

July 27, 1992

## EVENING SITTING

## COMMITTEE OF THE WHOLE

**Bill No. 3 — An Act to amend The Environmental Management and Protection Act****Clause 1**

**Mr. Swenson:** — Thank you, Mr. Chairman. Madam Minister, now that you've had the dinner hour to go back and confer with your deputy and others, have you got a list of individuals, groups, companies, anyone at all that you could inform this Assembly about that asked that these changes be made to the particular Act in question?

**Hon. Ms. Carson:** — Mr. Chairman, to the hon. member, there are a number of changes that have an impact on a number of different areas. We haven't got a list of the groups or people, individuals, in any specific area. As I said before, we have consulted with numerous people who have indicated that the public has a concern with protecting the environment. The amendments we have here today speaks to that concern. And that's the list that we have, is the public in general.

**Mr. Swenson:** — Madam Minister, I realize that the environment is on the public's agenda, but your deputy and the people under him are in conversation on a day-by-day basis with people all through our society on environmental issues. The things that are being asked for in this Bill are of significant change, and all we would like from your staff, Madam Minister, are individuals in our society or groups or companies that have said that because of such and such circumstances, we think that the Bill should be changed; we think that Madam Minister should have the power to designate a person to enter with any machinery, equipment, or materials that the minister, environment officers, or designated persons, considers necessary to carry out the purposes of the entry.

Now, Madam Minister, that can go anywhere from a key to a bulldozer. And I think before this Assembly should grant you that kind of power to go on to my property that I pay the taxes on, that I should have some knowledge of who might be interested in entering that property and using a bulldozer to knock down my door. If someone in your department thinks that entry should be gained, that's all we're asking.

Now your deputy must have an idea from someone out there who envisages a situation like that of occurring. We're just simply asking you to put it on the record in here, who would ask for that kind of a measure?

**Hon. Ms. Carson:** — Mr. Chairman, the officials within the Department of Environment have encountered circumstances where they needed to go on property in order to make a determination whether there was activities that were polluting the environment taking place. Without these provisions they were not allowed entry onto that property until a much later date through the acquisition of a warrant. Therefore in the public's interest, to show leadership as a commitment to protecting the environment, this provision on right of

entry is important.

There are circumstances where, if the officials from the department do not take immediate action, then the evidence has been taken away. There is no way that we can prove who was doing the contaminating. This is not an amendment that is going to be abused but it is one that is necessary. It is in the interest of all the public of Saskatchewan. We do not believe, as the member opposite does, that there is chance for abuse here. We believe it's a responsible duty of the province of Saskatchewan to protect the environment, and in circumstances where individuals are abusing their right, then the government, the officials, have to take action immediately.

**Mr. Swenson:** — Well, Madam Minister, that's fine if you subscribe to the view that government is always without sin. But I remind you, Madam Minister, it was one of your colleagues that covered over the biggest PCB (polychlorinated biphenyl) spill this province has ever seen with several feet of concrete.

Now maybe you're going to need a bulldozer to go in and remove that concrete cap from the Federal Pioneer lot in downtown Regina. I don't know. But I'm just saying that government isn't the be-all and the end-all, that governments can abuse as well as individuals and companies.

And, Madam Minister, you may not always be the Minister of Environment. It may be somebody else, either in your government or in a future government. Ministers with that kind of power, quite frankly, scare people. Because as I pointed out to you earlier, government is very difficult to sue. I as an individual have a limited amount of cash to put into a legal action. You as a minister of the Crown have got every taxpayer in this province behind you to take someone through the court process. That is very difficult to do.

Madam Minister, if this has been brought to your officials' attention in the past, where a circumstance came up that demanded these kind of powers, would you enlighten the Assembly as to what that circumstance was. Give us an example of where it would be absolutely necessary to force entry at all costs even if you had to bulldoze down somebody's door to get there.

**Hon. Ms. Carson:** — There is one circumstance that was through the courts recently and that was with the Nestor Romaniuk trial where he was dumping sulphuric acid out of batteries. Had that been able to penetrate into the water system there would have been a great deal of damage. And there is now still to the soil the contamination of the area.

I guess the best assurance that I can give to the hon. minister is the fact that . . . or the hon. member is that he is sitting over there. And the way democracy works is, if there is abuse by the government there is no doubt that the members opposite would find out about it and bring it to the attention of at least the media and most likely most people in Saskatchewan.

So you are the counterpoint to the fact that there may be abuse in the system. And it's part of the way our system works as far as if the court system is too expensive or too cumbersome, certainly there is a political avenue and no minister would want to try to ignore the pressure or the condemnation of the members opposite.

**Mr. Swenson:** — Well, Madam Minister, if that is supposed to give us a feeling of comfort then I can only point out that the only government in Saskatchewan history that's unilaterally changed the rules of this House for its own ends sits right over there.

Now if I'm supposed to take comfort in the fact that a government that would do that isn't going to fool around with my rights as an individual to sort of use the Big Brother approach to the environment, then you haven't given me a whole lot to feel secure about. Because that majority doesn't hesitate to roll over the opposition when it feels the need to do so. I'm sure that 10 of us aren't going to be able to follow all of your environmental policemen around as they sort of do their thing in society. And that's why I want you . . . and I think it's very important that people in this province know, on the record, who in our society has been demanding these changes.

And I can't for a minute, Madam Minister, believe that your deputy hasn't kept a list of individuals that would be demanding these kind of changes. There must be somebody that you can tell this Assembly that wants these kinds of changes, and I think you should put it on the record.

**Hon. Ms. Carson:** — Mr. Chairman, once again to the hon. member opposite, the public has demanded — if you want to use the word demanded — that the environment be protected, that public safety be protected. There are instances, there are examples, all across Canada and in the world, where public safety has not been protected, and there have been instances where companies and corporations have illegally pursued activities that are very difficult for any government or any official to be on top of unless there is instant access to the property.

Once again I'll point out to you a circumstance. If someone is pouring gasoline or solvent into our sewer system, you cannot try to pursue that through a warrant because by the time you get to the individual who is dumping the liquid into the sewer, it's too late, and you have to concentrate your activity on trying to get it out. If the sewer system explodes in a small town, you will have devastation and you will have death and you will have circumstances that go far beyond the ramifications of the right of any official to enter a property and to take action immediately. It is in the public's best interest that this provision be in this amendment at this time. And it is a responsible thing to do. Many jurisdictions across Canada have similar provisions and others Acts do as well.

**Mr. Swenson:** — Well, Madam Minister, in all due respect Canada — and Saskatchewan in particular — isn't Mexico. I can appreciate the problem. And we all saw on television what happened when somebody put gasoline in the sewer system. But I think that we have

evolved as a society a little bit further down the road than someone intentionally doing that.

And what you're getting at I gather, is you're saying that this is whistle-blower legislation — I think I've heard you use those words to describe what's going on here. Obviously someone would have had to see someone dump the gasoline into the drain in the service station. That someone then runs to your department and says, Madam Minister, so and so dumped gasoline down the drain. I want you to send one of your people in there to confirm that.

Now I suspect by then, Madam Minister, the gasoline will be several miles down the drain, but even given that situation that's what you're anticipating. That all members of the public are going to become sort of environmental policemen, is that where we're sort of getting at here, Madam Minister?

**Hon. Ms. Carson:** — The whistle-blower legislation is under the environmental rights and responsibilities charter. It is not part of this. But there are circumstances where responsible citizens will want to report illegal activities and obviously it is in the best interest of the public that they do so.

**Mr. Swenson:** — Well, Madam Minister, for every example that you've given me someone obviously has to inform your department. You can't possibly hire enough people to have them sitting at the gate of every factory and manufacturing process and whatever in this town or in this province in anticipation that something might happen. Obviously someone is going to have to be reporting infractions to you for you to send your people in. And I would say, Madam Minister, that is some type of whistle-blower legislation. Because you can't possibly ferret all of this wrongdoing out on your own.

And I'm saying to you, Madam Minister, somebody must be on the record with your department demanding this. And I want you to put it on the record of the Assembly of who that is. Which groups in society are saying — is it the Sierra Club? — who is it that's saying that we need this type of legislative change to give Madam Minister this kind of power to enter premises without a warrant, with whatever tools she needs at her disposal. Who is it, Madam Minister?

**Hon. Ms. Carson:** — Mr. Chairman, to the member opposite, people in Saskatchewan have a desire to keep this environment clean and healthy. People in Saskatchewan want their industries and businesses to operate in a manner that respects the environment and obeys the environmental laws of Saskatchewan.

To the member opposite, I am at a loss to try to explain to you why this is as important . . . if you don't inherently see the importance of it, then it's difficult for me to try to understand where you feel the threat. There are so many businesses and so many companies in Saskatchewan that don't feel threatened by this. In fact they understand the cost of clean-ups. They understand the horrendous cost associated with contaminations. And they feel that there is not a problem with the right for an environmental officer to access a premise if they feel that there is a

concern or there is a contravention of the law taking place.

(1915)

I don't understand your concerns. If you respect the environment and if you are in step and in tune with the public of Saskatchewan, you would endorse this amendment as progressive legislation. I do not understand how you feel threatened by it. It only is a threat to people who have something to hide. I don't think the member opposite has anything to hide.

**Mr. Swenson:** — You're absolutely right, Madam Minister. I don't have anything to hide. I'll put my environmental record up against yours any day, as a citizen in our province, and stand quite well, I think. But that isn't the point. The point is that you have seen to change the Act to give an individual in our society, a minister of the Crown, significant powers, powers that if they are abused — and I say if, Madam Minister — I think would have a significant effect on my ability as a citizen of this province to carry on my everyday life. These are very wide-ranging powers, and how good an environmental record I have as an individual, Madam Minister, and what I think of it, isn't what we're discussing here.

You have brought forward amendments to the Act giving you and your department officials expanded powers. What I'm asking you is, who is it in our society that demanded that you do that? You're saying the public demands it. Fair ball. Who in the public has demanded it? I understand the drafting process of Bills, Madam Minister, and how they evolve and where they come from. Are you telling me that your deputy minister thought all of these changes up all by himself? I don't believe that for a minute. Someone had to be talking to him and saying, I think we need changes because of this, this, and this. And, Madam Minister, I think it's important, before we grant you those kind of powers, that you let citizens in this province know who is requesting those kind of changes, because it has to come from groups and individuals. I understand government. I understand pressure groups. I don't think your deputy and his folks did this all in isolation by themselves.

Madam Minister, please inform the public of Saskatchewan who was pressuring you to change this law and amend it.

**Hon. Ms. Carson:** — As I have said before to the hon. member opposite, we have talked to many groups across Saskatchewan in many different circumstances and we have got a very loud and clear message from all of the people that they do not want to see contaminated sites; they do not want contaminated water; they want to make sure that people who have emissions coming out of smoke-stacks are regulated and that they're obeying the laws of Saskatchewan. We've talked to many people. They have endorsed more stringent laws for Saskatchewan as far as right of protecting the public interest.

What we have here — I believe is what you're getting at — is a right to protect society as a right of an individual to

have his own private interest protected. It's a balance between the protection of society against the balance of a protection of an individual. And there has to be a balance. And I agree with you about that.

The point is that there is a balance. We have a balance and there is remedy through the courts. If we on government or officials within government abuse a right given to them under this legislation, there is access through the courts; secondly, there is political access to any minister or to any individual. And it is important that we understand that after many examples that can be cited, not only in Canada but across the world, that we take seriously the right to protect the environment. It is a very, very serious concern in the public's mind that there is contamination going on and there is no regulation, there is no right of governments to try to control the contamination. And we have to take that matter very seriously.

**Mr. Swenson:** — Well, Madam Minister, from what I remember of the old Act — and because it impacted on the oil and gas industry and the mining industry in a big way, I did know it fairly well — government had very wide-ranging powers. As a matter of fact, I as the minister of Energy and Mines had the ability, under permitting, to shut down all sorts of operations in this province for environmental reasons. It didn't even have to go to the minister of Environment. I could refuse to issue a permit on a given oil or gas well or a mining operation without the Department of the Environment even becoming involved. Okay?

Very wide-ranging powers; the power of fine — tens of millions of dollars if one wanted to push things to its extreme. I mean when you look at what you can do by halting production for a given period of time and what the costs are to someone in the business sector, it can be absolutely significant. And you can do that at present. You can shut down all sorts of people and they will lose production, they will lose income, and they're still liable for taxes and royalties and all sorts of things. Okay?

So the heavy hand of government can be used right now. What we're talking about here . . . And I would never have envisioned of having the power . . . And that clause, Madam Minister, quite frankly, really bothers me. Why you would insist on . . . Maybe what you need to do is give me a definition on what you think of machinery, equipment, or materials that the minister may want to do to enter a premise. Give me a list of what people have demanded from you in the way of equipment to break into some place.

**Hon. Ms. Carson:** — I will say once again that we believe that there is a need for immediate response in order to avoid disaster. The circumstances may be limited but there are times when there is a need for the department or the government to take immediate response in some circumstances. The ones that you cited as the authority of the Minister of Energy and Mines are far more Draconian than what we're proposing here, in some people's minds.

When we're talking about machinery, we're talking about the type of equipment that would be necessary in order to get . . . either to clean up the contaminated site

immediately, to remove the danger of contamination for the public welfare, or to take samples for evidence. It is not a bulldozer that would go through somebody's fence or somebody's door. It is machinery that could be used in order to make sure that contamination does not continue if it's immediate and present at the time that there is access to the property.

**Mr. Swenson:** — In all due respect, Madam Minister, then the legal beagles in drafting have wishy-washed you around because it says "to carry out the purposes of the entry." It doesn't say anything about digging up the slop afterwards. It says "to carry out the purposes of the entry." Entry means, in my view, in the circumstances where you're using the bulldozer, that is breaking down something, Madam Minister. You obviously feel you need to carry out the purpose of entry at all costs, and I want to know why you feel that? What type of machinery you envision to use to carry out entry, you know? What type of things would you do to enter a premises that you have to have machinery, equipment, or materials? Do materials include dynamite? I mean, what are we doing here, Madam Minister?

**Hon. Ms. Carson:** — Well it may include a variety of things. It may include building a road up to the site where the pollution is occurring, where you would have to have some machinery to do that. There are many things that one could think about that you would have to have some machinery in order to get to the point where the pollution is taking place — a ladder.

**Mr. Swenson:** — Well, Madam Minister, what you're saying is you might need machinery to get up to the edge of my property line. That's fair ball. I suppose you can do that, but after that you've got to enter my property. And I'm wondering why you need to have legislation this open-ended to enter my property. That's what we're asking, Madam Minister.

**Hon. Ms. Carson:** — The terminology of entry means the process of accessing the problem, finding a way of getting to where the problem is occurring.

**Mr. Swenson:** — I perfectly understand that, Madam Minister. But the problem is your folks may perceive that I have a problem. And I have maybe told you I don't have a problem and you've decided that I do have a problem. Therefore you're going to enter my premise and you don't have a warrant or anything. And maybe I've taken precautions to make sure people don't enter my premise for one reason or another. And now you're saying is, that you're going to come up and you're going to enter and you're going to use whatever is at your disposal to enter my property without a warrant, and you've got it in legislation that you can do darn near anything here short of use a napalm bomb. Now I just want to know why you think you have to have that type of power, Madam Minister.

**Hon. Ms. Carson:** — Well we cannot foresee every circumstance where pollution may be occurring, and there are circumstances where they will need to have a certain amount of equipment or machinery in order to get to where the pollution is taking place. The types of pollution that can be occurring can be as varied as your

very vivid imagination will allow it.

**Mr. Swenson:** — Well, Madam Minister, you even go a little bit further. In section 5 it says:

(5) No person shall obstruct a person authorized to make an entry pursuant to this section.

So no matter what you come along with to break into my property with, I had better not stand in the road, whether you want to drive over, or go under, or blow it up. Whatever you happen to have in mind, you've got it all covered here. And I'm just wondering why you think you need that kind of power.

Madam Minister, if no one in our society has come and begged you to put these powers in the Act, and you won't give me any examples of where you need this kind of Draconian measure, I would say, Madam Minister, that we have a right to be suspicious. I mean, you haven't hesitated as a government to walk over the rules of this Assembly for the first time since Confederation. With these types of rules in place, Madam Minister, we naturally have to be suspicious. You allude to it in more than one section where you have that kind of power, and I want you to give me some examples. Give me some names of individuals that have requested that you have that kind of power.

**Hon. Ms. Carson:** — Mr. Chairman, the purpose of good environmental laws is to protect the environment, to prevent contamination, to make sure that public safety is paramount. This is simply a way of protecting the environment and protecting people when there are no other avenues that an environmental officer has to him or her.

If we went through and got a warrant, the result would be the same. You would have access to the property. But there are circumstances where you need immediate access because pollution, once it's let loose, cannot be contained again. If it's let loose into a water stream, if it's let loose into the air we have to be there immediately in order to shut it down. And we cannot wait for the process of going to find a judge and getting a warrant. That is all that we're speaking to.

There are issues where you have to go there immediately and shut it down. Bhopal, there are contamination sites all over the world where people have lost property and they've lost their lives because no one had access to the property in order to stop the contamination immediately. That is all that we're talking about — the right to enter the property to stop the pollution process before it harms the public or the environment.

**Mr. Swenson:** — But, Madam Minister, we're not disagreeing with you. It is on the public agenda. The public wants to see the environment protected. People all over our society are thinking of new ways to do it. I mean you've got soup to nuts in recycling these days and it's going to get even bigger. People are concerned.

(1930)

What people are concerned about though, Madam

Minister, is your Premier 10 years ago as a deputy premier of this province fundamentally changed the constitution of our country. Okay? Fundamentally. They brought home the Charter of Rights and Freedoms, you know, and it's there. And everybody has their day in court. It's a different ball game. Just as much as we're all concerned, Madam Minister, about our environment, we now have the concern on our hands of protecting the rights of individuals in our society.

And I think the opposition would be remiss when the minister has to have the powers outlined in section 2.3(3). She reinforces it in 2.3(5). We can go over to section (10)(d):

obstruct or interfere with the minister, environment officer or designated person.

I mean it's reinforced all the way through this Act, section after section, where it wasn't before with these kind of powers.

And, Madam Minister, when requesting these kind of powers, you should be able to come to this Assembly and say we have been approached by X, Y, Z. And they had concerns 1, 2, 3, 4, where we've had a big problem and we need you, Madam Minister, to rectify that problem because . . .

And I think you should be prepared to tell this Assembly who those groups, individuals, companies were and the circumstances where you, as minister in reviewing that consultation, felt it was necessary to instruct your department to change the regulations in such a way that Madam Minister would have this kind of power. Now you should be able to bring that to this legislature, Madam Minister, when asking for these kind of powers.

**Hon. Ms. Carson:** — Once again this is progressive legislation. It is protecting the environment. It is protecting the public interest. There is a balance between the right to protect the public and the right of the individual. If this is challenged under the Charter of Rights, we'll soon know about it. It can be challenged. If an individual feels there is a challenge here, then I would encourage them to take a look at it. But at this point in time, the public interest is paramount. The right to protect the environment is a very important issue in the public mind. There are circumstances where it is necessary, absolutely vital, for the public interest, to act immediately.

We cannot wait until there is a severe contamination and public health has been endangered. We have to act. And in those circumstances we have to have the right of entry to make sure that we shut down whatever the cause of pollution is. It is happening. It will continue to happen. And this government is responsible in this legislation in taking the course of action that they are taking now.

**Mr. Swenson:** — Okay, Madam Minister, it appears that . . . And you've been asked the question at least a half a dozen times and there is no response, and I can only assume from that that the orders to change the legislation either came from Madam Minister herself and her duties as minister or they came by cabinet directive. Because

you have no other indication to this Assembly that it was any group, company, persons, society, that requested these changes. There were no circumstance to back it up by those groups or society.

And I can only gather from that, Madam Minister, that you either personally gave the order to change this Act to have these measures put in here, or it was a directive of cabinet. Because you have been not able to indicate to this Assembly in any shape or form anyone else's involvement in it. You keep saying, the public. That simply isn't good enough. We can only gather from that that it's not the public, Madam Minister; it's part of a political agenda by this NDP (New Democratic Party) government. That's the only thing you leave people in this Assembly left to confirm.

Now if that's not the case, then enlighten us on who the other players are that would ask for these kind of powers.

**Hon. Ms. Carson:** — To the member opposite, I believe that our government was elected on a very strong environmental policy. This is in keeping with the principles of the New Democratic government. We have no problem saying that we support this, that not only does it come from the department but it is definitely in step with the principles of environmental stewardship that the New Democrats have talked about for many years.

I feel nothing to apologize for, although the member opposite feels suspicious. I would suggest that it's only those people who have something to hide that feel threatened by this legislation. If there are circumstances where the public good is being threatened, it is incumbent upon a government to take action immediately to stop the pollution from taking place.

**Mr. D'Autremont:** — Thank you, Mr. Chairman. I believe our concern is not in those circumstances or those individuals where pollution is taking place, but rather it's in those cases where your department batters down somebody's door and nothing is happening. That's where the concern lies.

I'd like to read to you that portion of the Act that is currently in place so it's on the record for the public to hear. This is section 2.3(1).

The minister, an environment officer or any person designated by the minister may, at any reasonable time and with the consent of the owner (I think that's very important — with the consent of the owner) or occupant, enter on any land, premises or other place with any personnel, machinery, equipment or materials that he considers necessary for the purpose of:

- (a) exercising the minister's powers or duties pursuant to, or enforcing, this Act or any other Act administered by the minister or any regulations or orders made pursuant to this Act or those Acts; or
- (b) securing data and obtaining information respecting the environment or any pollutant that he reasonably believes is present on the

land, premises or other place, whether or not the pollutant is present in circumstances that are harmful or potentially harmful to the environment.

(2) No person shall obstruct a person authorized to make any entry pursuant to this section.

(3) Where entry pursuant to subsection (1) is refused, the minister may apply *ex parte* to a judge of Her Majesty's Court of Queen's Bench for Saskatchewan and, where the judge is satisfied that:

(a) there are reasonable grounds to believe that evidence of a contravention of this Act, any other Act administered by the minister or any regulations or orders made pursuant to this Act or those Acts is present on those lands or premises or at that place; or

(b) data or information respecting the environment or any pollutant is present on those lands or premises or at that place;

he may issue an order authorizing the minister, an environment officer or a person designated by the minister to enter the land, premises or other place, as the case may be, for the purpose of securing that evidence, data or information.

(4) Where an order is issued pursuant to subsection (3), the minister, an environment officer or any person designated by the minister may take any step or employ any assistance that is reasonably necessary to accomplish what is authorized by the order.

(5) Every police officer or peace officer is under a duty to assist the minister, an environment officer or any person designated by the minister to enforce an order pursuant to subsection (3). 1988.

In that section it gives the minister the power to enter, but only after a warrant. She can enter prior to that with the permission of the owner or the occupant.

Further on, Madam Minister, in the same Act, you stated that your officials were not immune from prosecutions if they were to enter into a property and then subsequently be sued by the owner or the occupant. Yet section 40(1) in this Act, reads,

Neither Her Majesty the Queen in right of Saskatchewan nor any member of the Executive Council nor any person acting pursuant to the authority of this Act, any other Act administered by the minister or any regulations or orders made pursuant to this Act or those Acts is in any way liable . . .

I'll read that again:

" . . . is in any way liable, except in the case of negligence, for any loss or damage suffered by any

person for anything done in good faith or omitted to be done pursuant to the authority or supposed authority of this Act or those Acts or the regulations or orders made pursuant to this Act or those Acts. 1988.

Madam Minister, you're taking out the fact that your officials have to go before a judge and provide some reasonable reason why they need to have this entry before a judge, a Queen's court judge. The old Act says you have to do that and then it provides the immunity. Will your officials, under the amended Act, still be protected under clause 40.1?

**Hon. Ms. Carson:** — Mr. Chairman, a few comments to the hon. member opposite in regard to the last comment he made. What it says is that you're not liable except for negligence. In circumstances where there is justification then there is no remedy by the individual because in those circumstances obviously the environmental officer was working in the public interest. So in that circumstance there is no immunity if there is negligence on the part of the environmental officer.

In regard to the changes, there are two important aspects that you have overlooked. One is the need to immediately stop pollution or contamination from taking place in order to protect the public health and welfare. The second point is that if there is not immediate access to the premise or the property then the evidence can be tampered or hidden or removed, in which case there is nothing that the department can do further.

So there are two things we're talking about: the need to stop the contamination from taking place any further, immediately, in order to prevent any problems that will endanger the lives of individuals. The second is the fact that we need the evidence in order to pursue it through the courts. And furthermore, I guess what we want to stress is this provision in this Act is very similar to The Occupational Health and Safety Act. And there has not been any abuse by the government in that regard, and we do not anticipate any abuse by the government in this Act either.

**Mr. D'Autremont:** — Well, Madam Minister, you speak of, this is in the case of negligence only, then you carried on. This exemption is only for the case of negligence. If you're acting in good faith then you're protected. What happens in those cases where your officials break down somebody's door, go into the property, supposedly in good faith; they're still protected. Who pays? Nothing happened. There was nothing there. Who pays for it? Are you just going to turn around and walk away with somebody's Quonset door pushed in?

**Hon. Ms. Carson:** — The intent here is to, I think, protect . . . and I understand what you're getting at. The intent is to protect the individuals from irresponsible acts by government officials. And I don't know how we can word that. I appreciate what you're saying. We looked at that. Negligence may not cover entirely the situation that you're talking about. But in this point in time we have anticipated that there were avenues, remedies through the court system, if an individual wanted to pursue it.

But as far as providing a remedy because of irresponsible actions by government officials, that is something that perhaps we should discuss.

**Mr. D'Autremont:** — Madam Minister, if your officials are going to act in good faith and be reasonable, then perhaps the thing to do is remove clause 40.1. They have no need for the protection if they act properly in good faith.

(1945)

**Hon. Ms. Carson:** — To the member opposite, 40.1 is a clause that is needed in order to protect individuals that are carrying out their duty in good faith. The clause, except in case of negligence, is as I'm told, broad enough to be interpreted to cover such instances where it might be irresponsible actions as well. Negligence can be interpreted very broadly.

**Mr. D'Autremont:** — Well I'm glad to hear that the minister would entertain that type of an idea of broadening it. Because I'm going to present an amendment to do exactly that when it comes up to the reading of the Bill and approval, to provide some protection for individuals and to ensure that the officials from your department are acting in a reasonable fashion in good faith to provide some protection for the general public at large, that they know that they're not going to have their doors battered down with the officials having immunity, if there's no reason to have done so.

Madam Minister, a little further on in section 2.3, you have included justices of the peace in here. I'm wondering why?

**Hon. Ms. Carson:** — It's in there to provide reasonable access by the environmental officer where there isn't access to a judge in smaller centres.

**Mr. D'Autremont:** — Well do you feel that the government doesn't have enough access yet to warrants by going through a Queen's court judge?

**Hon. Ms. Carson:** — To the member opposite, this is a normally accepted approach to dealing with these types of issues either through the provincial court or through the justice of the peace.

**Mr. D'Autremont:** — Well, Madam Minister, this is a change though and I'm just wondering why you felt it was necessary to have justice of the peace included? Prior to this it was judges of the provincial court that were allowed to issue warrants to search a person's private home, their dwelling. And yet now you're going to open it up to a justice of the peace and I'm just wondering what precipitated this, why did you feel it was necessary?

**Hon. Ms. Carson:** — To the member opposite, the Justice officials felt that this was necessary to include this in this clause in order to give them reasonable access to the property in times of emergency when the dwelling was barred from entry by the officials.

**Mr. D'Autremont:** — Thank you, Madam Minister. In section 2.3(8)(c) "there is data or information respecting

the environment ...". Now I'm sure that all of us have information respecting the environment in our homes or in our places of dwelling. I find that term to be rather broad. What was the purpose of leaving it so broad? What were you aiming at? The ability to enter into anybody's home if you so desired?

If you had said data or information respecting environmental pollution, that's a different matter. But you've left it pretty broad. Any newspaper you pick up has some information dealing with the environment in it. So any home, any office, any place, you could use the provisions of this Act for entry. What was your intent?

**Hon. Ms. Carson:** — I believe the intent perhaps be a little bit broad here and if you have an amendment that you're proposing we're certainly agreeable to looking at it. Here there are circumstances where processes have been developed by certain industries or certain businesses that will include in that process data that respects the environment. That process may not be illegal within our environmental laws, so this implies there is a broader terminology than maybe that should be, and we're willing to look at ... If you have an amendment to that we're quite willing to look at it. But the intent is to talk about those processes that have data and the data specifically talks about its impact on the environment.

**Mr. D'Autremont:** — Well I don't understand, Madam Minister, how somebody, a company having information on how something would impact the environment, would be illegal and therefore necessitate that you have a warrant to go and search their premises. If they have some data that would indicate something is potentially harmful to the environment that's their business, providing they are not using that substance to in fact pollute the environment. If it's only data dealing with a substance, then what makes it illegal?

**Hon. Ms. Carson:** — This pertains to circumstances where there is a process, where there is information on emissions or something that's going on within an industry, and that information may be held at another premise or another piece of property. This gives the right of the official to obtain entry to get that information that has a report that respects the impact on the environment by that process.

**Mr. D'Autremont:** — Thank you, Mr. Chairman. Madam Minister, since we seem to have an agreement here on section 2.3(8) that an amendment might be in order on section (c), would it be possible for the committee to rise and report progress to get an amendment drafted by the Law Clerk?

**Hon. Ms. Carson:** — To the member opposite, if they want to continue with the questions, we will have our legislative officer draft that amendment and send it over for your perusal. If you have suggestions, we're quite happy to take them and try to work them into the amendment.

**Mr. D'Autremont:** — Madam Minister, I think if we had a chance to work on it, to sit down, it would be better rather than doing it sort of haphazardly.

**Hon. Ms. Carson:** — Mr. Chairman, we're trying to find a process that would accommodate the wishes of the member opposite. If they have suggestions for the amendment, they can forward them over to our officials and we will include them, if that would be appropriate.

**Mr. D'Autremont:** — Mr. Chairman, if Madam Minister would like to draft the amendment, send it over here for us to take a look at and to consider it, we can carry on.

**Hon. Ms. Carson:** — Mr. Chairman, that's agreeable to us.

**Mr. D'Autremont:** — Thank you, Madam Minister. Then we'll move on to section 35.1, where it states the nature . . . This is if an applicant presents information to the minister concerning a possible pollution taking place.

(2) An application for an investigation under this section shall be accompanied by a solemn or statutory declaration that:

(a) states the name and address of the applicant;

(b) states the nature of the alleged offence and the name of each person alleged to be involved in the commission of the offence;

Madam Minister, once this application has been reviewed and either agreed that it should go forward or is rejected, does the person being investigated receive any information at the end? They may have had their premises entered without any knowledge of why the minister or her agents are there. Will the person being investigated find out about it after the fact if there is nothing there, and will they find out who the applicant was that was asking that the investigation be carried out?

**Hon. Ms. Carson:** — To the member opposite, yes, the person who owns the property would receive that information.

**Mr. D'Autremont:** — Who makes the decision, Madam Minister, whether or not to proceed with the application to do an investigation?

**Hon. Ms. Carson:** — To the member opposite, the minister makes the final determination.

**Mr. D'Autremont:** — The final determination is made by yourself personally, or just under your authority?

(2000)

**Hon. Ms. Carson:** — Under the authority of the minister.

**Mr. D'Autremont:** — So in actual fact then, Madam Minister, somewhere in the bureaucracy the decision will be made. Is there a level at which this decision has to rise to to be taken, or can an agent in the field make that decision?

**Hon. Ms. Carson:** — Normally these types of decisions are made by the deputy minister.

**Mr. D'Autremont:** — I'm glad to know that the decisions will be made at high levels. There are some other comments that you can make about decisions made at high levels but I won't make them.

In section 38(1)(j) it prescribes a requirement — the payments of any fees and charges. What are these fees and charges going to be?

**Hon. Ms. Carson:** — Mr. Chairman, to the member opposite, we're doing a very comprehensive consultation process at this point in time, looking at the whole area of fees and charges. They will be brought in under regulations.

**Mr. D'Autremont:** — Well, Madam Minister, it's always glad to hear that a minister of the Crown is consulting. Who are you consulting with though, before making these determinations?

**Hon. Ms. Carson:** — Mr. Chairman, we will be consulting with all the stakeholders, including the industries, the business, the public, the environmental network, anyone who has a concern with the operation of the environmental protection Act and its application to the public and to business.

**Mr. D'Autremont:** — Do you have any names of any individuals or corporations or groups that you are meeting with in discussing this?

**Hon. Ms. Carson:** — This is done through an interdepartmental approach. They have already sent letters, messages, to all the stakeholders inviting them to meetings later on. And this is an ongoing process. We have just begun it at this point in time and we haven't got the names, but they will be, in due course, released to all the people who have an interest in them.

**Mr. D'Autremont:** — Well surely, Madam Minister, if you've sent out notices and invitations to consult, you must have sent them to somebody. What we're getting here is the nebulous "them". We're talking with them, but we never find out who "them" is. We're never us, it's always them. So who are this nebulous "them" that you're holding your consultations with?

**Hon. Ms. Carson:** — To the member opposite, we have advised the Canadian Federation of Independent Businesses; we have advised all the major industry associations. They have been give notice that the regulations are under review, and they will be consulted for their point of view.

**Mr. D'Autremont:** — As a member of the opposition, it's my duty to find out everything that I can and let the public know what's going on. You've mentioned the independent business federation. Who else? There must be . . . Are you talking with the oil industry? Who in the oil industry? Are you talking with the retail industry in agriculture? The farm chemical dealers? Who are you talking with?

**Hon. Ms. Carson:** — Everyone publicly has been assured that they'll be involved in the process. We haven't finalized the list of people that will be given notice and



will be invited for comments. Their comments will be listened to. We're just starting the process at this time. The regulations are simply in the embryonic stage, and we're simply compiling a list of people who are stakeholders now and we'll be talking to them about these changes.

**Mr. D'Autremont:** — Well can you give us in the opposition, rather than "them" and the general public, an assurance that there will be public hearings held throughout the province to give people the chance to have input? Or is it going to be that select group of "them" that have a chance to make comments on your regulations?

**The Chair:** — Why is the Minister of Education on her feet?

**Hon. Mrs. Teichrob:** — Mr. Chairman, with leave, for the introduction of guests.

Leave granted.

### INTRODUCTION OF GUESTS

**Hon. Mrs. Teichrob:** — Thank you, Mr. Chairman. It's my pleasure to introduce to you and through you to the Assembly two guests present in the Speaker's gallery tonight. One is the new president elect of the university board of governors, Marcel de la Gorgendiere. And just in the front seat is Ken Dillen, a constituent and friend of mine. Would the Assembly join me in welcoming them.

**Hon. Members:** Hear, hear!

### COMMITTEE OF THE WHOLE

#### Bill No. 3 (continued)

#### Clause 1 (continued)

**Hon. Ms. Carson:** — To the member opposite, as he is aware, we have just introduced an amendment to this Act making public consultations on the regulations compulsory. So it's already in the Act. It is an obligation by the government to proceed with public consultations by the terms referenced in this Act.

**Mr. D'Autremont:** — Madam Minister, when you say the consultations will be mandatory, are you envisioning one meeting say perhaps in the seat of power in Regina or will it be around the province in areas that will be affected? If you're looking at uranium, it will be more in northern Saskatchewan. If you're looking at oil, it will be in the south and the west side. Are you looking at a broad cross-section for the public hearings or in a centralized location?

**Hon. Ms. Carson:** — The public consultations will take part in the area where the people are impacted, with the stakeholders who have direct input into and direct . . . this Act impacts upon them directly. The consultations will take place with that group of stakeholders in public consultations.

**Mr. D'Autremont:** — Well thank you, Madam Minister, for the assurance, because I think it is important that the

people who are to be impacted by the decisions actually have an opportunity to participate and that it be in their area, rather than forcing them to drive some place else out of the area. It leaves a lot less officials to do the touring than there are public.

In part (ii) of the section where it says:

any other action that the minister, an environment officer of any certification board established pursuant to the regulations is required or authorized to take pursuant to this Act or the regulations

And this is dealing again with any fees or charges. What kind of actions are you contemplating here, Madam Minister?

**Hon. Ms. Carson:** — Mr. Chairman, to the member opposite, would he repeat the question, please?

**Mr. D'Autremont:** — Madam Minister, I'm wondering under subsection 38(1)(j)(ii) what actions you were contemplating when it considers the fees and charges connected with such actions, such approvals by the minister.

**Hon. Ms. Carson:** — The actions we're talking about is where we have authority to conduct inspections and in circumstances that may change we would prefer to charge for those inspections.

**Mr. D'Autremont:** — So, Madam Minister, what you're saying is you're going to a user-pay system here?

**Hon. Ms. Carson:** — Yes, polluter-pay or user-pay. There will be charges levied on people who access the various regulations and various inspections needed by the Department of Environment.

**Mr. D'Autremont:** — Madam Minister, I think perhaps we should be clear that there is a difference here under this Act between user-pay and polluter-pay. Because a user of this Act and the services provided by the Department of the Environment may not necessarily be a polluter.

**Hon. Ms. Carson:** — You are right in that statement. We do now, under Public Safety, charge for inspections, electrical inspections or gas inspections. This is simply an extension of that concept.

**Mr. D'Autremont:** — Thank you, Madam Minister. Under the same subsection but (hh.1) where it says:

. . . regulating, controlling and requiring ministerial approval for the construction, operation, abandonment and decommissioning of facilities that store, process or handle hazardous substances, including facilities that were constructed and operated prior to the coming into force of any regulations made under this clause;

I'm wondering, what kind of fees and charges are currently being levied for that kind of construction and control?

**Hon. Ms. Carson:** — To the member opposite, this is not a section that deals with fees and charges. This has to do with setting of regulations.

**Mr. D'Autremont:** — Are there any fees or charges in place for the ministerial approval necessary to carry out this?

**Hon. Ms. Carson:** — No, there are not.

**Mr. D'Autremont:** — And there will not be under the amendment?

**Hon. Ms. Carson:** — There are no regulations . . . there are no fees or charges under this set of amendments at this point in time.

**Mr. D'Autremont:** — Do you foresee any charges or fees coming into place dealing with this, with ministerial approvals?

**Hon. Ms. Carson:** — Yes we do.

**Mr. D'Autremont:** — On what basis will these fees and charges be levied?

**Hon. Ms. Carson:** — That will be part of the consultation process that we're undertaking at the point in time. We can't give you any definitive answer as to the amount or the way they're levied at this point in time, until we've done the consultations.

(2015)

**Mr. D'Autremont:** — Well, Madam Minister, if you're going to charge fees or levies against an operation for construction, I think it would be incumbent on you to take into consideration what impact those fees and charges will have on that operation.

If it's a large, multi-million dollar operation, then a smaller fee, relative to that cost, won't be prohibitive. But if you charge a fee to a small operation of a few hundreds or thousands of dollars — not hundreds of thousands but hundred or thousands — and you charge the same fee to a multi-million dollar operation, you may be harming the small operation.

So I think it's incumbent that there be some respect given to the size of the operation and the amount of pollution that could entail. Can you give us that assurance?

**Hon. Ms. Carson:** — Yes, absolutely. You're right that we have to be aware that there are . . . we have to be sensitive to the economic circumstances of the company or industry that we're regulating.

**Mr. D'Autremont:** — Again we agree, Madam Minister. In part (hh.5) on the same page, respecting the training and qualifications of persons installing, what kind of standards will be in place for this? What kinds of qualifications will those people have to have?

**Hon. Ms. Carson:** — This is done in consultation with industry. What we're talking about here is setting up

regulations regarding the qualifications for people servicing, and the qualifications and training for people who are installing. We're setting up the regulations for the qualifications.

**Mr. D'Autremont:** — Well, Madam Minister, I would assume that because we do have a large number of facilities for storage, etc., in place, there are already a number of qualified people out there who do this kind of work. Surely you must have an idea what kind of standards you're looking at — pipe fitters, etc. They already have their professional standards and I would think that if you were to look in those kind of industries, there are standards already in place. Now are you going to be changing that or will it carry on from where it is today?

**Hon. Ms. Carson:** — To the member opposite, we are taking the national standards for the qualifications for people working in this area. We have offered four training programs to this date and pretty well everybody who is qualified has already received their certification.

**Mr. D'Autremont:** — So you already have the qualifications in place that you want to have to meet the requirements of this Act?

**Hon. Ms. Carson:** — Yes, that's correct.

**Mr. D'Autremont:** — Well then, Madam Minister, why are you still consulting about it if the standards are already in place? You stated earlier that you were consulting about the setting up of the standards for the qualifications necessary, and then you turn around and say that you already have decided to use the national standards. So either you have a set of standards in place or you're consulting about them. So I'm to understand now that you actually do have a set of standards in place?

**Hon. Ms. Carson:** — I was under the understanding you were talking about the fees and charges that we're talking about for regulations. I apologize for giving a wrong answer to the wrong section of your question.

**Mr. D'Autremont:** — Sorry, Madam Minister. I'll try to make myself clearer next time. I was talking about the training and the qualifications necessary for those persons who will be doing the work.

Am I to take it that this entire section of double h's will all be reviewed or the answers will be supplied under regulation?

**Hon. Ms. Carson:** — Yes, they will all be done through regulations.

**Mr. D'Autremont:** — How do you see section (hh.9) working under regulation? And this is . . . I'll read it so that the public can know:

requiring owners, operators and persons installing, servicing, testing and decommissioning storage tanks, containers or facilities for hazardous substances to obtain insurance or performance bonds, to deposit funds in any financial institution approved by the minister and

in any amounts the minister may consider necessary, to establish trust funds or to provide proof to the minister of financial soundness to cover possible contamination or pollution as a result of the operation, installation, servicing, testing or decommissioning of the storage facility or as a result of the abandonment of a storage tank, container or facility;

What are you looking at in regulation concerning this section of the Bill?

**Hon. Ms. Carson:** — To the member opposite, this is simply enabling legislation. The next process would be to decide which bonds would apply, the terms of the bonds, and how much the bonds would be.

**Mr. D'Autremont:** — Well, Madam Minister, it says the “amounts the minister may consider necessary.” What will you base that determination on?

**Hon. Ms. Carson:** — Through consultations with the industry that . . . The amount will be relative to the possibility or the size of contamination that could be created and the amount of expense that would be needed to clean it up. It's relative to the industry and to the impact that industry has on the environment due to pollution or contamination.

**Mr. D'Autremont:** — Well I can see that someone in the oil patch would have some serious concerns about that, because if there was a major oil leak on TransCanada Pipelines . . . or I should use IPL (Interprovincial Pipe Line Co.) — TransCanada's gas — they could have a major leak. But it is possible to clean that up and at the end of the day not have some major pollution.

And yet if you look at hauling radioactive material for hospitals for their X-ray machines, you could have some major pollution there with a very small amount of product. So how do you determine where is the major pollutant?

**Hon. Ms. Carson:** — Well this applies to storage tanks, containers, and facilities for hazardous substances. I don't think the TransCanada pipeline falls under that. And what we would do is talk to the industry and decide what is a fair and reasonable compensation for the eventuality of a contamination taking place. And the bonds that would be required would be relative to that degree of risk that is in that activity.

**Mr. D'Autremont:** — Well, Madam Minister, you're the Minister of the Environment so I'm not going to question . . . well I guess I am going to question whether or not oil is a pollutant substance that would be covered under this Act.

**Hon. Ms. Carson:** — What we're talking about in this section of the Act is storage tanks, containers, or facilities for hazardous substances.

**Mr. D'Autremont:** — If oil spills on the ground, if you have 50 barrels of oil laying on the ground, crude oil, is that or is it not a hazardous substance?

**Hon. Ms. Carson:** — Yes, if oil spilled out of a tank. What we're talking about here is the company providing a bond that would provide the clean-up for that kind of a spill.

**Mr. D'Autremont:** — That's what I'm asking, Madam Minister. If IPL has a major spill then you have a large environmental hazard there, hazardous material. But the long-term effects — it's possible to clean that up with very few long-term effects. But if you have a spill of radioactive material, you may not have the ability to make a good clean-up on that.

So that's what I'm wondering. When you charge the fees, how are you going to determine what to charge? If you spill 100 barrels of oil in a lake, you have one set of circumstances, one set of costs. But if you spill some radioactive material in downtown Regina, you have another set of hazards. So how do you determine how you set the fees?

**Hon. Ms. Carson:** — What we're dealing with here is enabling legislation that will set these regulations that you're talking about now. Through discussions with people in the industry, we'll determine the amount that the bonds will cover through appropriate discussions with the people who are the stakeholders.

**Mr. D'Autremont:** — Well, Madam Minister, I hope that's true, because once this Act passes it's going to be very difficult for those stakeholders to have any serious effect on the amount that you wish to levy, because it says, the “amounts the minister may consider necessary.” So once this is in place, you have the right to set the price, whatever it may be. They may argue about it, but it's a *fait accompli*.

On the obtaining of insurance or performance bonds, you're talking here of the people owning the facilities, the people operating the facilities, and the persons installing, servicing, testing, or decommissioning the storage tanks, containers, or facilities. Now I mentioned IPL. If somebody's digging a pipeline for IPL and they find some hazardous material in the ground, which may have been there for a number of years and may have had nothing to do with IPL at all, but yet they're going to be responsible for it, either as an owner or an operator or a person installing. So where are they supposed to get these performance bonds from? And why should someone who is simply working for another individual be held responsible?

**Hon. Ms. Carson:** — To the member opposite, the bond that we're talking about only applies to the pollution that is controlled by the operator or the owner of the bond. It's not meant to apply to environmental liability that might be incurred in the past by some other company. With respect to the comment you made before the last question, I think it's important to again point out that regulations will be developed through public consultation. And that amendment is in this Act and it's a commitment made by this government to consult with the stakeholders before any regulations are developed and passed.

**Mr. D'Autremont:** — Well, Madam Minister, I believe this type of insurance and bond is already in place in

British Columbia, yet in discussion with people in the construction industry dealing in British Columbia, they say it's very, very difficult to get that kind of a bond because when you go on to a location, the operator, the person doing the work, may not necessarily know what they're going to run into. And so the people who are supplying these bonds are very reluctant to provide a bond. So I think there needs to be some kind of an assurance given that the person who is doing the work and finds some pollutant there . . . I mean if he causes it that's another matter, but if he finds some pollutant on the location, that he is not responsible for it.

**Hon. Ms. Carson:** — Yes, I agree. That bond we're talking about here applies to the people who have the possibility or risk of contamination within their company. What you're talking about is another section entirely. It doesn't pertain to what we're talking about at this point in time, but you're absolutely right.

(2030)

**Mr. D'Autremont:** — Well, how can we give some assurance then to those people who will be in fact doing the work, that they will not be held responsible for something that they didn't do?

**Hon. Ms. Carson:** — To the member opposite, it's very clear that this Act pertains to the person or to the company that caused the pollution not to the person or the company that finds it. It is the people or the company that have ownership on the substance that has caused the pollution that the bond applies to, not to the company or the corporation that finds the pollution.

**Mr. D'Autremont:** — Well, Madam Minister, I can't find that assurance in this section.

**Hon. Ms. Carson:** — You will find that assurance through the regulations when we develop the regulations. You will see how this applies to the company or to the group or to the individual that owns a contamination not to the individuals that find it. It will be specific in the regulations.

**Mr. D'Autremont:** — Well, Madam Minister, can I count on your assurance that that will indeed be the case?

**Hon. Ms. Carson:** — Yes, the member opposite can.

**Mr. D'Autremont:** — Thank you, Madam Minister. In the last part of that section (hh.10) it calls for environmental assessments. I'm just wondering, you talk here of storage facilities and connected premises: will this have any effect on agriculture?

**Hon. Ms. Carson:** — To the member opposite, in so far that this section applies to underground storage tanks, it would have an impact on agriculture.

**Mr. D'Autremont:** — Madam Minister, you're talking underground storage tanks as in gasoline tanks and diesel fuel, etc. What impact is this going to have on the whole service-station industry, this Act dealing with underground storage tanks?

**Hon. Ms. Carson:** — To the member opposite to that question: the hazardous substances regulations that are in place now deal with the question that he asked and there is an impact on people who have old storage tanks — service stations and so forth in small communities. We are talking with them and we are working through that. But this Act that we are dealing with today does not impact on that sector of our commercial retail environment.

**Mr. D'Autremont:** — Madam Minister, I'm actually glad that you brought up the underground fuel storage tanks because it had slipped my mind. And I know that it is a concern in a large number of communities because they face the possibility of perhaps losing their only service station because of the costs associated with the removal or the reconditioning of underground storage tanks. What is the minister doing or prepared to do, to assist along that line for those small installations that need to be investigated?

**Hon. Ms. Carson:** — At this point in time we're discussing the situation with small operators and stakeholders. We're looking to provide some financial assistance to those people who need their underground tanks certified and do not have the resources to do it. We're at the beginning of a process and I can give you my assurance that we're aware of the problem. We're working with the industry to try to solve it.

**Mr. D'Autremont:** — Well thank you, Madam Minister. What manner do you use at the present time to determine whether or not a tank should be dug up or reconditioned or certified? What's the procedure right now?

**Hon. Ms. Carson:** — The department has new standards that apply to underground tanks. It's up to the individual who owns the tanks to determine whether his tanks comply with those standards.

**Hon. Mr. Cunningham:** — When did these new standards come into effect, Madam Minister?

**Hon. Ms. Carson:** — Those standards came into effect April of 1989.

**Mr. D'Autremont:** — Thank you, Madam Minister. What's the procedure presently if a tank has to be removed? What steps do you go through and what happens?

**Hon. Ms. Carson:** — The individual or company that owns a tank has to have it replaced with a tank that meets the standards.

**Mr. D'Autremont:** — So, Madam Minister, they can simply say, well my tank has reached a certain age limit, or whatever the requirements are, and then proceed to remove the tank and install another one, can they?

**Hon. Ms. Carson:** — Yes, that's true.

**Mr. D'Autremont:** — What type of inspection or certification do they need after that or during the process?

**Hon. Ms. Carson:** — Mr. Chairman, the installation has to

be done by a certified installer and the premise has to be licensed.

**Mr. D'Autremont:** — So they would do the inspection after the installation was already in place? The department officials really have nothing to do with the process until such time as the tank is put back into the ground?

**Hon. Ms. Carson:** — To the member opposite, there is a reporting requirement that the company has to give to the department to indicate the extent of contamination within the soil and how much soil is going to be removed and how it's going to be cleaned up.

**Mr. D'Autremont:** — So, Madam Minister, if I can understand, the person involved with the service station, say, digs up his tank, takes some samples perhaps, and submits them to the Environment for inspection, and then he can replace that tank and then get it inspected, and he's free and clear to go back into business again.

**Hon. Ms. Carson:** — Yes, that's correct.

**Mr. D'Autremont:** — Well, Madam Minister, I've received some calls and some complaints that during the removal phase of this tank that they have to have an agent from your department standing on site at all times at \$30 an hour. And these people are wondering, why do they have to have an inspector from the Department of the Environment there while these tanks are being removed?

**Hon. Ms. Carson:** — To the member opposite, you must be receiving erroneous information because the department does not, at this point in time, charge for anything. And this process that you described is not happening.

**Mr. D'Autremont:** — Well, Madam Minister, I'm glad to hear that they're not being charged, so I will look into it further and just ascertain what is going on there.

On section 40.2:

- (1) The minister may delegate to any officer or employee of the department the exercise of any of the minister's powers . . .

I'm just wondering how are these employees chosen and what are their qualifications.

**Hon. Ms. Carson:** — It depends on what is taking place. The delegation can be to the deputy minister or to other technical experts who work within the department who have the expertise to make that evaluation.

**Mr. D'Autremont:** — So these employees will be department people chosen for their qualifications, and those qualifications could be checked on at some point if we wished.

**Hon. Ms. Carson:** — Yes, that's right.

**Mr. D'Autremont:** — Okay. Thank you, Madam Minister. That's it for my questions. I have some amendments to make but I'll make those as we go through

the amendments in the Act.

Clause 1 agreed to.

Clause 2 agreed to.

**Mr. D'Autremont:** — I didn't want you to get too far ahead of me here while I'm trying to keep track of it. Okay, I'm . . .

### Clause 3

**The Chair:** — I believe there's an amendment.

**Hon. Ms. Carson:** — Yes, Mr. Chairman. Do you want me to read the amendment?

Amend section 3 of the printed Bill:

- (a) by striking out "Section (2)" and substituting "Section 2" (by removing the brackets);
- (b) by striking out "*Dangerous Goods Transportation Regulations* (Canada), being SOR 85-77" wherever it occurs in the proposed clause 2(cc.1) and in each case substituting "*Transportation of Dangerous Goods Regulations* (Canada), being SOR 85-77".

Amendment agreed to.

**Mr. Martens:** — On section 3(i), are you going to provide . . . Madam Minister, on some of the items there you have, waste dangerous goods means a substance that "is no longer used for its original purpose or is intended for reuse", and then it's got a list of them. That's fairly extensively broad in my view, Madam Minister.

The original purpose of a lot of items, perhaps in a chemical world, is legitimate to say that. But there are a lot of things that could perhaps be environmentally unfriendly that deal with . . . I could use, for example, something that was a detriment to me is the city of Swift Current's lagoon. Now the purpose of storage and the purpose of providing a waste disposal and then having the Department of Environment provide a permit to have them let that lagoon flow down into the creek in my view really would be a negative. Now that wouldn't be a negative to the city of Swift Current, and we had some problems with that and your deputy will remember that.

And I don't think that . . . I think you need a clear definition. If you're going to put some of those definitions of what you mean in each one of those cases into your regulations, then we could see what they were. Then the public could see what they are. But if you're just going to cover this whole area with that kind of broad-ranging identity, then you don't know where you're at. And I would raise it from that perspective, that we really need to consider a definition in these areas, to say to the officers that are going to come and do this investigation, that that in fact is something that is identifiable by either regulation or someone knowing what it's about.

What you're doing is leaving it up to the discretion of the

individual who is doing the investigation on an item like that to deal with what he considers a waste dangerous good. And could you identify what you intend to do there or how you intend to handle it? That's under section (3), item (i) there.

(2045)

**Hon. Ms. Carson:** — Mr. Chairman, to the member opposite, after it talks about, and “is no longer used for its original purpose or intended for reuse, recovery, recycling, treatment or disposal”, and then it says “and is”, and it must be on the list of either (A), (B), or (C). So it has to be on the list as well. So it is narrowed down sufficiently.

I understand your concerns but it is also required to be on that list.

**Mr. Martens:** — So what you're telling me is that not only does it have to be identified here, it has to be identified under the dangerous goods for transportation and also the Food and Drugs Act or the Feed Act.

Okay, now let's deal with the item that I raised about lagoon or effluent — that sort of thing — spill or items like that. Are they covered in this, in the dangerous goods transportation Canada? They probably wouldn't be. What about those kinds of items?

**Hon. Ms. Carson:** — To the member opposite, no, those types of substances are not included in this.

**Mr. Martens:** — Well may I make a suggestion to you, Madam Minister, that you'd need to probably put into place those items that could cause an environmental concern to individuals who are going to be affected by not only the transportation of dangerous goods, either a chemical or a substance that is artificially made, but it could be something like effluent from a lagoon spilling or I could use as an example a person in a feedlot has also got the same kind of a problem. Now in an environmentally unfriendly circumstance, that individual could be held accountable for a whole lot, and that concerns me in relation to this.

And the question I guess I have is, would you be prepared to itemize those things that you're prepared to move on in relation to that, that could be either urban-related or rural? And the other thing I want to point out is, how many of these places and items . . . Oil is another example, used oil in various kinds of places. It's not likely identified under transportation of goods; however it could be creating a serious problem. And I know it could in a lot of these pits that they hold that oil in, could create a very serious problem.

**Hon. Ms. Carson:** — To the member opposite, oil or some of the substances that you were talking about — the member opposite — are included on those lists. In circumstances where there is a dangerous good that's not on those lists, it can be designated through regulations.

**Mr. Martens:** — Does your department have a basic list of those already established? Would you be prepared to send that over to us so that we could take a look at it?

**Hon. Ms. Carson:** — To the member opposite, that list is available. It's amended to the hazardous substance regulation list that's in effect at this time.

**Mr. Martens:** — Would you also, if that is not too difficult, would you send the dangerous goods transportation regulations, those others in the other three parts of that . . . oh, it's quite substantial? Well that might be of interest, reading on a quiet evening at home some time. So if you wouldn't mind sending it over, I would appreciate that too.

**Hon. Ms. Carson:** — Yes, we'll send it over.

Clause 3 as amended agreed to.

#### Clause 4

**Mr. Goohsen:** — Thank you, Mr. Chairman. Madam Minister, I was just sitting there visiting for a few minutes with some folks and we were discussing this Bill. And the scenario sort of came by us that in section 4 under section (10) where it says that:

Every police officer and peace officer is under a duty to assist the minister, an environmental officer or designated person in enforcing a warrant issued pursuant to this section.

Now supposing that the RCMP (Royal Canadian Mounted Police) decides that they suspect that some individual has some marijuana, perhaps, growing in their Quonset or in their shed, and they would like to get in there. But the judge is giving them perhaps a little bit of a hard time to give them a warrant because they haven't got reasonable cause or something like that.

And the thought crosses their minds that, here we've got an environmental protection Act that is compelling them to assist in all kinds of environmental situations. So then could they possibly phone up the environmental officer in charge and say to him, we believe that there is a substance in that building or on that premises that would be detrimental to the environment?

And they say, well yes, we'll check it out; we'll go over there and we'll break in and check it out. And then the RCMP says, well look, you know, we've got reason to suspect that this fellow might be a little violent, perhaps, or he might at least show some resistance. Is it possible then they might offer their assistance under this clause no. 10 here of section 4, and say that it is our responsibility to come along and protect you and see that no harm comes, because the minister said we should.

And wouldn't it be ironic if, after they kicked the door in, they didn't find any chemicals or any obnoxious substances that were going to bother the environment but, lo and behold, they found a couple of marijuana plants. Then wouldn't it be incumbent upon them then to write a ticket for the substance? And then haven't we in this Bill circumvented every democratic right that any individual has in our country; every right that we have protected in this nation of democracy of ours, for people to be proven guilty, to go through at least some kind of a

process before you can have that time-honoured tradition of having your home and your property to be your castle, your domain, your right to some enjoyment of privacy — all of that is gone — isn't all this possible, Madam Minister? I think I'd better have a comment out of you on that before I go on, because there's a little more to this yet.

**Hon. Ms. Carson:** — The right-of-entry provision is only used for the purposes under this Act. It cannot be used for the purposes under any other Act. If you read, it says, "for the purpose of administering and enforcing this Act."

The tale that you have just gone through sounds a little bit more like Grimm's Fairy-Tales than they do about anything relative to this Act. This right-of-entry provision applies to circumstances surrounding this Act and no other Act.

**The Chair:** — Can I just remind the members that the business is Bill 3 and to just observe decorum?

**Mr. Goohsen:** — Yes, the environment. The point is though, that this Bill can be abused, Mr. Chairman, and Madam Minister. And I think the scenario I just passed by you must have bounced straight off your head. You never even contemplated what's going on here. The reality . . . Wake up and smell the coffee; you're living in the real world here. If the police want to get into a place and find out if there's something there, they will use this Bill to get there if they think that it will serve their purpose. We're not living in Alice in Wonderland here where everybody's nicey-nicey to everybody.

When people get the power, they use it. And people don't take power unless they plan on using it. And you plan on using it, as your government plans on using this power in every other way. There's no longer a democracy here. This is a dictatorship. And you're seizing power and you're trying to do it under the guise of being the good guys that are protecting everybody with their clean air and all the rest. And really what you're providing is a police state — nothing more, nothing less.

I want to run another scenario by you. I know this will bounce straight off your head and you'll never see it coming, but here's another scenario for you.

Suppose you got two farmers and one doesn't happen to like the other one for some reason. Maybe one guy ran over the other . . .

**The Chair:** — Order, order. Order. Order. I'm having some difficulty in hearing the member because other members insist on dialogue and overriding the business of the House. And therefore I ask members to take their seats, to observe decorum, and pay attention to the business at hand.

**Mr. Goohsen:** — Thank you, Mr. Chairman. I just want to finish off this scenario because the reality is here that . . . going back and linking this to the clause, the reality is here that the police can be dragged into this matter. It says so right under section (10). It's their obligation once this is passed. And the scenario here, is that suppose somebody wants to take vengeance out on another person. They can abuse this Act and take vengeance on another person

without having any proof whatsoever.

Like I said, the guy could have done some minor damage to another fellow, and that fellow decides he wants to get even. So he phones up the fellow that's in charge of this environmental Act and says, so and so has got some chemical cans stored over behind his shed there or in the shed maybe even, and they're leaking, I suspect, and they're getting into my water system. It's running downhill, and I think this guy's causing me a major problem. This fellow can't get a warrant, so he just goes and kicks the door down. He's going to take the police with him, and he's going to cause this guy all kinds of embarrassment because the other fellow, in the mean time, is trying to get vengeance, is going to phone up the press and send them out there ahead to make sure that it all gets covered. He'll be totally embarrassed; he'll be totally vandalized because that's all it will be, is vandalism. And there won't be any need for proof whatsoever that there's anything done wrong out there. And when it's all over and said and done, the guy will say, whoops, I made a mistake, and they'll all go home and forget about it.

Now is that really the kind of society that we're trying to develop here? Is that really what you want for people?

**Hon. Ms. Carson:** — The scenario that the member opposite just related, I think, has little to do with reality and a lot to do with an overactive imagination.

We are talking about an Act here that pertains to environmental legislation, and anything is possible, I guess, if you sit back and dream up circumstances that can be totally out of touch with reality. But we are dealing with an environmental Act, a very serious Act, and you can make light of it but it is serious.

**Mr. Martens:** — Thank you, Mr. Chairman. Madam Minister, this section of this Bill is repulsive to say the least. There isn't anybody in this Assembly who doesn't believe in the fact that the environment should be protected. And that is what we're discussing here. We're not talking about protecting environment; we're talking about protecting the rights of individuals. And the environment, a public safety in the judiciary is at risk in this section of your Bill. That's what we're talking about. We're talking about when entering on land or a building pursuant to this section, the minister or his designated officer can do exactly as they please without a warrant.

(2100)

Now I don't think that in any of the cases that we have cited that we have been . . . had an over-aggressive imagination. Those are the kinds of things that can easily happen when people are angry with other people, that they say that's what I'll do to get even. And we are saying that there is due process, Madam Minister, in a court of law. Criminal activity must have reasonable grounds to provide a warrant for entry into facilities and entry and an arrest. And that, Madam Minister, is what we are arguing here today. We're not arguing the legitimacy of the environment; we're arguing the legitimacy of due process in a court of law.

And you want to talk to us about using examples. I'll use an example that is specific to agriculture and deals with a GRIP (gross revenue insurance program) Bill. You're going to bring in a GRIP Bill in here that is going to say that a letter was sent out when it wasn't sent out. Is that the truth Madam Minister? Is that the truth?

And can you identify that you would be just the same as that in this Bill as you would in the GRIP legislation? When you're not going to tell the truth in the GRIP Bill, are you going to tell the truth in this Bill? And when shall we as society trust you?

And I will even go so far, Madam Minister, as to point this out. If the Minister of Justice votes for that Bill in this Assembly — the GRIP Bill — he's perjuring himself, Madam Minister. That is exactly what he is doing. And we don't want that to happen here in this legislation, nor do we want that to happen there. And that is how we feel about this, and the majority of people that we talk to feel exactly the same way.

It is not a matter of principle in environment; it's a matter of principle in law that causes us the greatest deal of concern. And that's why we have asked you questions. Who provided you with a reasonable approach and said this is what we need to prevent environmental spills in the province of Saskatchewan? That's the kind of thing that we need to have your response to. You need to tell us, Madam Minister, who asked you to deliver this kind of legislation that deals with this kind of law and this kind of due process.

The minister responsible for Justice in this province is going to have to, at one point in time, take this to the Supreme Court. And that will not be because some small individual has had the courage to do it. It's going to be on the basis that it's constitutionally wrong. And because it's constitutionally wrong, it will invalidate other court proceedings that may have significant environmental benefit to you if they proceeded in a way that was going to establish precedent.

But what you have here, Madam Minister, is not that. So we're asking you here today to provide us a list with the people that asked you to put this kind of a structure into how you proceed in the process of finding out whether these people are legitimately environmentally unfriendly.

**Hon. Ms. Carson:** — Mr. Chairman, once again to the members opposite, it is the age-old question of the right of the individual against the right of the society. We believe there are circumstances where it is necessary and responsible for a government to act for the benefit of society at large. Where there's pollution or contamination imminent, taking place, it must be stopped immediately and it has to be through this right-of-entry provision in this Act.

You can take anything to an extreme. You can imagine any circumstance that might happen. We have had similar legislation under the occupational health and safety. The circumstances that you described could apply similarly to that Act but it has never occurred. The public understands that these circumstances are necessary for the government to act upon and the government respects

this.

And I ask the members opposite to respect the right of the public to have a safe and secure environment, and for the government to take action when there is an emergency. And they must secure the property or they must stop the pollution. That is a simple fact. And there is no diabolical scheme here. It is in the best interest of the public and the public had asked for this.

**Some Hon. Members:** Hear, hear!

**Mr. Martens:** — Well, Madam Minister, let's use that same logic and flow that same logic through to 50,000 contracts under the GRIP legislation. Okay? You're talking about the public's willingness to be served. You don't apply it to the Minister of Agriculture in this case. Not at all. That logic . . . The logic should be this, Madam Minister. When you protect the rights of one, you protect the rights of the group. If you protect the rights of the group, doesn't automatically say that you protect the rights of the individual. And that's what we're talking about here, Madam Minister.

You haven't answered the member from Thunder Creek's question, nor mine. Who asked you to provide this kind of a definition about how you can enter facilities? And who asked you to put this into the legislation here? Who did that?

**Hon. Ms. Carson:** — Once again, we have searched our records. We have talked to many, many people. They have told us very clearly that they want protection of the environment. This government has a committed course of action to protect the environment. And this Act that we have is part of that commitment by this government to protect individuals, to protect the health and safety of the public, and to protect the environment.

**Mr. Martens:** — Madam Minister, I have no problem with protecting the environment. I'm trying to register the complaint about protecting the rights of individuals. That's what I'm trying to protect. And that, Madam Minister, is exactly why we're stuck on this item in this Bill. It's because we cannot agree with you that you have to have those rights without special permission granted by the court. In the old Act it was Queen's Bench court judge had to provide that right of entry in a warrant. Today you walk in there and you say, oh I know better than a judge; I know better than those people. And how do you know that you know better?

We want to know from you: who told you or who are the people that came to you and said, I want to have the right of entry into this property to protect it for environmental reasons and I will supersede all of the rights of an individual in order to do that? Who told you that?

**Hon. Ms. Carson:** — Once again, the public has requested that the government take action to protect the environment. In times of emergency it is necessary for the government to act immediately. This provides access for the government to act immediately when there is danger to the public and danger to the environment. It is the same as The Occupational Health and Safety Act, provides similar type of provision there as here. There is nothing



new or Draconian about it. It's standard practice for people who are progressive and want legislation that is protecting the environment and the public.

**Mr. Martens:** — I will assume, Madam Minister, at this point, because that's exactly the same answer you've given a number of times, that you never consulted with anyone. Will you verify that?

**Hon. Ms. Carson:** — This amendment came out of interdepartmental discussions trying to understand a procedure . . .

**The Chair:** — Order, order. I'm having difficulty hearing the minister. I'm having difficulty hearing the minister because members in front benches on both sides want to have another exchange; therefore I ask them to observe decorum.

**Hon. Ms. Carson:** — If you're asking if we held public consultations, no we did not.

**Mr. Martens:** — Well now we're getting some place. Who provided you with the direction that you should take, infringe on rights of individuals in order to deal with . . . I'm tempted to make an observation about the Finance minister's PCBs, but I will not do that at this time in view of the fact that I heard that he's going to clean them up on this go around.

Having said that, do you have a right . . . or who told you that you should overshadow the rights of the individual to deal with the environmental concerns that could be — and I raise this question — could be assumed to be an exaggeration of the truth, superseding the rights of the individual, and doing that and then going to the place where you can't sue that individual because you will say that it was on good faith that I went and did it?

Now that is the problem we have with this whole part in here. It does not stand in good stead when you have to have good faith, and the process builds it up to where you investigate and there is no identifiable misuse of the environment, and because of that you have destroyed property. Who is going to say that you don't have the authority to do that to anybody, absolutely anybody — destroy it entirely.

And that, Madam Minister . . . you said you didn't have public consultation. Then why didn't you at least consult with your back-benchers? Why didn't you consult with other bureaucrats to see how that was going to happen? And if you did, Madam Minister, why didn't you tell us about it?

**Hon. Ms. Carson:** — To the member opposite, there was consultation with the officials in the Department of Justice and within the Department of the Environment. The members of the government caucus had discussions regarding this Bill. It is not a secret that the government and our party is committed to protecting the environment.

Conversely, I ask you what would happen in your endeavour to protect the right of the individual, if through that you endangered the lives of several thousands of

people because you wanted to protect the individual? What is more important? — the lives and the health and welfare of several thousands of people or the right of an individual to say this is my property and nobody can set foot on it? I think most reasonable people today agree that it is paramount that you place the health and welfare of the public first.

**Some Hon. Members:** Hear, hear!

**Mr. Martens:** — Well, I would say that the responsibility of a minister of the Crown would be to protect individuals as well as protect society. And that right is being usurped right here by your definition of what has to happen if there is no access available through a warrant. And we say, Madam Minister, that it is wrong. It's wrong in law, it's wrong to our society, and it deals entirely in a wrong attitude.

I'm going to use the GRIP Bill again as an example. You said you've got to protect society. Well why don't you just follow that process through and allow society to have its say. You won't take that one out either and talk about it. You go around and talk about municipal law in the province of Saskatchewan; rightfully so. You go around and talk about it, but you will not talk about individual rights being cut to pieces. On this basis you don't talk to anybody.

And, Madam Minister, there are a lot of people who have a fairly strong view of how to protect the rights of individuals. We're not against protecting the environment. Who's going to protect the rights of the individual? That's the question in this one. And, Madam Minister, I think you're wrong in this.

The old Bill walked as close to the edge of conflict with individual rights as I believe it could possibly be done. And what you have just done is you have just gone over that edge and provided that, without warrant, Madam Minister.

(2115)

If you were investigating criminal activity on the basis of the Criminal Code in Canada, on my farm, you would have to have a warrant. If you did that in anybody's buildings you would have to have a warrant. And, Madam Minister, that is exactly . . . the flippant attitude of the House Leader opposite is exactly the reason why you've got a Bill. And I will tell this Assembly and the people in the province of Saskatchewan, the member who used to be from Shaunavon should seriously consider that he is usurping the rights of individuals over the environmental aspect of this Bill.

And, Madam Minister, that's what we have a problem with. So I just say that you are absolutely, totally, unequivocally wrong in what you're doing here at this point. And, Madam Minister, if we would have had this Bill as it is today when the minister of Environment for Saskatchewan was in place in 1977, '78 and '79, that member would have had his office scrutinized. You could have walked in there and done anything you would have wanted to with that minister, the member from Regina, because he covered up PCBs in the province of

Saskatchewan. And he knew about it and didn't do anything.

**An Hon. Member:** — And he's still there.

**Mr. Martens:** — And he's still here. Right. You could have taken stuff from his office and seized his papers, all of that stuff, because he was infringing on the environmental aspect of this. That's what you're talking about here — without a warrant, without anything. And an officer of the Department of Environment could have turned him in, and should have, and would have received immunity because it was something that was wrong.

And, Madam Minister, we think, on this side of the House, that that is disgusting. Not from an environmental point of view, but from a legal, judicial point of view you're going above and beyond what you are required to do. That, Madam Minister, in my view, is absolutely, totally wrong.

**The Chair:** — I believe there is an amendment to clause 4. Does someone move the amendment?

**Mr. D'Autremont:** — Mr. Chairman, Madam Minister, I've looked over the proposed amendment that you have made for section 2.3(8)(c), and I believe we still have a problem here with this amendment. It's not exactly in the manner that I understood that it would be made into.

So at this time, Mr. Chairman, I would move that the committee report progress to give us time to sit down together to draft an amendment properly, to allow the Law Clerk to assist us in this matter.

The committee reported progress.

### THIRD READINGS

#### Bill No. 32 — An Act to amend The Public Trustee Act

**Hon. Mr. Mitchell:** — 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. 42 — An Act to amend The Consumer Products Warranties Act

**Hon. Mr. Mitchell:** — 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. 7 — An Act to amend The Assessment Management Agency Act

**Hon. Ms. Carson:** — Mr. Speaker, I now ask that the Bill be 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. 1 — An Act to amend The Clean Air Act

**Hon. Ms. Carson:** — Mr. Speaker, I now ask the Bill be 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. 2 — An Act to amend The Ozone-depleting Substances Control Act

**Hon. Ms. Carson:** — Mr. Speaker, I ask now that the Bill now be read a 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 Expenditure Saskatchewan Property Management Corporation Vote 53

**The Chair:** — Order. Would the minister please introduce his officials.

**Hon. Mr. Shillington:** — Seated beside me, Mr. Chairman, is Don McMillan, the acting president; on his right is Barrie Hilsen, assistant vice-president, human resource services; behind Mr. McMillan is Norm Drummond, corporate controller; behind myself is Rob Isbister, director of financial planning.

#### Item 1

**Mr. Muirhead:** — Thank you, Mr. Chairman. I appreciate the minister introducing his officials. I believe it's about two and a half months ago that he introduced them before and we naturally forgot who they were, it's been so long. But that's the way it goes around here, Mr. Minister.

As I recall, Mr. Chairman, Mr. Minister, we made an agreement that you would have some answers for us, and I'd like to thank you, Mr. Minister, that you did answer those questions. And you said you'd allow us some time and we appreciate that, that you brought it back. And I have just some questions pertaining to the answers, Mr. Minister, that I'm going to ask. But I'm going to have a page . . . oh, I've got just five questions in this department and my colleague, I think, has one or two, so if I have to have a page, please.

Mr. Chairman, Mr. Minister, that gives you a copy, so when I'm going through them . . . The first question, Mr. Minister, it comes from *Hansard*, May 15, page 461, with one of the commitments you gave us, regarding the total cost of leased space — it's on page 461 of *Hansard* — you provided the total cost to payees. Please provide how much SPMC (Saskatchewan Property Management Corporation) charges and collects from government departments, agencies, and boards, broken down by department pay.

**Hon. Mr. Shillington:** — We will undertake to provide you with that information as soon as reasonably possible.

**Mr. Muirhead:** — Thank you, Mr. Minister. My second

question is regarding a list of any space rented, leased, and owned by the department throughout the whole province — page 461 of *Hansard*. Please confirm if attached list, computer program 68075, is comprehensive and please supply the name of government tenant utilizing this space.

**Hon. Mr. Shillington:** — We will undertake to supply you with that information as soon as is reasonably possible.

**Mr. Muirhead:** — Thank you, Mr. Minister. On page 455 you committed to providing the name of the previous employer of your staff in the legislative building.

**Hon. Mr. Shillington:** — Okay, we can certainly provide that. I gather that was not provided in the information you gave. We'll supply that right away. I could do that now orally, or we'll do it in writing if you want.

(2130)

**Mr. Muirhead:** — That's fine, Mr. Minister, thank you. And on page 456 you committed to providing a more complete job description of each and every individual terminated.

**Hon. Mr. Shillington:** — Okay. I see no problem in providing that. Those job descriptions are available for each of those occupations. So we'll supply that at a very early date.

**Mr. Muirhead:** — Thank you, Mr. Minister. On page 623 you committed to providing the term of the leases for rural service centres.

**Hon. Mr. Shillington:** — We will provide that as well, as soon as is reasonably possible. That also seems to have been overlooked.

**Mr. Muirhead:** — I wish to thank you very much, Mr. Minister. And the member from Morse, I believe, has a question.

**Mr. Martens:** — Mr. Minister, when we were visiting here on the financial instability Act, The Financial Administration Act, the Finance minister gave us the resolve that he would provide for us the breakdown of all of the facilities that have been provided for in the debt transfer from SPMC to the Minister of Finance.

We haven't got all of the questions asked yet . . . or put together that we're going to ask the minister in his estimates, but we want assurance from you that those items will be provided to us. I think it was something like \$750 million worth of items. And we'd like to have your assurance because SPMC, where some of that is coming from . . . we want your assurance that you're going to provide that.

**Hon. Mr. Shillington:** — Certainly I'll give the member our assurance that you'll be provided with complete details of those transactions. I'm sure my colleague, the Minister of Finance, will provide them at an early date. We'll give you the same undertaking.

**Mr. Martens:** — Those dealt with the SPMC transfers of

debt to the Consolidated Fund. And that's the items that we're interested in.

**Hon. Mr. Shillington:** — Yes I understood that. We'll supply that.

**Ms. Haverstock:** — Thank you, Mr. Chairman. Mr. Minister, will you tell us how much money will be spent by SPMC's corporate communications division?

**Hon. Mr. Shillington:** — If I could have the attention of the page, I'll give you a written breakdown of it in a more complete form.

**Ms. Haverstock:** — Thank you very much. Mr. Chairman, I'm wondering, does this indicate what projects will be undertaken with this money?

**Hon. Mr. Shillington:** — Yes it does in the sense that we have no . . . we will not be doing any advertising, apart from routine things such as for any invitations to tender. There'll be no other sort of advertising if that's what you're asking. We don't intend to use this vehicle to do any advertising except for routine things such as invitations to bid, and so on.

**Ms. Haverstock:** — Thank you. Mr. Chairman, I'm wondering then . . . It's very helpful for me to have something like this. But one of the things I'm most interested in is always knowing what goals are to be achieved by money spent or with money spent. Do you have something that outlines with SPMC the particular objectives that are wanting to be achieved by dollar spent?

**Hon. Mr. Shillington:** — I'm told they don't have anything in writing beyond what might appear in the annual report. I can tell the member that the objective, and the sole use that this advertising money and the communications, will be to achieve the lowest possible cost for providing services to government. That will be the sole objective of the expenditure of communications. There is always some need to communicate what you're doing to people who inquire. But the objective of communications is solely to provide services to other government departments at the least possible cost. That's really the only objective, in the end result.

**Ms. Haverstock:** — Thank you. Mr. Chairman, Mr. Minister, what means are going to be used by SPMC for awarding contracts?

**Hon. Mr. Shillington:** — We intend to award all contracts to the lowest bid, provided there are no extraordinary circumstances. Sometimes the lowest bid is not appropriate for some reason or other, because as a for instance there's doubts about whether or not they could supply the service which they bid on. But assuming that the lowest bid is able to supply the services they've bid on, we will in all cases be accepting the lowest bid. We intend to do this strictly on . . .

**An Hon. Member:** — A partisan basis.

**Hon. Mr. Shillington:** — No, the opposite is true. The member from Kindersley repeats the practice of the

former administration in awarding contracts of the lowest . . . often at what appeared to be a partisan basis. Our intention is the precise opposite. Cost will be the only criteria.

**Ms. Haverstock:** — Thank you. Mr. Minister, I'm concerned about purchasing in government agencies, and I questioned you on this issue some two months ago. At that time you said the government was making progress in developing a fair tendering policy. Given that SPMC is the principal purchaser for government agencies and departments, I'd like you to explain what your tendering policy is to this House, and to tell us how it will affect SPMC's role as a purchaser.

**Hon. Mr. Shillington:** — I just happen to have my music with me again. If I could have the attention of the page I will send across a written comment.

Once again the goal, Madam Member, is to deliver services on behalf of the taxpayers at a significantly reduced cost, and we think that this tendering policy will do that. It will reduce the cost of providing lease space and these services.

**Ms. Haverstock:** — Thank you, Mr. Minister. I can then assume, not having read this, that this policy is already in place — it's been introduced, and that its effects are being felt currently on SPMC's balance sheets? Is that right?

**Hon. Mr. Shillington:** — That's correct.

**Ms. Haverstock:** — How many of SPMC's purchases and contracts will be tendered this year?

**Hon. Mr. Shillington:** — You'll read if you see the document that they'll all be tendered unless they are of such a nature that one cannot provide an adequate description of what you want, in which case you use the request for proposals. But that is an extraordinary method. In all but those cases, the tendering process will be used; it will be used in all cases.

**Ms. Haverstock:** — Thank you. Mr. Minister, I'm wondering if you have a particular policy then about how they will be advertised and where they will be advertised? What individuals will be responsible for overseeing the tendering policy? And since I can assume from your prompt response in writing to everything else, I'll just give you the last part of this four-part question. What powers will they be given to correct abuses and to straighten out potential problems that might stifle fairness in the system?

**Hon. Mr. Shillington:** — There is a handbook on procurement, procurement policy, which we could send the member if you're interested in it. Clear instructions have gone out to the staff. There are to be no exceptions to this and those policies are to be followed without exception. And so far as I know, there have been no exceptions made to it. I've received inquiries from a variety of groups, members on both sides of the House, about some particular award, but in no cases have any exceptions been made. So if the member wants a copy of that document, I can certainly send it to you.

**Ms. Haverstock:** — Thank you very much. I'm wondering

then, are there people who have been identified who are primarily responsible for overseeing this policy? I'd like to know who those individuals are, in other words the people who can be held accountable, and if in fact these individuals are empowered to correct any abuses that they find within the system.

**Hon. Mr. Shillington:** — There is a statute called The Purchasing Act which establishes the office of the director of purchasing. And the director of purchasing has broad powers to ensure that the policies which are outlined in that sheet of paper handed you are followed. And as I say, so far as I am aware there have been no exceptions to it.

**Ms. Haverstock:** — Thank you. Mr. Co-Chair, and Mr. Minister, am I to take it then there are no specific names, that everything is done purely through this procurement Act? I mean, I of course have, as you can well imagine, when I look at procurement initiatives on the federal scale, it's rather disconcerting to know that while 37 per cent of the population of Canada lives in Ontario, they get 50 per cent of procurement initiatives. And in Saskatchewan, we have 4 per cent of the population and we get like 1.5 per cent. Every time the word procurement comes around I sort of have this reaction.

Now I know you've talked about a specific Act. And I'm asking a specific question about the individuals who need to be identified in order for us to know who has the power to oversee the tendering policy of this government, and who in fact has been empowered to correct abuses if they're found.

**Hon. Mr. Shillington:** — When the member sees the booklet on procurement, you'll see that they're written so as to reduce to an absolute minimum the discretion involved. Certainly there are discretionary decisions in any walk of life. But the goal in writing the procurement guidelines is to reduce the amount of discretion to as little as possible, so that in all cases there's a set of guidelines which determine who gets the bid. There is really remarkably little discretion involved in almost all cases. The lowest bid is given the bid. I have a funny feeling I've not perhaps understood the member's question.

**Ms. Haverstock:** — Thank you, Mr. Co-Chair, and Mr. Minister. I too have a funny feeling that we aren't communicating. And perhaps what I can do is to, just as much as I attempt to avoid going back in time rather than looking to the future . . . I have a concern, and that is that I have been sitting in both Public Accounts and Crown Corporations Committees and when Sask Property Management Corporation has been brought forward in committee, one of the things that's become abundantly clear is that many individuals who indeed should have been accountable and should have been responsible were not. And that's really what I'm asking here, is that there were considerable and endless abuses to the taxpayers of this province as a result of there not being in place provisions for people to be held accountable if in fact their actions were found to be less than acceptable as far as standards are concerned. And I'm wondering if you in fact have that kind of thing in place.

It's one thing to say you'll have fair tendering, it's another to say you have an Act that will ensure that this happens.

I'm wanting to know about people. Like who is it that's going to be held responsible for overseeing this tendering policy and to whom can one go and say, yes, this individual was the one who's going to ensure that our tax dollars are protected.

(2145)

**Hon. Mr. Shillington:** — Ultimately, I guess, the protection is this legislature and our willingness to provide information. We have answered every question you've asked and given as much information as is reasonable in the circumstances. That's really the ultimate protection.

I can say that prior to October 21, '71, this was not what occurred with respect to these estimates. We had the greatest difficulty finding out any information at all. After the election we found out why information was so difficult to come by.

The person — in a more specific sense — the person who's been acting as director of purchaser is a Harvey Abells, did it during the '60s and '70s with the highest integrity under two different administrations actually, Liberal and . . . three, CCF (Co-operative Commonwealth Federation), Liberal and NDP. He is beyond retirement age so is only acting. But he was brought back to bring order out of the chaos which you properly described. So far as I am concerned, he has largely done so. I am unaware of any abuses which have occurred.

The clear instructions to the management of this corporation are that abuses — any abuses — are to be dealt with appropriate disciplinary action including dismissal if the conflict of interest is serious enough.

**Ms. Haverstock:** — Thank you, Mr. Co-Chair, and, Mr. Minister. That's really what I wanted on the record. Thank you.

In reviewing the structure of this corporation, I discovered that it contains both a maintenance branch as well as a conservation branch. And this structure I found rather curious. Not because I object to compartmentalization in that way, but I just wondered if in fact we have maintenance persons who keep facilities running day in and day out on the one hand, and they usually one would expect would acquire the expertise needed to then design and implement conservation and efficiency programs.

I'm wondering what attempts you've made to avoid having people working at cross purposes by ensuring that these people who maintain the equipment have a major role in promoting conservation.

**Hon. Mr. Shillington:** — We have made that, we think, clear to maintenance people, the people on the front lines, that they bear the major responsibility for conservation. It is true that there is a conservation branch which provides some technical and often sort of engineering and architectural advice. But we've made it clear to all the staff, it's people on the front lines who bear the major responsibility for conservation. And by and large our impression has been that they've reacted very positively and have done as much as could be expected

of them to practise conservation.

**Ms. Haverstock:** — Thank you. Mr. Minister, I'm hearing you then say that it's not something that becomes redundant, having a maintenance branch and a conservation branch, that these two things are distinct entities and it wouldn't make much sense to be able to have these things more merged?

**Hon. Mr. Shillington:** — There's only one person in the energy branch, I'm told by the officials. So it's very small, a very small branch. And I don't think there would be anything saved by merging the two on an organization chart.

We haven't really, I want to say to the member, we haven't really gone through this corporation in an organizational way in the fashion in which we're going to over the next year. This is, by and large, what you're seeing, is what we inherited. And we have been struggling with other problems and have not really got to reorganization. So it is conceivable by next year's estimates, by the time you do estimates next year, this corporation may look differently.

But the officials assure me, in answer to your specific question, that there's only one person in the energy branch. And therefore not much would be saved by combining them. You'd still need that person's skill and expertise.

**Ms. Haverstock:** — Thank you. Perhaps this is . . . I'm actually thinking of this differently when I think about conservation efforts and everything, and do bear with me if I'm not approaching this correctly, but I really want to know whether in the budgeting process that's used at SPMC, if in fact there is a danger of penalizing those branches which do conserve — in other words, if they conserve the most, thereby reducing their overall budgets.

Is there something built in that will ensure that this doesn't lessen their ability to bring about further conservation efforts because you've actually taken monies away from them for being good conservers?

**Hon. Mr. Shillington:** — Our approach to date has been to try to avoid in any way making one area competitive with another. We've tried to stress to them that they're all part of a team whose function is to provide services on behalf of the taxpayer at the least possible cost. We think we can do that most efficiently by having everybody act as part of a team and we have tried to avoid anything which would smack of competition between portions of the corporation.

I guess we'll see how well our approach works, but it's been the approach we've taken to date, is to try to induce everybody to think of themselves as part of a team whose responsibility is to spend taxpayers' dollars with the most possible care.

**Ms. Haverstock:** — Thank you, Mr. Minister. With significant presence across the province, I'd like you to explain what square footage of SPMC's overall office space is currently empty, and what percentage does that

figure represent of the corporation's total office space?

**Hon. Mr. Shillington:** — Having boasted of the efficiency of my officials, I am told that Mr. Swenson asked exactly . . . the member from Thunder Creek asked exactly the same question. We simply gave the member from Thunder Creek the page out of this gentleman's book and he doesn't have a copy made for the Liberal member.

It was . . . I can therefore speak in general terms. It was less than three per cent of the space is vacant. That is actually . . . There are . . . You can only compare this with other government institutions, nothing else is really comparable. But I was told by the officials. Because I asked that myself when I was first appointed as minister in charge. I had an impression there was more vacant space than there in fact is. I was told the vacant space was less than three per cent, and that is actually below industry norms.

**Ms. Haverstock:** — Thank you.

**Hon. Mr. Shillington:** — But we'll send you precise figures.

**Ms. Haverstock:** — I appreciate that. Mr. Co-Chairman and Mr. Minister, it means then that I'm sure that you have a strategy in place for how you are going to try to ensure that the remainder of the space is leased or utilized in the near future.

**Hon. Mr. Shillington:** — One of the other people who are here assisting me found the page in his book. So I now have a fresh page to send you. It's actually 1.4 per cent . . . (inaudible interjection) . . . That's right, very, very low. A part of that is transitional, is simply transitional.

There will always be some vacant just because people are moving sometimes from one space to another. There is actually some space which is surplus to our needs. We attempt to make it available to other branches of the government or Crown corporations if we can.

On rare occasions though . . . I don't think this has occurred yet. On rare occasions we . . . I remember in the '70s we did try to negotiate a way out of leases which had proved redundant. That however has not happened. There's actually a relatively good management of lease space. And I think it reflects rather well on these officials.

**Ms. Haverstock:** — Thank you very much. I am impressed with your officials. I am interested in staff policies. And I, like others, have a firm belief in the merit system. And I think it's important to have clear and understandable rules in terms of promotion in the work place.

I was quite disturbed to hear of abuses that prevented others from receiving well-deserved advances in SPMC. And it's my understanding that unqualified individuals were promoted to higher positions through a policy tool known as temporary performance of higher duties.

People were promoted under this policy by political and corporate superiors in past years without proper qualifications or without open competitions. And

apparently, once they were appointed, they often remained there until they attained qualifications necessary through experience to keep those positions.

So my question is that I would like to know what has been done to ensure that this abuse and others like it are not repeated, and I would like you to please describe your policy in some detail.

**Hon. Mr. Shillington:** — We have, by and large, eliminated those abuses and I think they're probably all behind us. The use of temporary positions was a problem, both in this corporation and throughout the government generally, actually. Speaking for this corporation, we have, by and large, eliminated those positions. I'm told by the officials that they believe, without being dead certain, they believe that there are no longer any temporary performance positions left. They've all been eliminated. And I gather some of that took place during the budget exercise and some took place before then.

**Ms. Haverstock:** — Thank you, Mr. Minister. How many out-of-scope employees will be employed by SPMC over the next year?

**Hon. Mr. Shillington:** — I can give you the current figures and simply say that we see no abrupt change in this, although we are seeking to reduce costs and it is conceivable that if a position became vacant we might be able to eliminate the position. But we don't see any abrupt changes in that.

**Ms. Haverstock:** — Thank you very much, Mr. Minister. What I'm going to do, if I may, is read out to you what I would appreciate some responses to. Your officials can provide these to me in writing and send them to my office. Indeed I will read them out.

I too, like others who are present, sit on committees and have found that there are many abuses committed in the hiring of out-of-scope employees who never did one day's work for their Crown employers. And I would like you to tell us how much money will be expended on salaries and contracts for out-of-scope employees at SPMC over the next year. How many of these workers will there be and what process is in place to ensure that each of these is hired to perform a needed job instead of doing political work or something otherwise in an individual's constituency. That's the first.

Secondly, SPMC has so much property serving so many people, what efforts is SPMC making to ensure that its operations are not detrimental to the province's environment? How much is spent on these programs and what standards are being used to measure their success?

And lastly, in its report, the Gass Commission noted that SPMC only provided property and real estate services to government departments while many Crowns continued to conduct these activities on their own. In the end this meant savings that might have been gained from removing duplication were lost at the taxpayers' expense.

So I would like a response please regarding your strategic vision. What strategic vision do you have for SPMC to ensure that duplications are removed as much as possible

so that the taxpayers of Saskatchewan, who are the landlords of this legislature, can feel assured that their government, all of its agencies and Crown corporations, are making purchases in the least expensive and most effective way possible.

**Hon. Mr. Shillington:** — Mr. Chairman, those are I think thoughtful, reflective questions which deserve an answer which is also thoughtful and reflective. We'll attempt to do that and answer you in writing.

Item 1 agreed to.

Vote 53 agreed to.

**Supplementary Estimates 1992  
Consolidated Fund Expenditure  
Saskatchewan Property Management Corporation  
Ordinary Expenditure — Vote 53**

Item 1 agreed to.

Vote 53 agreed to.

**Supplementary Estimates 1991  
Consolidated Fund Budgetary Expenditure  
Saskatchewan Property Management Corporation  
Ordinary Expenditure — Vote 53**

Item 1 agreed to.

Vote 53 agreed to.

**Consolidated Fund Loans, Advances and Investments  
Saskatchewan Property Management Corporation —  
Statutory**

**Mr. Muirhead:** — Thank you, Mr. Chairman. I'd just like to make this comment at this time, that perhaps, Mr. Minister, Mr. Chairman, that all the members of this legislature can maybe learn a lesson from our estimates. We had a bad start. When we first started out we spent days and hours and we finally got going. We're the older members of this legislature — 15 years, I believe.

And I think you found out, Mr. Minister, that we were serious about our questions and we do appreciate that you got serious and gave us the answers. And we've been waiting now for quite a while to get back on, and I wish to thank you for the answers you gave us to tonight, and I just hope that all the other departments do as well as you and I have together.

And I'd like to also take this opportunity to thank the officials. They've had a long wait here tonight and I thank them for being co-operative also. Thank you, Mr. Chairman, Mr. Minister.

**Hon. Mr. Shillington:** — I thank the member from Arm River for his comments. I just want to make a couple of comments, one with respect to the estimates generally. We've tried to assure members opposite that we are running an honest administration and I hope we've given you some degree of comfort on that.

More to the point of the member's comments however, is

that I think the format which was developed of giving us advance notice of the questions really is very useful. It saves an enormous amount of very expensive time in this Assembly, whereby we try to figure out what you want, you correct us, and we go around and around.

I think the process which the members opposite initiated — and I've not seen it done before — of providing a relatively lengthy list of questions that you wanted answered was very useful. It enables members, sometimes in a private way, to work out . . . to come to an understanding of what you want.

Because I think all ministers . . . the instructions we have received from the Premier, that all ministers have received, are if it is legitimate information we are to provide it to you. And so we've tried to provide it. But I think the format that was used really was very useful and perhaps should be used as a model in other cases. I agree with the member.

I'd also be remiss, although I think they all left, if I . . . we should thank the officials who spent some time here. And I think by and large we're on top of their material and able to provide the answers relatively quickly.

**The Chair:** — All members of the Assembly would appreciate it if the minister would transfer those comments to the officials.

(2200)

**Consolidated Fund Expenditure  
Public Service Commission  
Vote 33**

**Hon. Mr. Shillington:** — I will begin first of all by introducing Shiela Bailey, who is sitting beside me. She is the chairman of the Public Service Commission. Behind her is Karen Aulie, manager of employment services. Mary Kutarna, director of administration and information services is behind me.

Earlier in the day I had forwarded to the member from Arm River some responses to questions which he had asked. I am really unaware . . . My general instructions to my staff are that what is provided to the official opposition should be provided to the independent member. I don't know if you got it or not. If you don't, I will have it delivered; I'll have them give it to you now. Perhaps I'll ask the page to deliver it then.

**Mr. Muirhead:** — Thank you, Mr. Chairman. Could I have a page, please. I just have one question, Mr. Minister. Mr. Minister, thank you for the other questions that we asked you, the answers that were provided. We just have the one question that we feel that's unanswered, and it's regarding Shiela Bailey, *Hansard*, page 877, June 3, '92. Background and qualifications have not been provided as promised by member from Churchill Downs.

**Hon. Mr. Shillington:** — That was certainly nothing but an oversight, Mr. Chairman. We are proud of this official's qualifications and her background. They speak well of her. She's worked for the government through various administrations and has acquitted herself well.

We'll certainly supply that in a formal way in writing.

**Mr. Muirhead:** — That's fine. I knew you'd have no problem with that. That's all we could find that we wanted to ask questions about, Mr. Minister. And there was no more questions from our side of the House, and if nobody else has any questions, we're through, Mr. Minister. We'd like to also thank you for your co-operation in this department, and your officials.

**Hon. Mr. Shillington:** — I would just generally repeat the same comments, that the process which we used was useful, that of some advance consultation. It doesn't lessen the opportunity of the opposition to call government to account, nor does it give us the opportunity to avoid that accounting. I think it simply makes the use of the time more efficient, and the process more effective. Again, I would recommend the system that was utilized here.

I also want to thank the officials for attendance through several evenings. Sometimes the waits are long. These people have been here since 4 o'clock this afternoon, and in one way I don't apologize for that. This is the Legislative Assembly. This is the supreme body which provides the accounting to the taxpayers for the dollars, and we all serve the taxpayers. These people are as conscious of that as we are. I think they're happy enough to be here to provide information to the public representatives who will be asking questions.

At the same time it is not necessarily what you do for an evening's entertainment, is sit out here in the hall on those chairs, particularly as this evening, when we were two chairs short so they had to take turns utilizing them. I do want to thank the officials for a lengthy wait this evening, and for the assistance.

**Mr. Muirhead:** — Mr. Chairman, I'd just like to add another comment to that. I think it's a good example of what you and I have been talking about here, that by having the written questions ahead of time and . . . Sure, I feel badly too that the officials had to sit so long, but perhaps if we hadn't done this other method, they would have been in here and busy for maybe another day. I thank you, and I appreciate you saying that you appreciate what we've done. I thank you very much.

Item 1 agreed to.

Items 2 to 7 inclusive agreed to.

Vote 33 agreed to.

**Supplementary Estimates 1992  
Consolidated Fund Expenditure  
Public Service Commission  
Ordinary Expenditure — Vote 33**

Items 1 to 7 inclusive agreed to.

Vote 33 agreed to.

**The Chair:** — If the minister would like to thank the officials and then move that we rise and report progress.

**Hon. Mr. Shillington:** — I think I did thank the officials prior to the supplementary estimates, Mr. Chairman. I will while I'm on my feet move we rise and report progress.

The committee reported progress.

The Assembly adjourned at 10:16 p.m.