation of that principle in this Act, it also appears to have a strange notion. It is not clear. It is not as clear as it should be. It doesn't appear to be clear at all, that in requesting arbitration which can, which appears to lead to binding arbitration — it's not clear at all — that that either requires the concurrence of both parties, Mr. Speaker.

The minister may very well say that that's not the intent and in that case again, I invite the minister to read the Act and to apply his legal mind. He certainly has had much more experience in that than I have to reading that and to be prepared to provide assurance that it is not possible through this Act for one party to begin an arbitration process which ends up being binding arbitration without

the concurrence of both parties.

And finally, Mr. Speaker, in my comment, and again it has to do with the labour relations elements of the Act, this Act as well has a section which says that should the board and the police association involved, between the two of them, come to an agreement through collective bargaining, about something that they . . . a process — perhaps conciliation, perhaps something else — a process that they both believe in their best interest to resolve difficulties, this Act, Mr. Speaker, says that they can't implement it if it's outlined in this Act, because this Act will supersede any agreement that they come to between themselves in terms of the way they deal with each other and the way they resolve difficulties.

As a matter of principle, Mr. Speaker, that is of concern to rank and file police officers as well, who would much prefer to be able to resolve some of their difficulties and some of the relationships, to resolve problems through a collective bargaining process. And when finding mutual agreement between an association and a board, that they would be able to implement it without being stymied by the Act.

And so, Mr. Speaker, I will take my seat having outlined those four concerns, all of which have to do with labour relations between rank and file police officers and the boards with which they deal. I've given, through my remarks, Mr. Speaker, the minister notice of the questions that we will be asking. I encourage before this comes to Committee of the Whole, Mr. Speaker, I encourage the minister to do some consultation with rank and file police officers as well. We are obviously on this side of the House are interested in seeing a good police Act.

There are, as my colleague has suggested, there are some positive benefits to this Bill in the whole realm of police enforcement and protection of the rights of the public of Saskatchewan. And we welcome those. However, there are some very serious concerns that we have, that we've outlined here, and I look forward, Mr. Speaker, to hearing the response of the minister in Committee of the Whole. And I would hope in the interim that he would take consideration of the comments that the opposition has raised here prior to coming to Committee of the Whole for consideration and clause by clause. Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

Hon. Mr. Lane: — Thank you, Mr. Speaker. I was a little surprised at the outset . . . and I hope the hon. member doesn't leave because he made some allegations which don't stand up to the facts, and he should hear the response that when there was some criticism of the consultation, let me indicate to the hon. members, that the mayors and boards of the police boards of the cities of Regina, Saskatoon, Prince Albert, Weyburn, Estevan, Moose Jaw, all the chiefs of those cities, the police association in all of those cities, the federation of police officers, the Saskatchewan Police Commission were all consulted and all actively involved in the preparation and drafting of this legislation. And it's interesting, Mr. Speaker . . .

An Hon. Member: — Partly.

Hon. Mr. Lane: — Oh, let me finish. It's interesting that . . . I'm advised, Mr. Speaker, that all of the police associations support this legislation, Mr. Speaker, and I'm advised further that they're having a meeting tomorrow because of some of the allegations made opposite so that they can, in fact, deliver the message that they want the legislation to proceed.

So having said that, Mr. Speaker, I made the offer to the opposition . . . (inaudible interjection) . . . Oh, the hon. member doesn't like to hear that; The hon. member doesn't like to hear the facts, Mr. Speaker. They've been a consistent impediment to his education. And so I have made it clear to both the opposition and to all members that are affected directly by this legislation that if there were any significant objections that the legislation would not proceed. That was the message that was delivered to them.

Because we know and understand that any type of legislation such as this is a balance of competing interests. We have the need to protect the rights of the officers, the need to protect public safety. We have the rights of the officers against those who make a complaint against police services. The Police Act is a very broad Act dealing with policing services in the province. It deals with things like the relationship between a chief and the police force. It deals with the relationship between the police chief and the various respective police commissions, Mr. Speaker. So it's a complex Act, and it does deal with a balance sometimes of competing interests.

Today, Mr. Speaker, I received a letter from the chiefs of police and their executive men sent the letter to me that they would like to take the opportunity to commend my staff, namely Doug Moen, Darcy McGovern, and John Baker for their sensitivity during the period of consultation of the new Police Act. They worked diligently to address the concerns of the police community, and I believe the Act will be an improvement of its predecessor which has served society well over 15 years. They go on, and it's signed by Mr. Swayze, who may be familiar to members opposite, certainly to the people of Regina. And, Mr. Speaker, he states that he awaits the consultative process regarding the regulations, and of course that will continue.

So, Mr. Speaker, there is a balance. And it's a difficult question whether it should be the Criminal Code standard of proof if it's a complaint against a police officer. Should it be that very high standard, or should it be the standard of proof as in a civil dispute between individuals? Certainly a policy decision.

But we have a duty, I believe, Mr. Speaker, to make sure that the public believes that they have an opportunity and perhaps a right, Mr. Speaker, if they believe there has been an improper action by a peace officer, to be able to lay a complaint and have that complaint dealt with fairly. And that is the difficult question that has to be resolved, Mr. Speaker. And, Mr. Speaker, if you have a very high, very restrictive standard of proof, you certainly will not give, I think it fair to say, the public the confidence that there would be a fair hearing. So there is a choice and

there is a balance between the rights of a complainant and the rights of the peace officer. So a choice, a difficult one, but again I indicate to the members of the Assembly that the advice that I have is that the police associations favour the legislation.

(1945)

They asked the question, Mr. Speaker, what about the Act superseding the collective bargaining agreements? I say, Mr. Speaker, if we're going to have the disciplinary hearings, you cannot waive the disciplinary hearings and the disciplinary procedures by the collective bargaining agreement, and quite properly so. These disciplinary procedures are in for the protection of the general public. That's why they're in the legislation, Mr. Speaker. So I could go on and on, Mr. Speaker, with regard to specific questions. I have given the assurance to the hon. members and I stand by it.

If they are telling me — and this is the message I'm taking back from your comments today — that the police officers do not want this legislation, I am prepared to make sure that this legislation proceeds no further. That is an offer that I made to all those affected, Mr. Speaker . . . (inaudible interjection) . . . Oh, you're laughing. They're laughing, Mr. Speaker. They're laughing out of both sides of their mouths, Mr. Speaker. Because on the one hand they try and say that the legislation is bad. In fact, the police officers favour it; the police chiefs favour it; the police commissions favour it; the provincial police commission favours it.

But, Mr. Speaker, I recognize that this legislation by its very nature, Mr. Speaker, has to be a compromise between competing interests. And if somebody that is necessary to the proper operation of this Act feels that the Act is unfair to them, it would be improper to proceed with the legislation. I have the assurance given to me by all of those representatives that they wanted to proceed, that it will be an improvement. Having heard the words from the opposition, Mr. Speaker, that this Act is no good, Mr. Speaker, then my offer stands. I suspect at the end of the day that we will find that this . . .

The Speaker: — Order, order. Both hon. members have had the opportunity to speak in this case. Now the minister is asking for the same opportunity. I would like to ask you to give him that opportunity.

Hon. Mr. Lane: — So then another question raised by the opposition was that a complainant — that's an individual that's made a complaint against the police officer or officers — could attend the hearings. It's interesting that on disciplinary hearings of professions and whatnot, we are now moving to allow the complainant to attend those hearings.

They raise a legitimate question, Mr. Speaker, and it's one that the police officers have raised which is: is it possible for criminals to use this process to monitor police activities, police procedures? Fair question, very fair question and a legitimate concern. Again, Mr. Speaker, the Act makes provision to deal with that situation in that the independent hearing officer, under section 48(4), can exclude the complainant if the independent hearing

officer believes it's not in the public interest.

So again we balance, Mr. Speaker, the right for a complainant to be at the disciplinary hearings, with the protection of the public. It's in the legislation. I'm sorry that the hon. members missed it, Mr. Speaker. I've already called your attention to section 48(4). You may not want to read it; you may not want to hear about it but it's in there for the purposes, Mr. Speaker. I would hope that the hon. members would go back and read it.

So again we have a whole series of matters. Again I just caution, Mr. Speaker, that this legislation is, as was the previous Police Act, a balance of competing interest.

An Hon. Member: — Five days.

Hon. Mr. Lane: — The hon. member asks about the five days. For some reason, this five days has really got them wound up. I guess that's as high . . . I know it's as high as the hon. member from Moose Jaw can count and I know that's why it would be so well registered.

But having said that, Mr. Speaker, the situation . . . we may remember, Mr. Speaker, a few years back in the city of Regina, an unfortunate situation with a police strike in a weekend. And there was a legitimate concern debated by this Assembly, of public safety. That's always a concern and always an issue in the matter of policing. The police accept that; they recognize that and understand that.

Mr. Speaker, the five days simply dealt with because of the very distinct possibility of an earned day off plus long weekend giving you that period of time. And that can happen, Mr. Speaker. No magic to that. And I'm surprised. I think my understanding of the criticism from the opposition was as I said a little earlier.

So again, having said all of that, Mr. Speaker . . . (inaudible interjection) . . . Well it's very interesting that the NDP stand up in this House and say it's quite proper, quite proper for a government to say on a long weekend with a police strike in this province that there shouldn't be any action and that public safety can be prejudiced, Mr. Speaker. I don't think there's a fair-minded person in the province would accept that — would accept that. People that would back the police and their rights understand that there is a right and a need to protect public safety.

On balance what do the police say, Mr. Speaker, about the legislation? Again they have advised us that they want it to proceed. If, and again I'm just going to simply restate it, if tomorrow, Mr. Speaker, we hear differently that somebody . . . because it's important that all parties to this Act have confidence in the legislation. It is fundamentally important that all of them have that confidence. And I stand by the offer I've made to the opposition and to each of the parties, the commissions, the chiefs, and the various police associations. If anyone feels that the legislation is unfair to them, the legislation will not be proceeded. It's two years consultation, Mr. Speaker, that has led to this legislation. A great deal of work by all of them. And I would like to take the opportunity to thank all of them, Mr. Speaker, for the tremendous effort they've gone into it. I believe the legislation is acceptable from

the advice I have to all of the parties, Mr. Speaker. I certainly urge that all hon. members support the legislation.

Some Hon. Members: Hear, hear!

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

COMMITTEE OF THE WHOLE

Bill No. 39 — An Act respecting Summary Offences Procedure and Certain consequential amendments resulting from the enactment of this Act

Clause 1

Mr. Chairman: — Will the minister introduce his officials.

Hon. Mr. Lane: — Thank you, Mr. Chairman. I'd like to introduce to the Assembly, Doug Moen, co-ordinator of legislative services, Department of Justice; Madeline Robertson, Crown solicitor, legislative services; and Terry Thompson, assistant deputy minister.

Mr. Koskie: — Mr. Minister, we have reviewed in some detail the legislation here, and I want to extend appreciation to your staff and to you for the briefing that I received in respect to it; it was most useful. I have a number of concerns that I want to raise in a kind of a general way to clear up, and I think then that we can move relatively rapidly.

Mr. Chairman: — Try to do them in clause 1.

Mr. Koskie: — Yes if I can. And they're general areas of clarification, and other than that we have basically no problems with the Bill. So rather than going clause by clause and approving them, I'll raise some of the concerns.

As you have indicated in the legislation, you're setting forth a new Part IV of The Summary Offences Procedure Act, and in Part IV you provide a new procedure under the offence notice ticket. You've indicated that by regulations you'll be setting, under section 30, what offences will come under Part IV of the Act. I believe that's correct. You have indicated that they will be primarily moving-vehicle offences and traffic-related offences.

I want to ask you a couple of questions there. Will all of the offences that relate to Part IV — that's the new procedure under the offence notice ticket — will all of those have the option of the voluntary payment or do some of them not have the option to the voluntary payment?

Hon. Mr. Lane: — Yes, they do, and they all also have the option of the fine option program.

Mr. Koskie: — How soon, Mr. Minister, are you likely to have the regulations setting out what specific offences are going to come under Part IV? How soon will you have the regulations?

Hon. Mr. Lane: — We're targeting implementation January 1, '91, so the regulations would certainly be before that. I suspect middle of the fall, we should have them ready.

Mr. Koskie: — Now in the clarification, in respect to the three procedures that are provided, I just want a clarification in respect to, under each part, that is the Part II, Part III, and Part IV, the three different procedures that you put forward in your letter of explanation to me. You indicated the right of fine option will apply. Has fine option been available in the past in respect to Part II and Part III, that is the summary procedure under the summons under the Criminal Code and the other summons ticket, Part III? Or is it a new provision under the summons ticket procedure, that is Part III? And perhaps you could explain under each part, are there any different options for the right of the individual to make application for fine option procedure?

Hon. Mr. Lane: — The options are the same.

Mr. Koskie: — Okay. And is the procedure exactly the same also, in respect to the . . .

Hon. Mr. Lane: — Yes, it is.

(2000)

Mr. Koskie: — All right. You indicate also in the Bill that under Part IV, that if the individual fails to pay the fine that has been levied in respect to a traffic offence, or under Part IV, and fails to appear or fails to make payment of the fine, you indicate that there will be a late penalty surcharge. That is also going to be set by regulations, as I understand it. Could you indicate what amount you're looking at in respect to the surcharge. Let us understand that there is a surcharge already in many of the offences, I guess, in respect to the victims of crime. And now for late payment, you're indicating that there's going yet to be another surcharge for late payment.

I know you're going to set it by regulations, but have you taken a look at what level of surcharge you're likely to impose for late payment of any fine under Part IV.

Hon. Mr. Lane: — We expect it'll be in the range, I believe we've indicated to you, between 20 and \$30. We haven't decided on that figure and that is an administrative surcharge.

Mr. Koskie: — Well okay now, under Part IV you don't pay your ticket and you're late, you pay a surcharge of 20 or \$30, you pay the surcharge for victims of crime. And you indicate also that the province in enforcement will also be charging a surcharge on the municipalities, and I believe something in the neighbourhood of 7 per cent. Have you done an estimate as to the amount of revenue that will be raised, or estimate at least, in respect to the late payment surcharge and the surcharge on the funds that are raised in respect to the RMs? I believe it's 7 per cent.

Hon. Mr. Lane: — The amount for the municipalities will be in the range of \$350,000. That's our estimate. And that

secondly, as it applies to the municipalities that it's a wash as far as they're concerned. In other words that what they will gain in the additional revenues and whatnot, they will come out slightly ahead on it and begin to clear off their unpaid fines.

Mr. Koskie: — And the revenue that is taken in by the province in respect to the surcharge of 7 per cent on anything collected on behalf of the RMs for tickets outstanding and on the amount of the surcharge for late payment — have you done an estimate of what likely sum is to be raised there? And is that only to cover basically the administration or is it in fact some revenue source of income to the province?

Hon. Mr. Lane: — Understand that the surcharge — and we very carefully say it for constitutional reasons — is an administrative charge. Secondly, we expect to recover from unpaid fines about \$959,000.

Mr. Koskie: — The \$950,000, does that relate to inclusive of the municipal or excluding it?

Hon. Mr. Lane: — That's net. That's after the administration fee and charge-back to the municipalities, etc., etc.

Mr. Koskie: — Just in one particular section, if you take a look at section 29. I just want to check subsection (2) there, Mr. Minister, and it says, where proceedings have been commenced under either the Criminal Code or under part III, and a justice does not direct imprisonment, and the fine is in default or the offender fails to satisfactorily complete the fine option program, the offender shall be imprisoned.

And it sets out a schedule of imprisonment per amount of fine in subsection (d) and subsection (e). What I want to ask you: was that provision there previously or is it a new provision?

Hon. Mr. Lane: — No, it was there previously.

Mr. Koskie: — I want to turn to part VIII, section 49, if I may. And I note the application of The Corrections Act.

Subject to this Act and any other Act, The Corrections Act applies, with any necessary modification, to the imprisoning of and providing correctional service to offenders convicted as a result of the proceedings commenced pursuant to this Act.

I want to know whether or not, first of all, whether this is a new application of The Corrections Act in the summary procedures Act, and I want to know the implications in respect to providing the provisions of The Corrections Act under the miscellaneous part VIII.

Hon. Mr. Lane: — I'm advised that through inadvertence a few years back that reference was left out. It makes no difference to the change in practice. It should have been in previous amendments, but I'm advised it makes no difference in practice.

Mr. Koskie: — Well no difference in practice, you say,

but it wasn't in there before . . .

An Hon. Member: — It had been earlier.

Mr. Koskie: — Pardon.

Hon. Mr. Lane: — It had been in earlier provisions and then, I'm advised, some years back that through inadvertence it was removed and is now back in.

Mr. Koskie: — I wonder whether you could indicate to me some examples of the application of The Corrections Act, how it would apply vis-a-vis this Act here. What kind of circumstances would it, in fact, be used under The Corrections Act?

Hon. Mr. Lane: — We may have a situation where some individual refuses to pay their fines and refuses the fine option program to pay off the unpaid amount and is incarcerated. I'll just wait until the hon. member is finished.

I'm just going to interject because I know some who may not be familiar with the procedure. We're going through clause by clause of the legislation requiring people to pay their unpaid fines before they get a driver's licence. And just as an aside I just received a note that the voluntary payment unit has been receiving an unprecedented amount of old ticket payments in the last week since the legislation was introduced.

In fairness, both sides of the Assembly support this legislation as fair. People shouldn't be allowed to avoid them and for those with the costs that go up, there is a fine option program where they can do community service work if it's a financial question. Having said that, we could have a situation where an individual refuses to pay and is incarcerated. They may be out on a temporary release in which case The Corrections Act would apply.

Mr. Koskie: — Just a couple other sections. I understand that this procedure that you're instituting here that if a fine isn't paid, and if it isn't paid in time you pay a late payment. And if you still don't pay it, I guess, what happens then if there is no payment, a driver's licence is not issued.

What I want to ask you, other provinces have been in fact dealing with this where the licence renewal is suspended or not issued. Is there any evidence that as a result of people — and I imagine there will be few of them because of the fact that the maximum fine is \$400 under part IV, and I notice that you have increased the fine also for driving without a renewal of licence and you've also increased the . . . where it's revoked or suspended — but is there any experience in other provinces that as a result people don't pay their fine, their licence is not renewed, and whether or not there is a problem in respect to an increase of number of people that are driving without any licence?

Hon. Mr. Lane: — What we have found in the other provinces is that they're finding a far higher rate of payment than they had anticipated. Secondly, they are also considering extending it, or are extending it to more and more offences. So I would assume from those

indications that if there is any increase in the number driving without a licence because they simply, ultimately refuse to pay completely, is very few and that the benefits far outweigh those very few.

As you say, we have increased the fines for those driving without a licence. It may ultimately, if there is a problem which we don't expect, certainly we'd have to look at more Draconian measures in the future.

Mr. Koskie: — Just for clarification purposes, and I believe I have it clear, but in section 64 I know you have increased the amount of fine:

(3) Any person who drives a motor vehicle on a highway while:

(a) a refusal by the administrator to issue the person a driver's licence . . .

(b) the person's driver's licence is suspended or revoked;

The fine as set out in the "Consequential and Coming into Force" provisions under Part X:

(c) . . . a fine of not more than \$1,000;

(d) in the case of a second, third or subsequent conviction . . . a fine of not more than \$2,000 . . . (and) a term of not more than two years or to both that fine and imprisonment.

Just for clarification purposes, for the first offence what was the previous amount of the fine, and was there also a similar clause, clause (d), for an increased fine or subsequent under the section?

Hon. Mr. Lane: — Under the previous sections the fine was to a maximum of \$1,000. It didn't matter whether first, second, or whatever number of offences. The provision now is not more than a thousand on the first, and in the case of second, third, or subsequent, to fines of not more than \$2,000.

Mr. Koskie: — Mr. Minister, those are the areas that we just want a clarification of, and we're prepared to support the legislation and to proceed with the passage of the sections and/or page or by part, whichever will work.

Hon. Mr. Lane: — I thank the hon. member. We do have copies of the House amendments, proposed House amendments which have been handed to the chairman. If the hon. member agrees we can proceed by page and include in the page the House amendment for the appropriate section and proceed that way.

(2015)

Clause 1 agreed to.

Clause 2

Mr. Chairman: — There's an amendment to clause 2. Will the members take the amendment as read?

Amendment agreed to.

Clause 2 as amended agreed to.

Clauses 3 to 42 inclusive agreed to.

Clause 43

Mr. Chairman: — Amendment to clause 43. Will the members take the amendment as read?

Amendment agreed to.

Clause 43 as amended agreed to.

Clauses 44 and 45 agreed to.

Clause 46

Mr. Chairman: — Amendment to clause 46. Will the members take the amendment as read?

Amendment agreed to.

Clause 46 as amended agreed to.

Clauses 47 to 51 inclusive agreed to.

Clause 52

Mr. Chairman: — Will the members take the amendment to clause 52 as read?

Amendment agreed to.

Clause 52 as amended agreed to.

Clause 53

Mr. Chairman: — The amendment to clause 53, will the members take the amendment as read?

Amendment agreed to.

Clause 53 as amended agreed to.

Clauses 54 to 72 inclusive agreed to.

Mr. Chairman: — Would the minister move to report the Bill?

Hon. Mr. Lane: — Yes I will, Mr. Chairman. Before I do I would like to thank the officials that are with me. The particular legislation, which I believe to be a very important piece of legislation, has been a rather complicated one and has taken a great deal of work. I'd also like to thank the officials in SGI (Saskatchewan Government Insurance) that have been co-operating with us in the development of the changes to this legislation.

The committee agreed to report the Bill as amended.

Bill No. 42 — An Act respecting the Legal Profession, the Law Foundation and the Law Society of Saskatchewan

Mr. Chairman: — Does the minister have any new officials?

Hon. Mr. Lane: — Yes. I'd like to introduce again to the Assembly Susan Amrud, Crown solicitor, legislative services.

Clause 1

Mr. Koskie: — Mr. Minister, we spoke a little bit about consultation, and I'm sure that in respect to this there has been a fair amount of consultation. I understand that the benchers were very much involved in the drafting of the new Bill, but I just wonder whether you can confirm that the rank and file membership of the law society members were involved and had input in respect to the changes. I understand that there are really no basic changes. But I'd like it on the record that a process has been followed that not only do the benchers concur with the provisions of the new Bill, but that the rank and file indeed had an opportunity to discuss the implications of the new Act.

Hon. Mr. Lane: — The extent of the consultation of course would primarily rest with the benchers of the law society as the representative and the governing body of the legal profession. But my officials with the benchers did travel to nine different centres to meet with the local bar associations and the barristers and solicitors in those areas. So there's been very extensive consultation, and if there were questions we responded by having officials go out with the benchers to deal with them. And the benchers have indicated their support for the legislation.

Mr. Koskie: — Just one other area that the benchers had requested, and I'm wondering whether or not you'd give the rationale for not including it in the Bill. And the one item that was raised by the law society or the benchers, not included in the Act, deals with incorporation. And I'm wondering why that particular request was denied in view of the request by the benchers.

Hon. Mr. Lane: — I might add before I answer, that the members of the Canadian Bar Association were also consulted on the legislation, I assume the Saskatchewan branch. Having said that, although I personally support professional incorporation, the financial costs are in the range of between 3 to \$5 million a year if all professions are allowed to have the personal corporations. So it was a financial reason that a corporation was not proceeded with.

Mr. Koskie: — Have you looked into the extent that incorporation has been allowed in other provinces?

Hon. Mr. Lane: — Only in a cursory way in that we know several provinces do allow professional incorporation. I've indicated to you that I personally favour that. I have indicated as well that when we look at the financial costs of allowing all professions to do that in the province, there's a revenue loss of between 3 and \$5 million annually.

Mr. Koskie: — Just in respect to section 18(1), it gives the procedure re elections and it gives the powers to the benchers to set the rules governing the elections, are set by the benchers. I think this is a slight change in that in the

previous Act it was spelled out in more detail rather than providing the general powers to the benchers. Is that accurate? Was that their basic request? Why was that procedure adopted?

Hon. Mr. Lane: — Well the previous legislation did have the specific details of rules governing the elections which meant that if the benchers wanted to change the rules — I assume in consultation with the members of the profession — they had to bring it back to the Assembly. Every other profession has the power given to the governing body to make those rules as to how their governing body is elected, so that's the provision we chose.

Mr. Koskie: — The appeal procedure under section 56, I take it the appeal to the Court of Appeal is the same as was in the past?

Hon. Mr. Lane: — Yes.

Mr. Koskie: — Mr. Minister, we're prepared to support this legislation. Those are all the questions that I have in respect to it. I think that in our consultations, certainly there is a general agreement with the legislation, and we're satisfied that the consultation has taken place.

I think there's a couple, two or three, positive aspects where the lay persons are added as members of the benchers. And also in respect to the old Act, discipline of members were confined to the conduct unbecoming, and now it includes the competency of the individual. And I think that's a step forward. So we're in agreement with the Act and prepared to proceed with its passage.

Hon. Mr. Lane: — I thank the hon. member. Certainly the two points that he raised are, in my view, significant improvements. As well the rights of a complainant against a lawyer and the right of a complainant to be involved in the disciplinary process, to be given notice of the disciplinary process, to be represented by counsel, and to appeal are also in my view significant improvements on behalf of the general public and its relationship with the legal profession.

If the hon. member agrees, there are no House amendments, and that being the case, could we proceed in the same manner we did with summary offences procedure. Okay.

Clause 1 agreed to.

Clauses 2 to 102 inclusive agreed to.

The committee agreed to report the Bill.

Mr. Chairman: — Order, order, the member from Regina Centre.

Bill No. 7 — An Act to amend The Intestate Succession Act

Clause 1

Mr. Koskie: — In this particular Act, Mr. Minister, as is indicated, that the amount to be paid to the intestate's

spouse has been increased from 40,000 to \$100,000. I assume that that increase is to take into account inflation and other considerations. I wonder, how did you arrive at the 100,000 figure? Out of the hat or is there a process?

Hon. Mr. Lane: — The figure was on the recommended increase of the Law Reform Commission and the preferential share, for the hon. member's interest, is: British Columbia, 65,000; Alberta, 40,000; Manitoba, 50,000; Ontario, 5,000; and Nova Scotia, 50,000.

So Saskatchewan will have the highest preferential share, in the case of a person dying without a will, so that the surviving spouse would at least be assured of that amount, assuming the estate has that amount. But the recommendation did come from the Law Reform Commission.

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

The committee agreed to report the Bill.

Bill No. 8 — An Act respecting the Survival of Certain Causes of Action

Clause 1

Mr. Koskie: — Mr. Minister in respect to this we had the proposals for The Survival of Actions Act which was prepared by the Law Reform Commission in respect to it and the report that was provided to the minister back in May of '85. And having reviewed the detailed analysis and also the case law support of the various positions that they have put forward, I noticed that within the law reform proposal here that they essentially drafted the legislation which you have adopted and simply cleaned up into legislative form. In reviewing what they have provided within the proposal to you, we are in agreement with the general thrust of this Act.

There's just one question that I want to ask, and that is in respect to section 6(1). Perhaps you could give me a bit of an explanation as to . . . where it indicates that the cause of action survives pursuant to section 3, only those damages that resulted in actual pecuniary loss to the deceased or the deceased's estate are recoverable.

I'd like just your explanation in respect to limiting the damages to pecuniary losses and excluding other damages.

(2030)

Hon. Mr. Lane: — This of course would be the survival of an action of someone deceased, and so it would only be for the actual cost. It wouldn't include something, for example, non-pecuniary such as pain and suffering. Any such actions in that way that would attribute to the family and giving them a cause of action comes under The Fatal Accidents Act.

Clause 1 agreed to.

Clauses 2 to 14 inclusive agreed to.

The committee agreed to report the Bill.

Bill No. 25 — An Act to amend The Provincial Court Act

Clause 1

Mr. Koskie: — Just a couple of questions in respect to this, Mr. Minister. If you look at section 3 of the Act it indicates that subsection 5(5.1) and (5.2) of The Provincial Court Act are repealed and substituted by (5.1) wherein it sets out the salary of the chief judge, the associate chief judge, and judge other than a judge appointed pursuant to section 6(4) sets out the amounts. Is that the procedure that . . . is the salary going to, in the future, be set out under that provision specified? Because before it was done by way of regulations, as I understand it, and now it is set out specifically the amounts. And what I'm asking is in subsequent years, what is the procedure?

Hon. Mr. Lane: — It's at the request of the provincial court judges that it be set out in legislation. I frankly question the wisdom of that, but that's their choice and this is where they wanted the salary to be set. So it's their request.

I might, if I may, Mr. Chairman, and hon members, introduce one of my officials, Mr. Gary Brandt, executive director of court services.

Mr. Koskie: — And I take it subsequently each year the salary is set out?

Hon. Mr. Lane: — The independent commission reports and the legislature deals with it. It'll have to be done by way of House amendment.

Mr. Koskie: — All right. that's the point that I wanted to get at.

In section (5.2) under 3, you still have regulations:

The Lieutenant Governor in Council shall make regulations prescribing the amount of:

(a) salary to be paid to all persons appointed as judges pursuant to section 6(4);

And it goes on. And I understand what that covers.

But in section (5.3), I want a clarification as to what that applies for. It says:

The chief judge, each associate chief judge and each judge is entitled to be paid the salary prescribed in in subsection (5.1).

That's fair enough.

. . . and the salary, remuneration and allowances prescribed in the regulations made pursuant to subsection (5.2) with respect to the chief judge, associate chief judges, and judges respectively.

Does (5.2) apply to chief judge, associate chief judge, and judges respectively, or am I reading something wrong

there?

Hon. Mr. Lane: — Subsection (5.2) applies to judges that may be used from time to time, for example dial-a-judges or the retired judges, judges who may have resigned, judges who have resigned or retired from any other court in the province, or retired and non-practising barristers and solicitors who may act as a judge from time to time. That's what that particular provision deals with.

Mr. Koskie: — But just the latter part, unless I'm reading it incorrectly, I understand it says:

The chief judge, (I'll just go through it again) each associate chief judge and each judge is entitled to be paid the salary prescribed in subsection (5.1) . . .

I understand that. Then it goes on:

. . . and the salary, remuneration and allowances prescribed in the regulations made pursuant to subsection (5.2) with respect to the chief judge, associate chief judges and judges, respectively.

Hon. Mr. Lane: — No. The salary, if we go back to section 6(4) of the Act, those are the judges that I've referred to, primarily the retired ones that may be utilized from time to time. The second one, there may be from time to time administrative duties assigned over and above the normal duties. There is provision for remuneration to be paid for those services. That would be done by the chief judge. Okay?

And (5.3) is the provision, I believe, for the benefits over and above salary. Salary wouldn't include the benefits that are available.

Mr. Koskie: — But I mean I read it, Mr. Minister. It says:

The chief judge, each associate chief judge and each judge is entitled to be paid a salary prescribed by subsection (5.1) (agreed) and the salary, remuneration and allowances prescribed in the regulations made pursuant to subsection (5.2) . . .

Right. Covers those . . . (inaudible interjection) . . . Right. But then it goes on. Just follow me through.

. . . salary, remuneration and allowances prescribed in the regulations made pursuant to subsection (5.2) with respect to the chief judge, associate chief judges and judges, respectively.

(5.2) doesn't have any chief judge, associate chief judge and judges, respectively.

Hon. Mr. Lane: — All it says . . . all that (5.3) says is that the judges, including the chief judge, are entitled to the salaries set out plus the normal public service benefits or whatever the independent commission may recommend which is over and above salary, plus if you go primarily to (b) and (c), the northern judges get the northern allowance, and if there are time to time administrative duties assigned for which there is additional payment,

that is empowered under (5.3).

Mr. Koskie: — Just in respect to (5.4), and this is setting up the commission, a three-person commission. And you indicate that:

On or before October 1, 1990 and on or before October 1 in every third year following 1990, the Lieutenant Governor in Council shall appoint three persons as commissioners to inquire into and make recommendations respecting:

(a) salaries, remuneration and allowances payable to judges pursuant to this Act; and

(b) judges' benefits;

for the three-year period commencing October 1 of the year in which they are appointed.

I want to ask you in respect to that provision. It specifies the date as when the commission will be first appointed. And that's October 1, 1990. Is there any limitation as to when it shall report?

Hon. Mr. Lane: — No, there's no limitation. The judges did have a request. It was negotiated that there be a limit. I had some concerns with that, quite frankly, in that it could come back at a time where the legislature may find it inappropriate to give anyone an increase, and that there should be some flexibility in that commission. I don't expect the commission to take very long, so I don't see that as a problem.

Mr. Koskie: — That's precisely the issue that I was raising. That they had requested some four-month period or something of that nature, in their initial negotiations.

The other section, (5.6): here I think that the commission shall submit the report to the minister, rather than as requested by the judges that negotiated with you. I believe they wanted it submitted directly to the Assembly. This may be a compromise, that it's submitted to the minister and then I believe within 30 days, it's laid before the legislature. Am I correct that they had preferred that in fact it be laid before the legislature rather than report of the minister?

Hon. Mr. Lane: — The further requirement though is that the Minister of Justice shall then in turn lay the report before the Legislative Assembly not later than 30 sitting days after it's received. What we chose to do was follow the federal legislation which requires this, except that the federal minister has six months in which to file. So just in the interest of some uniformity, we chose to follow the federal proposals in this regard.

Mr. Koskie: — And one final question then, and this pretty well runs me out of the Bill — section 4, Mr. Minister. There is also, I think, another recommendation is that the judges request it, and it says:

(3) Except on the recommendation of the Judicial Council, the chief judge shall not change the residence of a judge without the judge's consent.

Do you believe that with that present provision that it allows the Justice minister sufficient flexibility within the . . . so far as the allocation of judges and the residency of judges?

Hon. Mr. Lane: — It takes away, in my view, all the flexibility of the Minister of Justice to be able to allocate the judges based on where the work-load may be. It was, the hon. member is aware, held out by the provincial court judges as one of the litmus tests of judicial independence that they could not be moved. There was at one point I believe a view that they should not be moved in any circumstance without their consent.

In my view we can perhaps — although I hope it doesn't happen — envisage from time to time . . . or the judicial council may recommend that a judge not be located in a particular place for whatever reasons.

And so I made it clear to them that, although this does restrict the Minister of Justice's ability to change the residences of judges, that ultimately if there is good, valid reason the judicial council should be able to recommend change in residence.

Mr. Koskie: — Well is it possible under this provision, Mr. Minister, that the Minister of Justice has a concern in respect to the work-load in a given area, wants it reassigned? Is it possible, do you believe, under this provision that you could contact the chief judge in respect to your concern and the chief judge then make a request for the judicial council to take a look at it and ask for the recommendation? Or is that not a possible procedure?

(2045)

Hon. Mr. Lane: — I don't believe it would be possible for those reasons. I would believe that the judicial council would only report if there were some serious circumstances that made it inappropriate for a judge to be presiding in a centre in which he or she has resided, that they would recommend that the judge be moved. But as I said at the outset, this does take away the flexibility of the Minister of Justice to allocate judges, or assign judges' residence based on the work-load.

There is the practice — although I'm not sure how well it's been followed — where the chief judge can ask judges to move temporarily to help out on a work-load. I understand that that tends to be resisted in most cases. But again, for whatever reason, it did become, as I say, one of the litmus tests as to whether judges are independents or not which was to take away the ability of the Minister of Justice to assign even based on work-load. So it's the price we're paying.

Mr. Koskie: — Have you been able to examine whether other provinces have similar provisions vis-a-vis the independence of the judges? In other words, a similar provision where they cannot change their residence without their consent?

Hon. Mr. Lane: — Understand that in most provinces they have moved to doing away with judicial centres.

And if they have a court located in one centre, then the problem doesn't arise because the judges would go out on circuits as to wherever the work-load may be.

We have maintained in Saskatchewan the judicial centres which means that at the superior court level there must be at least one judge living in a judicial centre. And that has led of course to . . . the same philosophy has led to requiring the provincial court to reside in both the various centres and the various communities around the province.

So some of the provinces don't have the problem. Where they have done away with all of the judicial centres and have the courts reside in one or two of the major cities, then there's not a problem.

Mr. Koskie: — Just one last question. What about the judge that has been assigned to a given area and may have requested initially, and subsequently wishes to relocate out of that area. Is there a procedure in respect to allowing him to be transferred? What is the procedure?

Hon. Mr. Lane: — The judge simply indicates to the chief judge that he or she is prepared to . . . or wishes to move. You run into the practical difficulty of course if a vacancy, say, opens up in Regina, you'll get a number of lawyers in Regina who want to be appointed, will only take the appointment, say, in the city of Regina — and I use that by way of example only — which may effectively bar a judge from another centre moving, as again by way of example, Regina.

So it's a practical constraint on the ability, but a judge would simply indicate to the chief judge that he or she would wish to move in another judicial centre.

Clause 1 agreed to.

Clauses 2 to 5 inclusive agreed to.

The committee agreed to report the Bill.

Hon. Mr. Lane: — If I may again, Mr. Chairman, thank my officials. Gary Brandt has joined us, and I know all hon. members take some satisfaction in that the efforts of our court services people, Justice, the judges have resulted in Saskatchewan having one of the shortest time to trials, if not the shortest in the country, and we can take some pride in that. And I'd like to thank them.

THIRD READINGS

Bill No. 39 — An Act respecting Summary Offences Procedure and Certain consequential amendments resulting from the enactment of this Act

Hon. Mr. Hodgins: — Mr. Speaker, I move that the amendments be now read the first and second time.

Motion agreed to.

Hon. Mr. Hodgins: — With leave now, Mr. Speaker.

Motion agreed to, the Bill read a third time and passed under its title.

Bill No. 42 — An Act respecting the Legal Profession, the Law Foundation and the Law Society of Saskatchewan

Hon. Mr. Hodgins: — Mr. Speaker, I move this Bill be now read a third time and passed under its title.

Motion agreed to, the Bill read a third time and passed under its title.

Bill No. 7 — An Act to amend The Intestate Succession Act

Hon. Mr. Hodgins: — Mr. Speaker, I move that this Bill be now read the third time and passed under its title.

Motion agreed to, the Bill read a third time and passed under its title.

Bill No. 8 — An Act respecting the Survival of Certain Causes of Action

Hon. Mr. Hodgins: — Mr. Speaker, I move that this Bill be now read a third time and passed under its title.

Motion agreed to, the Bill read a third time and passed under its title.

Bill No. 25 — An Act to amend The Provincial Court Act

Hon. Mr. Hodgins: — I move that this Bill be now read the third time and passed under its title.

Motion agreed to, the Bill read a third time and passed under its title.

COMMITTEE OF FINANCE

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

Mr. Chairman: — I'd ask the minister to introduce his officials.

Hon. Mr. Hodgins: — Thank you, Mr. Chairman. Mr. Chairman, it gives me pleasure to introduce the officials from the Department of Environment and Public Safety: seated directly beside me is Les Cooke, deputy minister of Environment and Public Safety; behind me is Rick Knoll, director of administration. We also have Randy Sentis, the assistant deputy minister. As well I have Tom Galimberti, executive director, planning and assessment division; Nick Surtees, executive director, public safety division; Mike Hegan, executive director, emergency measures organization; Larry Kratt, director of environmental assessment branch. In the gallery we have Bob Ruggles, director of the water quality branch; as well Larry Lechner, director, air and land protection branch; and we also have Harvey Linnen, director of communications.

Mr. Chairman, these officials are the professionals and the experts and the administrators that conduct the day-to-day operations of the Department of Environment and Public Safety and it's a pleasure for me to introduce

them to you and to all members in the legislature.

Item 1

Mr. Tchorzewski: — Thank you, Mr. Chairman. Let me join the minister in extending our greetings to the officials. We have, myself and several of my colleagues, have a wide range of questions that we want to ask in this department.

And I think some of those questions I'm sure can be anticipated because some of the events that have occurred under the auspices of what the government has defined as environmental protection, I think, clearly have been quite the opposite of that. And we will be asking for some explanation of some of the things that this minister and this government have done and also some of the things that they have not done.

This debate that we're initiating here in this House, Mr. Chairman, is not exclusive to this legislature. This is a debate that's taking place at all levels of society, as more and more of the public is becoming to realize that we're going to have to make some very significant changes in the pattern of economic activity and the way we do things if we're going to address the problems that we face in the not too distant future, if we continue to pursue the kind of course that we have pursued in the past.

And it's not good enough, Mr. Chairman, to say, well, it's bad in Ontario or it's bad in East Germany or it's bad in Poland, because we have a role to play right here. And either we come to grips with it and we start acting responsibly and providing some of that leadership, or there's a big price to pay.

There are those, Mr. Chairman, who do not recognize — they talk about it but they don't recognize — that something has to be done. I want to give you two examples. Not too long ago, there was a president of a large multinational chemical company who was quoted as saying that some people may have to die from environmental pollution if we are to have economic progress.

There's another example here, Mr. Chairman. This was said by — it comes from *Newsweek*, April this year — said by Othel Brand who was appointed not too long ago to the Texas Pesticide Regulatory Board. And he said:

Sure it's going to kill a lot of people, but they may be dying of something else anyway.

Now I know those are harsh examples, Mr. Chairman, but nevertheless they are examples of the kinds of attitudes that prevail in some sectors of industry — not all, because I think it's clear that there are some industries that are paying attention to this. But it also prevails in the minds and the attitudes and in the policy making of some governments and I think that that has to change if we are really serious about sustainable development, Mr. Chairman.

(2100)

If the answer is yes, that we have to make some changes,

then I think that there is certain kinds of things that have to happen and I want to outline them for the record and for the minister before I go on to ask the questions that I have prepared.

We're going to have to shift our energies from cleaning up to preventing pollution in the first place. And I will have a lot to say about that when we talk about assessment and talk about the different things that have happened in recent months and years. We're going to have to conserve valuable resources like soils and forests rather than just deplete them at will. We're going to have to make our factories, our offices, and our houses function as efficiently as possible with respect to the use of energy and raw materials. We're going to have to seize the economic opportunities and employment benefits that will accompany strong government measures to solve environmental problems. And we're going to have to leave future generations a legacy of the natural wealth that we have come to enjoy today.

Some people defined where we're at today as either close to, on the verge of, or actually at a crisis situation. And just so that nobody in this House mistakes the fact that we do have a problem in Saskatchewan, I want to give the minister some examples because I want to set the stage for how I think, I know that the environmental assessment process in this province has not been working. And it's got nothing to do with the legislation; it's got everything to do with the decisions of the government. These are big things. These are not walking down the highway and picking up the papers and whatnot, which is a clean-up.

Let's look at those facts. There are over a thousand species that are on the endangered list, and every day that list gets longer and this is world-wide. In this province, let's come to home. In Saskatchewan in 1960 the white-tailed deer population was 500,000; in 1989 it was estimated to be 250,000. The duck population returning to Saskatchewan in the spring of 1950 was estimated at 20 million; in 1976 it was 11 million; and in 1988 it had gone down to 4 million. And I know there will be some who will argue, well it was the drought. But it's not just the drought . . . (inaudible interjection) . . . Well I knew that some members would say that. It's not that. It's the destruction of the habitat that the ducks need to survive and populate.

The Science Council of Canada, Mr. Chairman, has reported that soil degradation is an ongoing insidious problem that occurs in all parts of the country at a cost of over \$3 million per day, or \$1.3 billion annually. That's a quote. And it goes on to say that losses associated with soil degradation now exceed \$20 to \$25 per hectare of agricultural land in Canada or 38 per cent of net farm income.

That's serious, Mr. Chairman. Another example, and it comes directly related to the proposals of the Meadow Lake pulp mill and the fact that the government has not adequately addressed the environmental impact study and statement and has not allowed the public to have any input.

Between 1985 and 1988, 86,880 hectares of forest was harvested in Saskatchewan. And during that same period

of time — and take note — only 19,880 hectares was replanted. These are statistics that are not mine. They're issued by forestry Canada under the name of Frank Oberle, the Canadian Minister for Forestry.

We've got to stop ignoring those kinds of things when we approve projects indiscriminately without adequate information, without adequate environmental impact assessments, and without giving the public an opportunity to ask questions and make some input. And yet that's the approach that the government has been taking.

What makes it so tragic, Mr. Chairman, that in face of this kind of evidence, the government of this province has time after time issued licences for the construction of major projects without public hearings, as I have said, or without adequate review of the impacts that they may have.

I will get into some detail. But we've had the case of the Rafferty-Alameda project — not adequate environmental assessment. As a matter of fact, one level of government refused to follow its own law. Another level of government said, hurray, we want this project done so quickly we don't care if you don't follow your own law.

We have the case of uranium mine tailings, radioactive, where a new process which had never been approved, on which there had never been an environmental impact study done, was allowed to proceed — and I'll have some questions on that — in Saskatchewan, in the North, for several years. And after that had been happening, and there had been an accumulation of this slurry, the government decided they then were going to have an environmental impact study done. We'll address that in these estimates.

There's a matter of global warming, often referred to as causing the greenhouse effect. We know the severe implications of that. And yet in the very budget which we are considering in these estimates and in this session, there are a number of items where the government of this day has gone the opposite to what needs to be done. Instead of putting in measures to reduce the amount of carbon dioxide and other chemical emissions into the atmosphere, which are causing this problem, the government has done things in fact to increase the amount of carbon dioxide emissions. We'll be dealing with that in these estimates as well.

You see, Mr. Chairman, instead of dealing with those things that are doing the damage — in some cases permanent and serious and very huge — the only response that the government has proposed is, we're going to clean it up. We're going to clean it up. Go ahead, let it happen. We're going to clean it up.

Well I say, Mr. Chairman, that when the forest is gone and the habitat is gone, and the trapping industry is done, and the fisheries are damaged, you can't clean that up. You got to deal it at the source, you got to be proactive, and you got to do it now. What did the minister do? What does the government do? Well, they announced an environmental youth corps. We don't object to that, but it's a clean-up. It's after the fact.

They've announced a paper collection program. We've encouraged it. But once again, it's the clean-up. But they ignore the major repercussions of not dealing with an adequate environmental assessment that will prevent the damage from happening. They close their eyes to that. I say environmental assessment because if we're going to have an adequate environmental protection policy the key to that is an adequate environmental assessment process which does the work, does the assessment, has an adequate report, involves the public, and which is taken out of the political hands of the ministers, Minister of the Environment or the Minister of Finance, who in too many cases are caught in a conflict of interest.

Not only is the cabinet deciding on whether the environmental impact study is adequate, the cabinet is also deciding on the huge amounts of money, of taxpayers' money that is being put forward into the project — a clear conflict of interest. And so that whole process has to be given some independence, and we have proposed that that be done in an independent environmental protection commission.

Proper environmental assessment must take place before decisions to proceed with proposals or projects are made. Proper environmental assessment requires a number of things. These are not just my arguments, they're proposed by an organization called SAFE (Saskatchewan Action Foundation for the Environment) and many others. The minister knows about them.

Proper environmental protection should require full public disclosure of facts about project proposals and alternatives — full public disclosure, not secretly done as is the case with the Cargill operation. Comprehensive and scientifically credible examination of potential impacts, of project proposals and alternatives upon the socio-economic and natural environment, have to be considerations.

Participation by the public so Saskatchewan people are informed, heard, and paid attention to, is important — and also that the public ought to be meaningfully included in the decision-making process. Not some cosmetic process where somebody, the minister or anybody else, says, well we're going to hold some public meetings and we're going to do a little public relations, but you can't really ask the people who are proposing this the hard questions where they have to answer them; it's just going to be a nice little social event so we can provide some comfort. That's not good enough but that's what's happened with the Rafferty; that's what's happened with the Cargill fertilizer project; that's what's happened with Millar Western pulp mill; and I suspect that that's what the government proposed to happen with the environmental impact statement over uranium tailings.

I wanted to make those comments, Mr. Chairman, and that will probably be the last speech I'll make in these estimates. From now on I'll ask questions. The minister will be relieved about that, I'm sure. But I think it was important to set that stage because I want to now get to something which the minister has been heard to say on a number of occasions and ask him some questions about it. It deals with The Environmental Assessment Act and

the environmental assessment process.

I have here in my hands a copy of the minister's statement which he recently made — in fact, I think it was in June 1 of this year — in which the minister has said that it has become clear to him that The Environmental Assessment Act no longer provides the kind of public involvement which the people of Saskatchewan want. Well, Mr. Chairman, the problem isn't The Environmental Assessment Act — and I want to ask the minister about that — the problem is the government's attitude and the government not allowing that to take place.

If it's The Environmental Assessment Act, Mr. Chairman, I'd like the minister to explain how. I'd like the minister to explain how The Environmental Assessment Act prevented the government from involving the public.

Hon. Mr. Hodgins: — The hon. member has opened these estimates with a lengthy statement. I would like firstly to respond to some of the comments that the hon. member has made. And I want you to know, Mr. Chairman, that many of the things that the hon. member has stated, I fundamentally agree with. And I think that most people in Saskatchewan who are concerned about our environment would agree with many of the things that the opposition member has stated.

There are some things that I'll get into in a minute, Mr. Chairman, that I do not agree with. I don't believe that they are objective or fair or reasonable, and I will talk a little bit about those.

Mr. Chairman, the hon. member has stated and made quite a glowing statement regarding the fact that this is an ongoing debate in society today; it involves all levels of society. I fundamentally agree. I don't think there's anyone too young or too old to become responsibly involved in protecting and enhancing and preserving our environment. The member opposite has said that we must move from just cleaning up to a preventative mode. I very much agree with that, Mr. Chairman. Society must take on more responsibility individually and collectively, business-wise, government-wise, institution-wise. We must all look to the future and prevent many of the things that have taken place in the past from happening in the future.

When you have a society that is changing with respect to the environment, another word that can be used is that of transformation. And in a transformation in society, you've got to stop doing some things as a society. I believe that, Mr. Chairman, I believe we have to start doing other things. And I will show conclusively throughout these estimates, Mr. Chairman, of the ways and means by which I and the people in the Department of the Environment are assisting society, empowering individuals, and giving opportunities to businesses and environmental groups to make these fundamental changes.

The hon. member has stated that he feels that this is a crisis situation. I do not disagree. I think most people have woken up, if you like, Mr. Chairman, when it comes to just what is our environment, how we have neglected it in the past.

And, Mr. Chairman, I will also show conclusively, Mr. Chairman, how we are awakening as a society and making fundamental changes. The hon. member opposite would hope that all these changes would happen overnight. I think most people out there in society today, at least the ones that I talked to, respect that it's going to take some time with many of the things that government, institutions, and individuals do.

(2115)

The hon. member has spoken specifically about the environmental impact assessment process. I'd like to respond in a specific manner as well. With the environmental groups that I talked to today, Mr. Chairman, with the other ministers across the country of Canada that I talked to, most all of them are saying yes, it is time for some major changes. It is time to make more clear, to make more definitive the rules and the regulations that are applicable to businesses as they struggle to assist us in diversifying our economy. These rules must be made clear for the public at large; it must be made more clear to the public. When is it necessary to call public meetings? When is it necessary to call a public inquiry? Must government call everything a development? Must government respond to opposition's continuous calls that everything must have an absolute public inquiry?

Well, Mr. Chairman, I think it's fair and reasonable to say that these are difficult decisions to make, very difficult decisions to make. The hon. members opposite must realize that in the short time that I have been minister, there have been significant changes. In the time this administration has been in power since 1982, there have been significant changes, probably more public consultation than has ever taken place in the province before.

The hon. member has spoken specifically about Rafferty and said, well why didn't you have more studies on that? Why didn't you have a public hearing into that? I want to remind the hon. member on the Rafferty dam specifically, there was a full public inquiry. I don't believe that the hon. member has that short a memory. But here in my hand, Mr. Chairman, I have the results of a board of inquiry. Saskatchewan men and women on this board of inquiry thoroughly reviewed this application, Mr. Chairman, I submit to you, that followed the intent and the spirit and the laws of the Saskatchewan legislation to a T.

Clearly, clearly there were some difficulties, Mr. Chairman. Those difficulties admittedly, self-admittedly by the federal government, have been recognized today in a payment of some \$1 million a month because there was unclear federal legislation. I think that has been made abundantly clear by the recent announcement by the federal government that their legislation is being changed. Environmental groups from across the country are saying, yes indeed, we respect those changes.

I could move on, Mr. Chairman, and talk about the Meadow Lake pulp mill. There we had public meetings. The member opposite would say, well they were just

public relations meetings. That's not correct, Mr. Chairman. Those meetings were widely attended by people all across Saskatchewan. There was opportunities for people to stand up, ask questions — they did, Mr. Chairman. And I'm happy that we called for those meetings. And I'm happy, Mr. Chairman, to announce that significant and fundamental changes to that project took place as a result of those public meetings.

Now the hon. member does raise a good point: well why don't you have public meetings on everything? Mr. Chairman, I must respond to you that legislation in Saskatchewan must be more clear. Ministers — and I've stated this before — have a great deal of latitude and discretion in the current legislation as to what should have a public meeting, what should not have a public meeting and it's a hard call to make.

Members opposite find it easy to say, well have a public inquiry into everything. Well, Mr. Chairman, I'm not so sure that that would be reasonable nor responsible. But I am positive that through the process that I have outlined in the media in days gone by, through appointing an independent commission to thoroughly review this legislation, that we will come up with a Saskatchewan solution to a Saskatchewan environmental problem.

Mr. Tchorzewski: — Mr. Minister, my colleague, the member from Rosemont will deal with the Rafferty issue when we get to it. But I think even you could not deny that three court decisions — three court decisions — said that the process, environmental assessment process on the Rafferty-Alameda project was not followed.

An Hon. Member: — Federal or provincial?

Mr. Tchorzewski: — It was federal regulations and you supported that, Mr. Minister. Your government supported it. And if you want we'll get into the documentation of correspondence between various officials in your department that said and say it on black and white that it was your intention and specific strategy to get this thing along as quickly as you can before those kind of processes took place, Mr. Minister. So you are every bit as guilty as the federal government was.

But let me get to the specific questions. Mr. Minister, you say that the environmental assessment process is not clear. Okay? In the Millar Western project, can you tell this House and the public of Saskatchewan where in that legislation it prevented you from having public hearings? Can you explain that, Mr. Minister?

Hon. Mr. Hodgins: — Mr. Chairman, as I understand the legislation, the legislation provides for ministerial discretion to hold public meetings or public hearings or public boards of inquiries, if you like, and it is a judgement call; a judgement call as to whether you have an environmental meeting or an environmental public hearing. And I'd like to clarify for the hon. member some of the differences between a meeting and a hearing.

A meeting, Mr. Chairman, as we conducted those meetings, gave the Saskatchewan public the opportunity to stand in front of environmental experts and ask every question, an open forum. I wish the hon. member had've

been at some of the meetings and witnessed the grass roots people from across Saskatchewan up, asking real, genuine questions, concerned questions, about their environment, Mr. Chairman. I believe those meetings went extremely well.

True indeed at the minister's discretion one could've called public hearings or a public inquiry into the issue, similar to what we did for Rafferty. There is a fundamental difference there, Mr. Chairman. Cost is certainly one of the differences, a public hearing of which there has been not many in the province of Saskatchewan. I do not recall members opposite, when they were in government, ever conducting many official inquiries or hearings. You will know that the track record and history of public hearings and public inquiries probably on average would cost somewhere between 2 and \$3 million.

It was a judgement call, Mr. Chairman. And here again I feel that good, proper legislation will distinguish between what is necessary for a public inquiry and what is necessary for a public meeting. And I have confidence that the new legislation we will bring forth will make that abundantly more clear.

Mr. Tchorzewski: — For the record, let's make this very clear. You're then admitting, Mr. Minister, that the decision not to involve the public through public hearings, where the proponents of the project would have to have had to provide evidence and support the things that they have said in their environmental impact statement, that decision was exclusively yours, Mr. Minister. You say it was the discretionary decision of the minister and you made that decision, Mr. Minister.

You were wrong in making that decision because there are flaws in that environmental impact study and that statement, and I will ask you about some of them later. There were all kinds of gaps in the papers which you tabled in this House which you claimed to be the report that was provided, in the case of Cargill, on the environmental implications. Your own department asked certain questions which were not answered in the papers that you tabled.

So I think, Mr. Minister, the fact that you're admitting that those were discretionary decisions and had nothing to do with the legislation is a pretty important point that needs to be made here. This government refuses to involve the public because you know that in some of these cases you are not able to justify some of the things that are being proposed.

Can I ask you then, Mr. Minister, specifically about the Cargill, Saferco fertilizer plant? Did that legislation prevent you — I don't want the minister to miss my questions, Chairman, sorry. Did the legislation prevent you, Mr. Minister, from requiring an environmental impact statement to be prepared by the Cargill corporation before you approved the construction of the plant?

Hon. Mr. Hodgins: — I want to clarify with the hon. member his comments about not involving the public. And when it respects the Meadow Lake pulp mill, the hon. member cannot stand in this legislature and say that

the public was not involved.

The public was very much involved in public meetings that were held in Meadow Lake. They were held in Prince Albert, as I recall; they were held in another northern town, I think it was Beauval, if I'm not mistaken — at least three or four public meetings. I will stress, once again — once again — those meetings were well attended. They took an entire evening, each one of them. I don't believe that there was anybody who contacted my office and said, I was at that meeting and I didn't get a chance to speak.

There were public meetings on the Millar Western pulp mill. I think the hon. member should know that. Indeed there was not a clear environmental . . . or pardon me . . . a public inquiry. The hon. member opposite has continuously asked for public inquiries into many, many things. There was not a public inquiry but there were public meetings and the public was very much involved.

I think the hon. member's arguments are inconsistent when we talk about the new review of the Act that will take place, very much a public review. There will be an environmentalist on the panel, there will be a legal person on the panel, industry or business will be represented. And those three people on that panel will be taking the whole issue to the public. I can guarantee public involvement and public consultation in that whole process.

The hon. member brings up the Saskatchewan Fertilizer Company plant and has asked, well, did the legislation prevent you from calling public inquiries or public meetings? I would like to very much clarify the decision-making process when it comes to this piece of legislation. The first thing that is done, Mr. Chairman, before a minister even gets involved in the process, is clearly from a technical point of view. Taking a look at the legislation and how the proponent's proposal stacks up against that legislation, decisions are made on technically whether this project is a "development".

That decision was made by not any politicians on this side of the House. It was made by professionals and experts within the Department of the Environment, with no ministerial involvement. In fact some time before I became minister, that fundamental decision was made by the experts in the Department of the Environment.

Now, Mr. Chairman, one has to take a look at that legislation and say well, is that a fair process? Should that be left up to one or two officials in a department to make that decision, or should there be in the legislation a committee? Should politicians be involved in that decision-making process? I'm not so sure what the answers are to those questions, but I do have a great deal of confidence that after thorough study, after public consultation, some of those types of questions will be answered.

Mr. Tchorzewski: — Mr. Minister, so you're saying that the Act did not prevent you from requiring an environmental impact study by the corporation before you gave approval to the structure. Is that what you're saying?

Hon. Mr. Hodgins: — No, what I am saying is the decision was, number one, made prior to myself being made minister. Number two, in defence of the former minister, the decision was made at an official's level, at a bureaucrat's level as to whether or not this was a development. And the officials are bound by the law to take a look at that Act and make a fundamental decision without the involvement, interference of politicians as to whether or not this is the development.

That decision was made, Mr. Chairman, after thorough review, after the issue had been raised with myself. I sat with my officials, reviewed the legislation. And I have to say, Mr. Chairman, that I will support the decision made by the Department of the Environment, that according to the legislation in place today, technically it is not a development, technically all the concerns were satisfied under the Act as to whether or not it was or was not a development. And I have to stick with that decision, Mr. Chairman.

(2130)

Mr. Tchorzewski: — Mr. Minister, you just said that you had to stick with the decision that there would not be an environmental impact study. Well we'll get to that in a while, because somehow that decision got unstuck when the pressure came to bear on you by certain suggestions of court cases and from the public. And somehow in the middle of that, you changed your position. But it was nothing to do with your concern and your proactive involvement in making sure that the right processes were done. It took public pressure and threats of court cases to make you do that.

Mr. Minister, you still didn't answer my question and I'll ask you for the third time. I know what your officials may have said. I'm not sure that they said that; in fact I kind of doubt it. Don't put it on your officials because it was a decision of the government. It was decision of the politicians not to have an environmental impact study. What you did is in contravention of your very guide-lines which I shall refer to in a moment.

Mr. Minister, will you not agree that, in spite of all you say, there is nothing in the Act that prevented you or the former minister of the environment from saying to the Cargill corporation that you expect them to prepare an environmental impact statement? Is that not correct, Mr. Minister?

Hon. Mr. Hodgins: — I want to stress once again to the hon. member the decision-making process that took place, and the process that took place was that the officials in the Department of Environment . . . and I shouldn't say just the Department of Environment. When a proposal like this comes forth — true, it's a major project for Saskatchewan, going to create a large number of jobs, help to diversify our economy, and it's an important project for the province of Saskatchewan, and from an environmental perspective as well, an important project that one must look at very carefully.

After review by the officials in the Department of Environment, and I think seven or eight other government

departments, and after analysis by the officials, correspondence, commitments in fact were made to the Saskatchewan Fertilizer Company that, according to our legislation, this is not a development. There was no ministerial involvement at all at this time.

When I came on stream being minister, that decision had been made. The decision had been communicated to the corporation that you are not technically a development; the departments are satisfied with your proposal; you may proceed.

Now the member asked specifically, well was there anything preventing me — preventing me — from going back on the word that was given and the commitment that was given to the corporation. I would have to stress to the hon. member that in a fair business sense — and I try to run this portfolio the same way I would run a business. And I say to the hon. member, a decision was made, a technical decision was made. That commitment was given to a proponent. And no, no, Mr. Chairman, I could not — firstly, morally; secondly, ethically — go back to the corporation and say, no, sorry, you're going to change.

That would not have been right from those standpoints, furthermore from a legal standpoint. The decision was already made that it was not a development. I could not very well go back and say, oh, sorry, this is a development.

What I was successful in doing — and I would ask the hon. member to respect this — what I was successful in doing was consulting with the Saskatchewan Fertilizer Company, talking with that company and saying, you know, that decision was made; we still respect that it is a safe plant, that it is not a development under the Act; but I want you to know, Saskatchewan Fertilizer Company, that we're in a changing world out there; public expectations on a project of this magnitude would lead me to believe that the perception is out there that this should have more thorough analysis. And we were successful in securing a very good agreement with the corporation, that basically says, if there's anything that is found not to be environmentally safe, there will be changes. I think it is a very positive movement, Mr. Chairman, and I stand by the decision of the department. The project, under the guide-lines issued by the Act, is not a development. But I also say, in today's society we must be more careful. And this project will go to further environmental study.

Mr. Tchorzewski: — Mr. Minister, here is what happened. The government decided that they wanted to have an agreement with Cargill corporation, at taxpayers' expense and risk, to build a fertilizer plant. The government could have — and you haven't said they couldn't have — required Cargill corporation to do an environmental impact study. The government chose not to. Nothing to do with the legislation; it was a decision of the government.

Don't say to this House, and don't insult this House, Mr. Minister, by pretending that some officials in the department would go so far as to make an agreement on a major project like this one without first consulting the

cabinet, and without first consulting the minister. That is ludicrous. The Premier has been known to say — I can quote it if you want — where he was determined to have this fertilizer plant in Saskatchewan if he personally had to build it. Kind of silly, but then the Premier has been known to often be quite silly.

Mr. Minister, it was a political decision that was made. It had nothing to do with environmental concerns. You say that somehow it's not a development. Will you agree, Mr. Minister, that in the definition of a development, follows the following: that where a provincial resource is utilized in a substantial way, that then defines a development. Is that not correct, Mr. Minister?

Hon. Mr. Hodgins: — Mr. Chairman, I do want to get back for a moment to the hon. member's concern about the decision-making process in the department of the Environment as to what is and what is not a development. And, Mr. Chairman, in Saskatchewan I don't know how many projects might have gone through this process, but I suppose probably thirty or forty or fifty or more projects in the last number of years. And, Mr. Chairman, the same process has been used for every one.

If you were to consult with any developers whatsoever who have submitted proposals to the department of the Environment; if you were to consult with . . . if you don't believe the officials that I have here, consult with some ex-officials of this department. You consult with some legal people who have studied Saskatchewan's Environmental Assessment Act and have studied the processes that are used, you will find that the processes that are used are a technical screening; a technical review by departmental officials, and the decision is made at that level. And the decision was made on the Saskatchewan fertilizer plant at an official's level as to whether technically it was a development or was not a development.

The hon. member can say well that's not a good process. Well that's a question that bears asking. That's a real question that bears asking. Should officials only be involved in that decision-making process? Should you have ministers involved? Should you have some other party or persons involved in that decision-making process? I'm not so sure what the answers are. I don't believe you have the answers to that either. I can only tell you that it's a good question. And it's a question that we will address in the whole review of this Act. But on this decision, and on every other decision that I am aware of that has gone through the environmental impact assessment to determine whether this is or is not a development, was determined at a technical official's level. And that's fact. That's the process.

The hon. member now has turned to a very specific quotation from the legislation and he has asked whether a substantial utilization of a provincial resource constitutes a development. The hon. member has conveniently left out the entire line and the entire line or definition or quotation out of the legislation that is one of the criterias says: does a substantial utilization which pre-empts some other use. That is the criteria which is used. Correct.

Mr. Tchorzewski: — I'm glad you raised it, Mr. Minister,

because I was going to repeat it to you. That's exactly what it says. It says:

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

Either now or over a period of time in the future.

Mr. Minister, this plant will utilize half the daily consumption of the water that's utilized by the city of Moose Jaw. Are you suggesting that's not a significant utilize of a resource or are you suggesting that water isn't a resource?

This plant will utilize massive amounts of natural gas which will pre-empt the use of that natural gas for some other purposes, either now or some time in the future when the consumer who's wanting to warm his house may be affected.

Clearly, Mr. Minister, this one provision in your Bill, which I have in my hand, in this legislation determines that this is a development. You chose, Mr. Minister, not to call it a development. That was a political decision. All your officials can do — and rightfully so — is give you a recommendation, but the buck stops with you. The buck stops with the politicians who are elected because we live in a system of responsible government. It is unfair, Mr. Minister, of you and really quite unseemly to blame this on the officials who did not in the end make this decision. The government made this decision. All the officials do is recommend, and the signature and the authorization is done by Executive Council. So don't give us that bafflegab, because you know that that's not true, Mr. Minister.

But this definition here clearly defines this as a development, Mr. Minister, because it does utilize a natural resource — two of them in this case — in a massive way and pre-empts them from being used, those amounts that are going to be utilized for something else. How can you argue otherwise, Mr. Minister?

(2145)

Hon. Mr. Hodgins: — Mr. Chairman, I am advised that on both of these specific issues, natural gas and water, that a prudent government, prudent elected people, must do their part in managing resources. And certainly natural gas is a resource; water is a resource.

I want to talk specifically about natural gas. The member may want to make the argument that natural gas is in short supply. I want the hon. member to know that one of the fundamental things that we try and do — I think most Saskatchewan people, if not all Saskatchewan people would agree — we must develop our natural resources. Natural gas especially is a product, a resource that we have in abundant supply in Saskatchewan.

For years in this province that resource was left undeveloped for a number of reasons. In the past number of years, Mr. Chairman, that resource has been very much developed under this administration. The decision-making process here with respect to natural gas,

the questions that the officials asked were, if we develop this natural resource called natural gas, are we taking it away from someone else? Is there some other development or some alternative use that this gas would be put to?

The answer to that question was no. No, there was no other project, there was no other development, there was no alternative use, and as such they felt that it was not a substantial utilization which would pre-empt some other alternative use.

When you speak about water, another resource that we must manage very well in the province of Saskatchewan, I want the hon. member to be aware, very much aware of the actual statistical requirements of water with this proposed plant, and that is .03 per cent of the annual consumption of treated water by Regina, .03 per cent. Not 1 per cent, not 1 per cent of what Regina water consumption would be, but one-third — one-third of 1 per cent — of the annual water consumption in Regina.

So the decision was made that yes, water is a resource. It is a resource that must be managed well, but here again it is not substantial. It is not substantial utilization of the water resource which would pre-empt some other use. And I believe, when I look at it here and have this advice from my officials, that that was a fair and reasonable assessment.

Mr. Tchorzewski: — Mr. Minister, you're wrong on your statistics on the water. I mean, the example I gave you was the situation in Moose Jaw. Mr. Minister, your minister in charge of the Saskatchewan Water Corporation gave us different numbers — and we'll have them for you in a while — totally different from what you say. Your minister admitted that this plant will use an amount of water equal to half of the consumption by the city of Moose Jaw on a daily basis. That is a major utilization of a resource of which, in this province unfortunately, from time to time we are short, to the point where communities have to pump, haul, or in many cases ration.

So, Mr. Minister, you are wrong again. You're using arguments that you can't back up and you can't support simply because you're trying to defend a political deal in the same way as you try to defend the political deal on the Rafferty-Alameda project until the courts of this country said that you no longer could protect them because you were wrong.

Now you say that in the natural gas situation there is such a massive supply that you don't have to worry about it. But it is a non-renewable resource, Mr. Minister. And even putting that aside, in the process you utilized, you broke your own guide-lines, the Saskatchewan Environmental Assessment and Review Process guide-lines which I have here for you. Let me read you page 10, article 2.4. And here's what it says:

A project proposal should identify any alternatives (including alternative designs, processes, methods, locations and timing), which the proponent considered prior to selecting the proposed course of

action, and explain why each was rejected in favour of the proposed course of action.

An environmental impact study and statement in advance of your authorization of construction would have required that there be alternatives proposed, particularly since you're using these large amounts of natural gas, Mr. Minister. Why did you allow your decision-making process to break your own guide-lines and ignore them?

Hon. Mr. Hodgins: — Mr. Chairman, I would want to stress that in Saskatchewan we do have a lot of natural gas. I want to confirm with you as well that for many years this natural gas was undeveloped. It has been in the last eight years under this current administration where we have taken that natural gas, that valuable resource in the ground and put Saskatchewan men and women to work.

Now if the hon. member is making the argument here tonight that there is an analogy to the oil shortage scare of the 1970s and is using natural gas as that type of a scare, Mr. Chairman, I disagree. I disagree with that, Mr. Chairman, fundamentally. And I would say, Mr. Chairman, that the communities that have natural gas exploration and development, that are counting on those jobs and opportunities, respect that it's a resource that must be managed, managed well.

But don't ever make the case that there's a scary thing out there, that we're using up all the natural gas in a short period of time. We have an abundance of it, Mr. Chairman, not perhaps as much as the province of Alberta, but we are developing it and it's a good resource to be managed well.

With respect to the water, I can only once again reassure the hon. member that the amount of water usage is not deemed to be a problem, was not deemed to be a problem by the officials in the Department of Environment, and more importantly — more importantly — not deemed to be a problem by the city council in Moose Jaw, not deemed to be a problem by the city fathers in this capital city of Regina. And I respect, I respect very much, Mr. Chairman, the decisions made at a local level with respect to their water resource.

Mr. Tchorzewski: — Mr. Minister, what will be the daily consumption by this plant of water?

Hon. Mr. Hodgins: — 723 million gallons of untreated water.

Mr. Tchorzewski: — Mr. Minister, your colleague reported to this House that there would be utilizing of 2 million gallons a day. It also was confirmed by the minister who is your colleague, minister in charge of the water corporation — I'm now looking at *Hansard* — in which he said clearly, he's confirmed clearly, that the amount of consumption would be equal to half the daily consumption of the city of Moose Jaw. The city of Moose Jaw has been known to ration water at times. The people in the city of Regina have been known to have to ration water at times. In fact, already people are being told you can only water your lawns on certain days of the week. Nothing to do with the capacity to deliver because that's already been repaired, Mr. Minister.

You're not being accurate in the information you're providing and neither you and your colleague can't even agree on the numbers. That reinforces everything I've been saying here today — that you made a decision without knowing all of the facts. You made a decision on an environmental . . . without having an environmental impact study done, so you didn't know what you were making a decision on. And the fact that you and your colleague can't agree on the numbers tells everybody in the public of Saskatchewan that this decision was made strictly on a political basis and had nothing to do in the consideration of environmental implications, Mr. Minister. Can you explain the discrepancy between the two ministers?

Some Hon. Members: Hear, hear!

Hon. Mr. Hodgins: — Mr. Chairman, I will make this abundantly clear. I have stated in this legislature this evening, and I want you to pay very close attention to this, the annual water requirements, untreated, will be 723 million gallons on an annual basis. Now by my quick calculations, I would say if you take 365 days of the year, multiply it by what my colleague, the minister in charge of Sask Water has said — 2 million gallons a day times 365 days of the year, by my calculations, that is very close to 723 million gallons on an annual basis.

There is no inconsistency here. These are facts that have been documented, provided to the city council in Moose Jaw, agreed by the city council in Moose Jaw as well as the city council in Regina.

Some Hon. Members: Hear, hear!

Mr. Tchorzewski: — Mr. Minister, can you tell the House what the consumption of water by the city of Regina is on a daily basis or an annual basis?

Hon. Mr. Hodgins: — Mr. Chairman, I do not have figures at hand as to what the annual amounts of the city of Regina or the city of Moose Jaw are.

Mr. Tchorzewski: — How do you know then, Mr. Minister, that it's one-third of 1 per cent that Cargill fertilizer plant is going to use of the consumption of the city of Regina?

Hon. Mr. Hodgins: — Mr. Chairman, in order to speed up and in the interests of time here I will have this calculated. I will have it delivered to the hon. member tomorrow. I have stated, Mr. Chairman, once again, consistent with my colleague the minister of Sask Water, the annual usage is 723 million gallons in a yearly basis which is, just as the minister has stated, 2 million gallons a day times 365 days of the year. I will get our officials calculating and figuring out as a percentage what that is of the city of Regina.

Mr. Tchorzewski: — We'll wait for that, Mr. Minister. In fact, we'll do some checking of our own just to make sure that your numbers are correct. And we're not going to finish these estimates tonight so we'll have time to pursue this again tomorrow or whenever you choose to call them again.

I want to now go back, Mr. Minister, to the question I asked you earlier because you never answered it. I refer you again to your own guide-lines. In your guide-lines, I take you back to page 10 in which you say, a project proposal should identify any alternatives. What were the alternatives that were identified by the project proposals submitted by Cargill to you, Mr. Minister?

(2200)

Hon. Mr. Hodgins: — Mr. Chairman, I think it's important to understand that natural gas in this particular application, or in other applications, has few alternatives. It is a resource that does not have a lot of alternatives. And, Mr. Chairman, the decision-making process involved making an analysis of, if we don't use this natural gas for this project, is there some other alternative that may be looked at.

And, Mr. Chairman, that was looked at, and it was clearly, clearly arrived at the fact that there was no other alternative. It's not as if there was another major, major plant that was going to use this gas. The hon. member will know that we are diversifying the Saskatchewan economy, trying to bring as many industries as we can.

But, Mr. Chairman, when it comes to natural gas, there were no other alternative uses of this gas that we were stealing this gas away from. And one of the fundamental things we looked at. Likewise with the water situation, we consulted with the city of Moose Jaw, consulted with the city of Regina, and it was clear that the use of this resource was not pre-empting some other use.

Mr. Tchorzewski: — Mr. Minister, are you suggesting to this House that there was not another fertilizer manufacturing proposal around? Is that what you're suggesting to this House? Because if my memory serves me correctly, Mr. Minister, you are representative of a constituency in which there was another fertilizer proposal being proposed along with Rosetown, and along with the north-east part of the province. And your government decided to say to that proposal that they weren't big enough and they weren't powerful enough and they didn't have enough money. You had to deal with Cargill corporation because they needed the money of the taxpayers of Saskatchewan so badly that you had to give them \$370 million of our money.

Mr. Minister, there were alternatives. I ask you, why did you not require, as is required in your environmental assessment guide-lines, for Cargill corporation to propose to you, as part of their submission — which they're required to do — alternative proposals, which you say they did not do?

Hon. Mr. Hodgins: — Mr. Chairman, I'm not sure the specific point that the hon. member is raising, I'm just not sure that I entirely understand what he is getting at. If the hon. member is getting at the merits and demerits of some other companies that had made representations to Saskatchewan communities that they would build fertilizer plants, that is a long debate that we certainly can get into if the hon. member wishes.

But I want to make it abundantly clear from an

environmental perspective — and this is what I'm here to talk about this evening, to defend the estimates of the Environment, to confront the issue of the environment — from an environmental perspective we can ask ourselves: if we did not use this natural gas, are we taking it away from another major use that may be more environmentally sound? The answer is no. It's a resource that, I think, in the best interests of Saskatchewan people should be developed and should be developed wisely.

Likewise with the water. When this was looked at, if the hon. member would say, well are you taking a bunch of water away from some project or some community that would have used this water for another purpose, I think the local decisions, the local autonomous decisions that were made by the city of Moose Jaw, for instance, by the comments from the city of Regina, would tell us that this project will not pre-empt the alternative uses of this water — very clear.

Mr. Tchorzewski: — Mr. Minister, you have ignored your own legislation when it came to the definition of whether this project was or was not a development. That's clear. It is in section I (ii) clearly stated that where a resource or, in this case, two sources of resources are utilized in a major way and could have some implications or pre-empt other uses, it is a development. You chose to ignore that, number one.

Number two, you chose to ignore your own guide-lines in the same way as the federal government chose to ignore its own guide-lines and regulations in the Rafferty situation which you supported. I gave you an example where you chose to ignore them. If you would care to study your own guide-lines, you will see that there are other requirements which the company did not follow and you did not require the company to follow. It says in here:

At an early stage in the EIA the proponent should undertake a program of public involvement to identify issues which residents of the project area feel should be addressed in the impact assessment.

This was never done.

It goes on further to say:

The public involvement program should not be limited to one-way communication (*à la* your public meetings) from the proponent to the public.

The proponent should actively solicit input from the general public in the area (the general public) of the proposed development, and from other individuals or groups likely to have an interest in the project and the impact assessment process.

It says in your own guide-lines that the proponent has to outline what the alternatives are. On none of these, your own requirements, was the process followed, and you allowed that to happen, your colleague allowed that to happen. You were in the cabinet at that time so you share the responsibility because the buck stops with the Executive Council.

Mr. Minister, let me remind you that this is not the first time this has happened. Let me refer you to a letter that was written on the Rafferty-Alameda project between Mr. Hood and Mr. Walker in the Department of the Environment in which it was stated the following:

Our strategy has been, and will continue to be, to take the project as far we possibly can on our own and build as much momentum behind it before we open the process up to other governments.

That was a deliberate and conscious strategy of their government flaunting the laws that you knew you had to follow. That is exactly the process you have used in the Cargill fertilizer plant project, Mr. Minister, exactly the project you have used.

Some Hon. Members: Hear, hear!

Mr. Tchorzewski: — You did not require an environmental impact study and you did not require a statement. You authorized construction and then after the construction is under way and after you have signed the agreements committing \$370 million of Saskatchewan people's money, you then say, well we're going to have an environmental impact study finally made. But that's after the fact. You've all ready dotted the i's and crossed the t's.

Oh, you say, well if we find something wrong, we won't let them operate. Well, Mr. Minister, how ridiculous. You're going to build a plant; you're going to throw \$370 million of Saskatchewan people's money into the project. You will find flaws in the project, and then after it's built and the money is there, you're going to go to Cargill and you're going to say oh, you can't operate. Who are you trying to kid?

I mean a grade 8 student would know better than to be able to see through that one. The hole in that one is as big as a Mack truck going through a sign. That's the process. The process here is exactly the process which you used in the Rafferty situation, and you know it. The *Star-Phoenix* is correct, you know. And it's confirmed by Cargill itself, when the *Star-Phoenix* said in this editorial, the real purpose of the study is to allow the government to backtrack, ensuring that all its environmental bases are covered. The reliability of this study is also in question, the article goes on to say. Its premise seems concocted to ensure the project goes ahead as in Rafferty, no matter what the environmental outcome.

Now, Mr. Minister, what did Cargill say about this? They said that much more detail will be contained in the new impact study and by that statement, Cargill admits that they did not provide you adequate information and adequate detail in a so-called 70 page proposal which you have not fully tabled in this House even today.

Mr. Minister, that's what's happening here. It's got nothing to do with your concern for the environment. It's got nothing to do with the inadequacy of the environmental assessment process. It's got nothing to do with any of that because all of the legislation gave you all of the authority you needed to act but you chose, the

government chose not to act.

As recent as March 19 of this year, when I wrote to you prior to that, urging that you have an environmental assessment hearing process, saying that there ought to be an environmental impact assessment done by the corporation — March 19, you said absolutely not. That recent, Mr. Minister. I quote to you your letter:

Therefore I remain convinced that the decision not to require an environmental impact assessment was correct and I have not been provided with concrete reasons to change my opinion on this matter.

March 19. Somehow, Mr. Minister, after certain papers were filed in certain courts you had a change of heart. Why don't you come clean? Why don't you stop playing games with the public of Saskatchewan and admit, Mr. Minister, that what you are now doing is backwards? That if the environmental impact study has got flaws in it, it's too late because the project is on the way and being built and the money that the people of Saskatchewan have to put into it is committed and you can't do anything about that.

That's bad management. That's waste. That's what has put us in the situation of a deficit of \$4.5 billion and a total public debt of \$14 billion. That's what this is all about, Mr. Minister. That's no way to run a government. That's no way to look after the interests of the public of Saskatchewan who's the one who are going to have to pay. You may be gone from here some day and you may go back to you're auction business, and that's fine. Maybe you'll get an appointment from the federal government to be an agent somewhere, as did the member from Kindersley and the member from Indian Head. That's how little you care.

But I'm telling you, Mr. Minister, we have a far higher obligation than that to the public of Saskatchewan who elects us to this place. Our obligation is to protect their interests and not ignore them simply because somebody like a Cargill corporation makes a deal with the Premier who is determined to have a fertilizer plant at any cost, and go ahead and make this kind of a deal without an environmental impact statement, Mr. Minister. Why don't you come clean and tell the people the truth for a change?

Hon. Mr. Hodgins: — The hon. member, Mr. Chairman, would attempt to make the case that little or no environmental screening of this project has taken place. Mr. Chairman, I stress to you that initially a great deal of environmental screening was done by this project — enough screening, Mr. Chairman, to involve seven or eight different government departments. Enough screening that followed the legislation to the best knowledge of myself, Mr. Chairman, followed that legislation and deemed by that legislation that this project on a technical basis was not a development.

And, Mr. Chairman, I stand by that decision. I stand by the decision that this project on an environmental basis was sound, is sound today. The hon. member, if he was sincere, would raise his true environmental objection.

But the hon. member thus far this evening, on an environmental basis, has only raised, well you're going to use natural gas, of which we have an abundance.

The hon. member has raised the objection, well you're going to use water. Is that an objection over and above the local city council in Moose Jaw? Is that an objection over and above the statistical analysis that we have supplied telling you that the amount of water is not of significant concern to Regina? So I stand by that decision, Mr. Chairman.

We come to the next decision that was made, and it was a decision that was made only in co-operation with the Saskatchewan Fertilizer Company. And, Mr. Chairman, I could not have made that decision on my own. It was a voluntary — a voluntary — submission to the process used in environmental impact assessment.

(2215)

And why do you suppose the corporation on a voluntary basis said, yes, we will go through the full process? Why do you say that, Mr. Chairman? I say because that is good corporate citizenry. I say that, Mr. Chairman, because it proves that this is a corporation that is concerned not only about the environment, but about the perception of the environment, as a good corporate citizen would.

Now, Mr. Chairman, I have told you before that in that agreement, if there are real environmental objections or concerns that are being brought up, there will be an opportunity for people of Saskatchewan to stand in their place and address a panel of experts and bring up these concerns. And if those concerns are brought up, Mr. Chairman, there will be changes. But, Mr. Chairman, that is the process that has been followed. I still stand by the decision that the project from an environmental perspective is sound. And on a technical basis, I have heard nothing to date to change my mind.

But I do commend the proponent of this corporation who came forth on a voluntary basis and said, we will go that extra step. We will go that extra step, Mr. Speaker, and this project will be proven out, proven out as the Weyerhaeuser project was, to be a good project for the people of Saskatchewan, not only on an environmental basis but on a financial basis as well.

Some Hon. Members: Hear, hear!

Mr. Tchorzewski: — Mr. Chairman, Mr. Minister, you have just demonstrated why you are not doing your job adequately. You have just said to this House, Mr. Minister, that you have prejudged and predetermined the conclusion of the very environmental impact study that you have now ordered the Cargill corporation to do. You have made your decision. You said that just now in so many words.

Mr. Minister, what is the purpose of it all? Why bother? You know what your decision is going to be and you know what your conclusion is going to be, because you've already made it. You're not even waiting for the report. But you did make some decisions and you made some decisions not knowing the answer to certain

important questions which your department asked.

I want to give you some examples and I want you to respond to them. The documents which you tabled in this House — which I say were selected documents; they were carefully selected so that all was not there — but the documents said that the report in which you base your decisions to go ahead states in so many words that the nitrous oxide emissions are, and I quote, “a best guess scenario.” Hardly a strong argument for approving a project.

The documents which you provided, Mr. Minister, did not provide an answer or a clarification of that. Nowhere. We have studied them, we have looked at them, and that answer is not answered. How in Heaven's name could you have put your signature to the approval of the construction on a best case scenario, Mr. Minister, rather than having some specifics to back it up?

Hon. Mr. Hodgins: — Mr. Chairman, the hon. member would know that on any project, no matter what process has gone through, there will always be items that are subject to regulatory functions. And I speak, Mr. Chairman, of The Clean Air Act that this government instituted, I believe, a year or maybe two years ago; an Act that protects in a very stringent way what is emitted into our air for the protection of human beings and plants and animals.

The hon. member would know that our guide-lines under that legislation are probably as stringent as you would find any place across the country. You would find also that violation of that Clean Air Act would put violators subject to some of the most stringent penalties across this land.

The hon. member is specifically talking here about nitrogen oxides, chemically known as NOX.

For you, Mr. Chairman, and others, what we're talking about here is the same type of product that would be released into the air from your natural gas furnace in your own homes. These are once again subject to a regulatory Clean Air Act. The computer modelling has predicted that probably about .037 parts per million would meet the most stringent air quality standards for Saskatchewan. We believe they will meet those qualifications. If they do not they are subject to penalties. Always there are these types of questions and that's why we have laws such as we do in Saskatchewan.

Mr. Tchorzewski: — Mr. Minister, once again you've confirmed what we have said, is that you have made an approval even though your own department — and I have the memo here — said to you that this information was not adequate. It was a best case scenario and more information was needed. It said so. And in spite of that you gave an approval even though the information had not been provided because you didn't table it, if it was provided. You see, you should read the stuff you table first because you get caught on it.

Now let me give you another example, Mr. Minister. Another area of concern with the final report is the oxidization and disposal of the catalysts used in the

process. Both your water quality branch and your waste management sections were not satisfied with the information contained in the final report, and they said more information was required. Knowing that, Mr. Minister, why did you authorize the construction of this plant when you knew, because your officials told you, that all the information on that subject was not provided?

Hon. Mr. Hodgins: — Mr. Chairman, on this general subject I have to stress to the hon. member that it is not unusual, not unusual in the least for questions like this to arise. And there are two types of approvals, two types of approvals in any different project, Mr. Chairman. One of the approvals is an approval to go and build a project. Another approval that is necessary is to operate that plant. And, Mr. Speaker, these are two very different types of approvals that are given, and I don't think it would be fair for any process to say, no, you can't build anything unless we have answers to every specific question. Some answers are dependent on whether construction will proceed; other answers and questions are dependent on whether permission is given to operate. And those are clearly, clearly distinguishable type of questions.

Mr. Tchorzewski: — Mr. Minister, but the thing here is that you have committed 370 million of our dollars — our money. How can you in good conscience, Mr. Minister, first of all commit that kind of money; secondly, give an approval without knowing what kind of risks you might be confronting, and without knowing for sure that you won't be running into some problems, and that the plant may end up being for some time if not for ever, a white elephant to which we have taxpayers' money in place and there's nothing happening in the production end? How can you possibly justify that, Mr. Minister?

Hon. Mr. Hodgins: — Mr. Chairman, I would remind the hon. member opposite that with any plant in Saskatchewan, any existing plant or any new plants that are to be built in Saskatchewan, we have as stringent and tough and as environmentally correct regulations as probably any place in North America. And I'm proud of the great amount of work and time and effort that we have spent in establishing these rules and regulations, such as The Clean Air Act.

I tell the hon. member that this plant will be subject to, literally close to a hundred different permits, rules, regulations, and they will have to meet the most stringent of requirements before anything operates. And that not only goes for this plant, Mr. Chairman, but any industrial plant in this province.

Mr. Lyons: — Thank you very much, Mr. Chairman. I've got a few questions to the minister on the same subject, that is the minister's stated concern and sudden concern for an environmental assessment review of the Cargill fertilizer plant in Belle Plaine.

And I note with interest, Mr. Chairman, that the minister made the announcement sometime around June 1 after the decision to build the plant had all ready been approved and after the government had entered into an agreement with Cargill fertilizer — the large multinational vertically integrated agri-food company, that will end up reaping the rewards from taxpayers'

investment.

And we found that we have a situation here, somewhat analogist as my colleague the member from Regina North East has pointed out, that the government entered into a project and then under certain political pressures which were applied to it, was forced to suddenly recognize that a thorough environmental assessment had not been carried out.

And I want to say, Mr. Chairperson, that the minister can express before the legislature his sudden new-found concern for the environment. But I suggest that that new-found concern for the environment originates in another source and from another place, and particularly from the Senate floor of the United States Senate — that the real political pressure to put on an environmental impact assessment derives not from any change of heart on this government with regards to the environment, but in fact from pressure applied by the U.S. Senate. And I want to read into the record, Mr. Chairman, extracts from the *Congressional Record*, and the *Congressional Record* is the recordings — much like our *Hansard* here in Saskatchewan — it's the recordings of the business carried on by the Senate of the United States.

And I refer to the Thursday, May 14 issue of the *Congressional Record*, under head: "Concern in the U.S. Fertilizer Industry". Senator Quentin Burdick, the Senator from the great state of North Dakota, raised what I think was the real issue, and the real reason why the minister all of sudden believes it's politically imperative to carry out this environmental assessment.

I'd like to read, Mr. Chairperson, a bit of what Senator Burdick had to say, and then I'm going to read a portion of a letter that Senator Burdick and nine other United States senators sent to Carla Hills, the U.S. trade representative for Canada, regarding the Cargill plant here in Saskatchewan. Senator Burdick says:

I have other concerns about this project, specifically the fact that the government of Saskatchewan apparently has waived the requirement (note these words carefully, Mr. Chairman) for an environmental impact statement for this project. Since I represent a State that shares a common border with Canada, I am concerned about the precedent that would be set by this decision.

These and other concerns have been included in a letter to Ambassador, Carla Hills, U.S. Trade Representative.

And I want to quote the relevant sections from that letter. Senator Burdick writes, and the other senators write:

With respect to the environmental assessment of the Saferco plant, Saskatchewan claims that the plant will meet environmental standards and that it has conducted necessary reviews. The simple fact is, however, that the project has *not* (and the word "not" is in italics) been subject to a full public environmental impact assessment. Furthermore, the Provincial government — which

is not a neutral party — has refused to release to the public any report of its allegedly (and this is the word that the senators use, allegedly) thorough internal environmental assessment of the plant. The approach, particularly where it is part of a broader program to provide support for a production facility that is not commercially justified and has (about it) all the earmarks of political pork barrel.

(2230)

Political pork-barrel is the term that the senator . . . 10 senators in the United States use to describe this project, and those are: Quentin N. Burdick, John R. Hreaux, Frank Murkowski, Pete Wilson, Kent Conrad, Dale Bumpers, Charles S. Robb, Conrad Burns, John W. Warner, Dan Coats, and Ted Stevens.

Now leaving aside for a moment the sincerity of Senator Burdick, given Senator Burdick's actions in regards to the Rafferty-Alameda project, what is instructive in this matter, Mr. Chairperson, is that on June 14 the issue of Saskatchewan's failure to carry through an environmental impact statement was raised on the floor of the U.S. Senate.

Despite the fact that elected representatives in Saskatchewan from this side of the House and despite that the public at large raised questions with the minister and raised questions publicly about the lack of a full, open, environmental assessment process, we find that the minister, far from responding to the pressures . . . far from responding to the concerns expressed by the people here in Saskatchewan, felt it incumbent to announce this environmental assessment project not before the plant was built, not before the agreements were signed, not before matters were put in place, but only after the U.S. Senate raised the issue of the lack of an environmental impact statement. So the words of the minister and his supposed concern for the environment, I think and I trust, Mr. Chairperson, ring rather hollow.

I think the facts are fairly clear in this matter that the only reason that we see an environmental impact assessment process — and we'll wait and judge whether or not that it meets the requirements of the Act here in this province, or meets the intent of that Act — that the only reason this public grandstanding by the minister in regards to the sudden conversion on the road to Damascus comes not as a result of any new-found love for the environment, or any kind of respect or understanding of the situation of the environment here in Saskatchewan and globally, but comes as strictly as a result of pressure applied by senators from south of the border.

And I think that's instructive, Mr. Chairperson, because it characterizes this government's whole approach to environmental impact assessments. The member from Regina North East has raised a number of issues in this regard; and in regards to this project, I think it's pretty clear, the evidence stands pretty clear why now the minister's had that conversion.

But I want to say, Mr. Minister, that the questions I want to ask you tonight aren't necessarily on that particular

chemical plant, because I'm sure you will stand here and you will try to deny that there was any pressure put on you by the American senators, or that you'll try to deny that there was any pressure put on you by the American senators or that you'll try to deny that that had any influence over your decision. In fact, you may even accuse the opposition of carrying forth the wishes of the U.S. Senate. And let me tell you, nothing could be farther from the truth.

But this approach to environmental assessment . . . (inaudible interjection) . . . while the member from Cut Knife-Lloyd laughs. And he can't have it both ways: we're either carrying out what the U.S. Senate wants or we're out being anti-American. You can't have it both ways.

It's very simple, Mr. Minister. It's very simple. Your approach to environmental assessment matters has been marked since at least 1986 — and, I would submit, before that — at least since 1986 with that kind of political manipulation which is used in place of an honest and straightforward approach to dealing with what are genuine and legitimate environmental concerns of the people of this province.

Now we had the spectacle today, Mr. Minister, in Crown Corporations Committee, of the associate minister in charge of the Souris Basin Development Authority tabling a letter which had already become public, but which I want to read to you because it encapsulates your government's approach. And this letter is from George Hood, the director of planning operations for the Souris Basin Development Authority, to Mr. Robert Walker, director, coordination and assessment branch, Saskatchewan Environment.

I want to read you parts of this letter. It's dated November 10, 1986, and I think it's very instructive if we look at the essence of this letter. Mr. Hood states that:

The undeniable fact is that the Rafferty Dam is a very (and he underlines the word very) controversial project with the potential, if not managed carefully, (obviously talking here in a political sense) to attract significant opposition on both sides of the 49th parallel.

And here is the key, the key first sentence which reveals your strategy in regards to environmental assessment in general, but more particularly the Rafferty-Alameda project:

The principals involved in this project have deliberately attempted (deliberately attempted) to keep the initial number of agencies involved on both sides of the border to as few as possible. The rationale is simply this: the project given its complexity both in terms of hydrology and jurisdictional interdependence will have a far greater chance of success if the principals, (that is those most directly involved, in this case Saskatchewan, North Dakota, the (U.S.) Army Corps of Engineers, and the City of Minot) have the chance of building a consensus on the most difficult aspects of the project. It will come as no surprise to you, I am sure, that a number of federal

officials have in the past expressed their aversion to this particular project. Given that a number of these individuals are still working in related areas the distinct possibility exists that if given the opportunity, they would deliberately attempt to scuttle the project. Our strategy has been, and will continue to be, to take the project as far as we possibly can on our own and to build (up) as much momentum behind it before we open the process up to other governments.

And my question, Mr. Minister, is this: this is the strategy that you used with Rafferty-Alameda. Given what you have done in regards to the fertilizer plant in Belle Plaine, the Cargill fertilizer plant, isn't it only normal for people in Saskatchewan to express great scepticism, to express a great deal of disbelief when you stand here and say that your government is committed to an open and honest and fair environmental review of whatever projects that happen to come before the purview of your department? Don't you think that that's a fair response on behalf of the people of the province of Saskatchewan, Mr. Minister?

Hon. Mr. Hodgins: — Mr. Chairman, I talk to a lot of people in my travels about this big subject we call the environment. And, Mr. Chairman, I have many, many people, in fact most all people who come forth to me, whether they are individuals or whether they are groups, come forth in a genuine and sincere manner and they bring legitimate environmental concerns.

And my job is to protect that environment, Mr. Chairman. My job is to listen carefully to those types of concerns, analyse them, and make decisions. Mr. Chairman, I want to submit to you tonight, and to the hon. member opposite, that on occasion, and I have to say on rare occasion, there are those for whatever reason use this thing called the environment that so many people are interested in, they use that as a smoke-screen. And I'm only talking about a selected few.

And I want to very much, very much this evening rebut some of the hon. member's arguments and I'm going to talk about a country that I love, it's Canada. And I'm going to talk about another country that I treat as a very good friend, that's the United States of America. But I'm going to talk specifically about the 10 senators which the member so reverently refers to, the 10 senators who purportedly put pressure on this government with respect to the Saskatchewan fertilizer company.

Now, Mr. Chairman, let us just think about this just for a minute. Imagine yourself as a senator in, let's say, Tulsa, Oklahoma, from Tulsa, Oklahoma. Now do you, Mr. Chairman, think for one minute that that senator in Tulsa, Oklahoma was really concerned about the environmental aspects of this project? Does that make sense to you, Mr. Chairman? What was that senator from Tulsa, Oklahoma concerned about? Was it the amount of natural gas we were using here in Saskatchewan? I say no. Was it the fact that we were going to use a little bit of water? I say no. Was it the fact that we were going to emit nitrogen oxides into the air the same way we do in your furnace at your home? No, Mr. Chairman, that's not the case.

And I ask all hon. members, all fair and reasonable people, to really listen carefully to the hon. member opposite who so reverently says, well you know these United States senators had environmental concerns. I submit to you, Mr. Chairman, they were hiding under the smoke-screen of the environment. If we want to move on to what their real concern was, their real concern, Mr. Chairman, was the fact that a major corporation in conjunction with the Saskatchewan government was going to develop a major natural resource and create a plant, Mr. Chairman, that will compete and will compete effectively in the market-place, not only financially, economically, but also environmentally.

So, Mr. Chairman, I rebut the remarks of the hon. member with respect to United State's senators really being concerned about the environment with respect to this issue. The hon. member has talked long and hard tonight again about the subject of Rafferty. Indeed, Mr. Chairman, Saskatchewan people want to build our economy, they want to manage our water, they want to manage it effectively, Mr. Chairman, and they want to do it in an environmentally responsible manner.

I remind the hon. member that from a Saskatchewan government management point of view with respect to the environment on the subject of the Rafferty-Alameda project, every single rule, every regulation, every course that we could have gone through from a Saskatchewan perspective was gone through. Was there a public inquiry? I say yes, Mr. Chairman, a board of inquiry report stands before us tonight. Was there a public review period that went above and beyond what we were called for? Yes, not 30 days as required by law but 60 days to give Saskatchewan people time to submit proposals, to stand at public inquiry meetings, and talk about their concerns.

Have there been studies on this subject? Yes, Mr. Chairman. And I want to remind you that all the Saskatchewan studies would fill the better part of a one tonne truck. Have we managed it correctly here in Saskatchewan? Yes. Are there concerns about a process in Ottawa that's changing, that was unclear, that was put into a late cabinet meeting in 1984, that was not law but were guide-lines, that was never tried, never tested by law? Are there problems with that process? Well, yes, Mr. Chairman. And environmentalists and people all across Canada admit that and it's in the process of being changed.

And, Mr. Chairman, what I'm telling you is that we, from a Saskatchewan perspective, are managing this environmental issue, managing the process the best way we know how and in conjunction, building and diversifying our Saskatchewan economy.

(2245)

Some Hon. Members: Hear, hear!

Mr. Lyons: — Mr. Chairman, now that we've got the political rhetoric from the minister out of the way, let's get down to the issue. Mr. Minister, I'm not going to disagree with you on the concerns, the environmental concerns raised by the American senators. I'm not naive enough to

suggest that the Dale Bumpers or Quentin Burdick, particularly given Senator Burdick's record in regards to Rafferty-Alameda, in fact are showing that great concern over the environment here in Canada.

What I'm suggesting to you though, Mr. Minister, what I'm suggesting to you and what I'm suggesting to the people of Saskatchewan is that, having raised the environment as part of a political smoke-screen or a political response to the Cargill plant at Belle Plaine, that in order to meet their objections to avoid future difficulties in regards to dumping, future difficulties in regard to the charge by the senators that this is a government subsidized operation, that it was only when these issues were raised on the floor of the U.S. Senate that in order to cover your political hide did you find all of a sudden a conversion on the road to Washington and say, yes indeed, we need an environmental impact statement.

It had nothing to do, contrary to what you say, sir, it had nothing to do with the legitimate concerns of the environment raised by citizens here in Saskatchewan. Your announcement of environmental impact assessment had only one thing in mind, and that was a political response, a political response to those American senators who undoubtedly have concerns about the effect that this plant will have on the fertilizer industry in the United States. But it was only when they raised those concerns did you find yourself in the position where you felt it politically expedient and politically necessary to engage in an environmental review process. That *modus operandi* is the same *modus operandi* that applies to Rafferty-Alameda. You've said, and you say, that the Rafferty-Alameda project has been thoroughly studied by the Government of Saskatchewan.

It's your contention that in fact the Government of Saskatchewan did nothing wrong; that all the fault in regards to the environment — and this is your argument, Mr. Minister — that the fault, if you like, or the whole problems with the environmental review process, rests with the federal government in Ottawa. That's the position that you and your government is taking, that it's the federal government that's messed up in this, and not you.

Well let me tell you, Mr. Minister, we have documentation to prove that while it may have been, while part of the blame may be subscribed to the federal government — and I don't deny that — a great share of the blame in regards to your fiasco in terms of environmental assessment rests with your government, and it rests at two levels. The first level is the nature under which and the way in which the Government of Saskatchewan conducted its own environmental review. Well the minister shakes his head and says no. And I can quote from you from the newspapers, for example, the *Winnipeg Free Press*, that singles out your government as having failed to provide adequate information in regards to the studies you carried out, in particularly, in regards to water quantity, water quality, the downstream effects, the whole question of water modelling, so on and so forth — gaps in the information which were identified by the independent federal review panel.

That's one level in which you messed up. And you messed up not because it was any honest mistake, but you messed up because you had as your aim, as Mr. Hood's letter outlines, you had as your aim a strategy to ram this project through; to ram this project through regardless of the consequences. Now I want to refer to you to the letter that I had quoted previously on. I quote Mr. Hood. Mr. Hood says:

My understanding is that the federal Environmental Assessment Review Process was established pursuant to a federal Cabinet directive and is not based on any legislative authority.

He says that despite the fact that he has had legal advice to the contrary from the Department of Justice. And the Department of the Environment in Saskatchewan had legal advice contrary to this statement in this letter to Mr. Walker. And those letters, from the Department of Justice, are on file. But he goes on to say, and this is even more instructive:

I think it is clear that the Rafferty and Alameda Project is not a "purely provincial project" in that the federal government will have some involvement as defined in the EARP Guidelines, as federal "decision-making responsibilities".

Clear, Mr. Minister, clear. Mr. Hood, in this letter in 1986, acknowledges that the federal government has federal decision-making responsibilities, yet the same letter goes on to outline a strategy, a deliberate strategy to keep the federal government in the dark — and a strategy designed to keep the federal government in the dark in order to build, as he said, build up the momentum behind the project before involving other jurisdictions.

So you can't, Mr. Minister, it appears to me, get off the hook by trying to apportion all the blame or even a significant portion of the blame to the federal government. But this is indicative, this approach to environmental assessment is indicative of the way in which your government sees the EIS (environmental impact statement), the environment impact assessment process, as a nuisance. This is the way that your government sees it as a nuisance that you have to get around in order to proceed with your megaprojects, whether it's Rafferty-Alameda, whether it's Millar Western, whether it's the Cargill plant at Belle Plaine. And each and every time that your government has taken that approach, you've been caught up, you've been caught up and you've been caught out, because it's not the honest way of approaching the environment, and it's not the honest way of administering the Act for which you're responsible, Mr. Minister.

Once again, I ask you, given these facts and given this record and history of your government's approach to environmental assessment, is it any wonder that the people of Saskatchewan just don't believe your sincerity when it comes to developing an open and honest environmental review process that will protect the interests of the people of this project? Is it any wonder, when you're presented with this kind of fact here in black and white, Mr. Minister? And how can you justify the history of that? How can you justify the history of that

approach when your own member from Turtleford, member of your caucus, tells the press that he thinks that a proper environmental impact statement should have been done by the province of Saskatchewan in the first place. That's what he said; that's what is recorded on video tape and recorded in the newspapers.

And it's interesting that the member from Turtleford didn't deny the statements attributed to him in the body of the story in the newspapers and hasn't denied what is down on black and white on video tape — or excuse me, what's down in colour on video tape — that you are to blame because of your approach to environmental assessment and your refusal to take the intent of The Environmental Assessment Act seriously.

So once again, Mr. Minister, I ask you this question: is it any wonder that the people of Saskatchewan just don't have the faith in your government to carry through on environmental assessment the way that they want to see projects examined so that their future and the future of their children is assured so that they're not going to suffer the effects of one more project which degrades the environment?

Hon. Mr. Hodgins: — Mr. Chairman, I would like to advance the argument to you . . . and I'm not so sure that it's even an argument. I think, Mr. Chairman, it's a collection of facts, really is what it is. And the first fact I'd like to talk about is the fact that it is widely accepted across this country of ours that the federal rules — and I will call them rules — with respect to environmental impact assessments are quite flawed. I say flawed from a number of perspectives — flawed from the perspective of some duplication or redundancy, flawed from the perspective of many areas are uncertain, flawed from the perspective that the jurisdictional responsibilities of the province and the federal government are not clear in any sense of the word.

I say that, Mr. Chairman, because I've talked to a lot of ministers across this country. I have spoken with a large number of environmental interest groups and organizations. And I think it would be the consensus of those groups that I have spoken to that the federal rules, some of them which are guide-lines, some of them which are regulations, some of them which are actual law — the general consensus is those rules have major flaws.

The hon. member would know that very recently a major piece of legislation that has hit the table in the federal parliament will massively — and I say massively — change the legislation that is currently on the books in Ottawa.

I'd say, Mr. Chairman, that that same recognition with respect to the provincial assessment legislation in this province by the general public, that same recognition is there. That our provincial laws, although it's fair legislation . . . I have to give the hon. members credit that for a time when they put it in back in the late '70s — I believe it was the late '70s — it was good legislation; it was good enough for the day.

But if the hon. members themselves will not admit that today it is out of step, I can only advance the argument

once again that it's widely accepted by the public of Saskatchewan that yes, your legislation seems to be unclear. Your legislation seems to leave too many issues for ministerial discretion or single official discretion, or not enough public consultation, or enough clarity, at least when there should be public consultation, and when it's not necessary.

I don't think the hon. member could really disagree with that widespread acceptance that legislation all across this country must change. I submit to you, Mr. Chairman, that we are in a period of change, general change, probably unprecedented rate of change with respect to many matters, but most specifically with respect to the environment. Mr. Chairman, the whole issue of the environment has had its profile raised so significantly and so substantially in the last few years.

So many of these issues have only recently come to the forefront. The hon. member wants to advance the argument, well Saskatchewan, you are unique. Saskatchewan government, you don't care about the environment, you've done everything wrong. I don't buy that, Mr. Chairman, and I don't think the public in Saskatchewan buy that. I think the public recognize and respect that we are in a changing environment. The processes are at question. It is a time when projects such as the Rafferty-Alameda dam are very much in the news.

But likewise in the province of Alberta, projects like the Old Man dam are at issue in the province of Alberta. Projects such as other pulp and paper mills in the province of Alberta are very much at question. And, Mr. Chairman, I submit to you that this minister and this administration are dealing, I think, in an efficient and effective manner to manage these issues.

Are we doing it perfectly, Mr. Chairman? No, probably not. Can we do better? Yes, I'm sure we can. But, Mr. Chairman, I submit to you that most reasonable people would say, you've got your eye on the ball fairly well. You're managing the best way you can. And in relative terms, Mr. Chairman, I submit that we've done a good job in managing most environmental issues in this province.

Mr. Lyons: — Well, Mr. Minister, first let me say that I don't believe that the present laws in the province of Saskatchewan, or the present laws governing environmental assessment in the federal Government of Canada can't be improved. And I'd be the first one . . . one of the first ones to stand in my place and vote if in fact we saw you sincerely attempting to strengthen the environmental assessment process. And if you're looking for ideas, I don't think you have to look any further than the front benches of the opposition, and perhaps take some ideas put forward in regards to the creation of an independent environmental agency, such as suggested by the opposition critic, my good friend, the member for Regina North East.

That would strengthen the environmental review process. And if you were sincere about it, if you were sincere in what you're saying, then you will take a look at that and you will come back to this Assembly, whenever we next meet, with a Bill which will reflect that kind of independence, and a Bill which will reflect that arm's

length from government which is the major problem. And you yourself have identified it, and I believe I have identified it tonight, as the major problem. So that you don't mix economic comparatives or a particular minister's pet economic project with the need to have a global understanding — a global in the provincial sense, but a global in the global sense, I guess — understanding of the needs to protect the environment. And you don't have to look very much farther, Mr. Minister, as I said, then the suggestions put forward to my colleague, the member for Regina North East.

But what we're talking about in terms of your government, and I detect a bit of *mea culpa* here, I detect a bit of a backtracking from your position, and I welcome that. I think that the criticisms levelled by the former minister of Parks and Renewable Resources and Culture, Multiculturalism and Recreation, the member for Turtleford, I think maybe they've stung home, and maybe in fact have changed your position on that.

But the proof of that will be in the pudding, because we see things that have happened just in the last two months, not only in regards to the Cargill plant in Belle Plaine, but also in regards to the Rafferty-Alameda project which leaves what you're saying to me to be suspect. In other words, the reality belies the rhetoric in this case.

I want to refer you, Mr. Minister, to a letter from the federal Minister of the Environment to one of your colleagues, the associate minister responsible for the Saskatchewan Water Corporation, dated not two years or three or four years ago but in fact dated May 3, 1990, not more than a little more than a month ago.

And it goes on, and I'm quoting, Mr. Chairman, because it contains the members names and I want you to realize that I'm quoting from this letter. It says:

Dear Mr. Martens: I'm writing to you to make known my concern about the April 27 announcement by Saskatchewan of its intention to proceed with further construction on the Rafferty dam and associated works in the reservoir area. The announced construction would appear to extend beyond what is necessary to meet the requirements of the independent dam safety review board and will (and I want you to note these words carefully, Mr. Minister) and will definitely be viewed as contravening the spirit of the Canada-Saskatchewan agreement.

And as you know, Mr. Minister, this was an agreement reached between the province of Saskatchewan and the Government of Canada to assure some kind of impartial, independent review process of the Rafferty dam project, even at this late date.

(2300)

Now what was your response? What was your government's response to that agreement? Here the former federal minister of the Environment says, "you're breaking the spirit of that agreement." He goes on to say:

Activities such as the construction of causeways

and bridges in the reservoir area and the continuation of work in the new Dr. Mainprize park as well as channelization of the Souris River downstream of the Rafferty dam have already resulted in misgivings being expressed by environmental groups and could compromise the work of the panel.

Now you see what I'm saying, Mr. Minister. Here we have an agreement reached between you and the Government of Canada that says, okay, let's take this out of the purview of the province; let's remove it from the political arena; let's put it in the hands of an independent panel — an independent panel, I may remind you, Mr. Minister, which this opposition has called for since 1986 and to which we agreed and to which your government apparently, when you signed the agreement on April 27, had agreed. Here's the minister, the federal Minister of the Environment saying that because you are continuing work on the project, you are compromising the review work of that independent panel.

And it seems to me, Mr. Minister, that flies precisely in the face of what you've tried to project here tonight; that you've all of a sudden found a new conversion and a new commitment to the environment and a new commitment to an environmental review process which is independent. But what did we see less than a month ago? We see you go ahead and compromise in the same independent review panel to which your government previously agreed. The former minister of the Environment goes on to say:

Any delay in the panel's activities, if individual members found the situation unacceptable, would result in delays in the completion of the assessment, and hence of the project.

And that's pretty clear. What the federal Minister of the Environment is doing is saying, if you continue on with the work, we're going to pull your licence, because that's the only way and the minister knows it, that's the only way that work would be delayed on the project, unless you undertook to stop the work yourself.

I have referred this matter for further investigation by federal officials. If activities are occurring that are contrary to the terms of the agreement or the federal licence to the project, I will take whatever steps are appropriate.

Now certain events have intervened on the national scale to . . . We've seen a change in the environmental ministers. But, Mr. Minister, it's my indication from Ottawa and from the federal department in Ottawa, that that is precisely the steps that the new Environment minister, Mr. de Cotret is about to take.

So how can you square that circle, Mr. Minister? How can you stand here on the one hand and say you're committed to an impartial and open environmental review process, when scarcely one month ago your government — and obviously with your approval, being a member of cabinet — that your government for which you are responsible, undertook actions which would compromise and destroy the credibility of that same independent environmental

process? How can you stand here and on the one hand say one thing, and on the other hand do something that is entirely contradictory? Perhaps you can explain that to the people of the province.

Hon. Mr. Hodgins: — I would like, Mr. Chairman, to turn to the assessment legislation that the hon. member spoke about in the earlier portion of his comments. I do want you to know, Mr. Chairman, that my intention after proceeding with the process is that we have in Saskatchewan — or my objective would be — that we have in Saskatchewan at the end of this process the best possible legislation when it comes to environmental impact assessments anywhere across Canada. That's my objective, Mr. Chairman: to have the best legislation in Canada. I believe that we can do that here in Saskatchewan.

I have a lot of faith in Saskatchewan's men and women when it comes to the environment or any difficult issue to be managed. We've been through many difficult things in this province, Mr. Chairman. We have many records in this province, Mr. Chairman. We have many people in the province who have done very good work world-wide. And when it comes to the process that we will use to change this legislation, I want to remind the hon. member who talks so reverently about an independent commission, and that's a sole idea of the New Democratic Party. It's not the case, Mr. Chairman.

This process that we are committed to by this Saskatchewan government administration is exactly that: to have an independent commission travel throughout this province; examine from a business point of view, from a labour point of view, from an environmentalist point of view, from a legal person's point of view, from every point of view and every perspective that would be reasonable to look at what our processes here in Saskatchewan should be in order that they be the best in the country. And, Mr. Chairman, I have full confidence that they will be.

Mr. Chairman, I would also want to warrant to the hon. member that when that report is completed by the independent commission, that report will be delivered to myself and at the same time it will also be delivered to the public of Saskatchewan.

I will invite the hon. member opposite to have input into that process, to study carefully that report when it is made, and I will heartily accept his judgements of it. I will heartily accept and invite his comments as we go through that process. I think it's important that we co-operate on such an important process that will be so good, Mr. Chairman, I expect it will last for a good number of years.

The hon. member has once again turned to the issue of Rafferty. I would like to remind the hon. member that from an environmental perspective, from a Saskatchewan environmental perspective, there are certain works to be undertaken at the Rafferty site. Works that by every environmental standard are works that should and must be completed.

Many of those works are part and parcel and condition of the licence that we have issued to the proponent. The

licence that we have issued has said, you must undertake certain works, certain environmental mitigation measures. And, Mr. Chairman, much of that work is continuing today.

The hon. member has referred to correspondence between the former federal minister of the Environment and our current minister of the Saskatchewan Water Corporation. Certainly there has been that correspondence. Certainly some of it is subject to question. But I remind the hon. member that work is continuing under a valid, current, and up to date licence and I think that's a very important point.

Mr. Tchorzewski: — Thank you, Mr. Chairman. Mr. Minister, I want to just ask a few questions before we adjourn for the evening on the Meadow Lake Millar Western pulp mill. When you first announced your approval for the pulp mill to proceed, you did so, approving the dumping of effluent into the Beaver River for two years. You did so, saying that that was okay, there was no problem with that, everything was perfect. In fact it was said by the company and by yourself that the effluent would be even a better quality than the water in the Beaver River. Now you have, Mr. Minister, changed your position. You've now said that the pulp mill can go ahead but they won't be dumping for the first two years.

But, Mr. Minister, let me quote to you what officials of the company said at one of your public meetings. And this is a transcript. And what I am doing here is I am pointing out yet another example of the confusion and the contradiction that you and your colleagues and the government continues to propagate when it comes to environmental questions. It's not a matter of enforcing environmental laws and putting in environmental protection policies and programs. It's a matter of whatever suits the political needs of the government.

Because when you announced this project and said it would be dumped for two years, the question was asked at one of the public meetings: why can't you do something that would not require you to dump for two years? You know what the officials of the company said? I want to quote to you. He said:

We don't see any breakthroughs in technology between now and then that are going to suddenly say, aha, that means we can start up effluent free.

When you announced it and at the public meetings the company said categorically, there's absolutely no way in which they can dump effluent free. This is the so-called public meetings you have in which people aren't allowed to ask questions in such a way, and cross examine as you would have in public hearings. So that at no time can some of this information be questioned the way it should be.

Mr. Minister, how is that when you gave the approval there was not the technology and there was no possible way in which there was any sight of technology developing that would prevent the company from having to dump for two years, and then after these public meetings all of a sudden you found the technology? Can you explain that contradiction?

Well sure, Minister goes like this. That's true, that's about how he does it. Whichever way the wind blows, that's what he has to say. It's all words but it doesn't do anything.

Now, Mr. Minister, can you explain to me why the company at those public meetings said there was no technology that made it possible, but after the meetings the technology was there?

(2315)

Hon. Mr. Hodgins: — Mr. Chairman, I want to clarify for the hon. member the process involved in the Meadow Lake Millar Western pulp mill. Okay?

An Hon. Member: — I know the process.

Hon. Mr. Hodgins: — No, I'm not so sure the hon. member does know the process because the hon. member makes representations that this government or this minister accepted a certain proposal and made a certain decision, and that was not the case.

I emphasize, Mr. Chairman, that the process involved was that the corporation submitted a proposal to the government under the environmental impact assessment legislation. And that proposal — and it was only a proposal — was that this mill dump effluent into the river for two years. This government did not accept that proposal nor did this government reject the proposal at that time. We did not accept it or we did not reject it.

What we did say, and what this minister did say, was that this proposal should go to public meetings. This proposal should have the public of Saskatchewan involved. And I made that decision. I just forget the exact date that that decision was made. But the hon. member will respect that there was public meetings, and it was as a result of those public meetings that this minister made the decision, in fact, made it a part and parcel of the approval of this project that the project be effluent free from day one.

Mr. Tchorzewski: — Mr. Minister, when you made the original approval, you approved the dumping of effluent for two years. You said so; you were quoted as saying so. Mr. Minister, how can you now stand in this House and suggest otherwise when that, in fact, was what your statement said. You're quoted in the newspaper as having said that. You still didn't answer my question. How is it that during the public meetings the company was saying there is no technology that couldn't possibly make it possible for them not to dump for the first two years, but after the public meetings somehow the technology was found? Can you explain that?

Hon. Mr. Hodgins: — Mr. Chairman, I cannot speak for the company themselves, What some company official may or may not have said with respect to the technical abilities to be effluent free from day one in this project. I can only tell you, Mr. Chairman, and I can stress that this pulp mill in Meadow Lake, Saskatchewan is a pulp mill that we should all be extremely proud of in Saskatchewan.

This pulp mill is setting a precedent and a standard for pulp mills across at least North America. I'd say, Mr. Chairman, from an environmental point of view, and from a pulp mill industry point of view, the eyes of North America are on this pulp mill. Why are they on this pulp mill, Mr. Chairman? Because this is the first, the first zero effluent pulp mill to be put into production anywhere in the entire world, and that's significant from an environmental perspective.

And I would ask the hon. member to pay close attention and to stand up as a Saskatchewan citizen and as a person who I believe is concerned about the environment, and say hurrah, there's one for Saskatchewan. There's a mark on the wall for Saskatchewan and there's something we can be proud of. There's no other pulp mill in the world that is zero effluent.

Some Hon. Members: Hear, hear!

Hon. Mr. Hodgins: — Now let's be proud of that. Mr. Chairman, I say once again, we are proud of this project. Environmental people from across North America are saying, hurrah for Saskatchewan. And I'd ask the hon. member to join in with that.

Some Hon. Members: Hear, hear!

The committee reported progress.

The Assembly adjourned at 11:23 p.m.