

The Assembly met at 2 p.m.

Prayers

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Mr. Martens: — Thank you, Mr. Speaker.

To the Hon. Legislative Assembly of Saskatchewan . . .

The Petition of the undersigned citizens of the Province of Saskatchewan . . . (and the petition reads this way):

That the provincial FeedGAP program has been (established as) an essential tool in the preservation of a competitive Livestock, Feeding, (and) Slaughter, and Packing industry in the province and that just as grain farmers need and deserve support to preserve their competitive position in the face of unfair subsidy practices of others, so too our highly competitive livestock industry must be protected against the unfair subsidy practices of others and further that the loss of FeedGap will result in thousands of jobs destroyed, homes lost the and crippling of an entire industry.

And, Mr. Speaker, I present this petition. I have another one here that deals, Mr. Speaker, with the livestock cash advance, with the same format, and I'll read the instructions to the Assembly.

That the provincial Livestock Cash Advance program was vital in putting the Saskatchewan Livestock industry on an equal footing with the national grain sector, enabling Saskatchewan grain to be efficiently used in local industry, thereby supporting the entire agricultural backbone of the province, and that the provincial NDP publicly acknowledged the need for cash advance programs when they demanded the federal government restore the grains based program, and that the provincial government is taking a variety of actions in addition to eliminating the Livestock Cash Advance such as imposing taxes on farm fuels, increasing utility rates and imposing other hardships such that the additional loss of the Livestock Cash Advance will destroy many family operations and further cripple the provincial economy;

I ask to present these to the Assembly.

Mr. Swenson: — Thank you, Mr. Speaker. I have another in the series of GRIP (gross revenue insurance program) petitions. I won't go through the entire instructions to the Assembly, but I will go through the three main points, Mr. Speaker, that the folks are asking for.

1.) allow the 1991 GRIP program to stand for this year,

2.) start working with the federal government and farmers to design a program that will be a true "revenue insurance" program by the end of this calendar year, and

3.) ensure that the new revenue insurance program be set up on an individual cost-of-production to return instead of a risk area formula.

There are folks here from Moose Jaw, Mossbank, Regina, Central Butte, and Eyebrow, I believe. I do present.

ORAL QUESTIONS

Federal Funding for Agriculture

Mr. Devine: — My question is to the Minister of Agriculture. It's our understanding that the federal Minister of Agriculture has made a proposal to Saskatchewan to help Saskatchewan farmers and to offset losses that they are suffering as a result of the inadequacy of the 1992 GRIP program. Would the minister be prepared to outline for the Assembly the details of that proposal?

Hon. Mr. Wiens: — Mr. Speaker, appreciate that today the federal Minister of Agriculture responded to the Premier's proposal last week to put in place a disaster relief program. The bottom line of the federal proposal, while we want to continue discussion with them and talk about improving their offer, the bottom line of the federal proposal remains that Saskatchewan taxpayers are expected to pick up 60 per cent of the bill. And that's an unacceptable burden for Saskatchewan taxpayers in the face of a disaster that the federal government has already agreed is their responsibility.

Some Hon. Members: Hear, hear!

Mr. Devine: — I wonder if the minister would explain to the House how Saskatchewan taxpayers pick up 60 per cent when in fact the province picks up 25. The farmers will evidently have the option as late as November to contribute to their premium, but they don't even have to make the payment, we understand it, so it's just deducted from the payment they will receive.

So essentially what we're talking about is several hundred million dollars could come into the province of Saskatchewan with no additional cost to the farmers.

Some Hon. Members: Hear, hear!

Hon. Mr. Wiens: — Mr. Speaker, I thank the members opposite for the applause. The member opposite indicates that there are several hundreds of millions of dollars. Clearly I appreciate that the member opposite understands that that is the nature of the cost of a potential crop shortfall disaster. The federal minister though, has estimated their response to this disaster at a much lower level, at about \$39 million. And again the fact that the farmers would not have to put their premium up front does not reduce their portion of cost sharing, that in fact they would not receive that portion of the payment.

Some Hon. Members: Hear, hear!

Mr. Devine: — Mr. Minister, just so that we can get this absolutely clear, you're telling us that the farmer has an option to buy some insurance after the crop is in if he has low yield, and it can pay up to \$40 an acre, but you're not going to let him do it because you won't contribute your share of this national program? Is that true, that the farmer will have this option put forward by the federal government to go in after the harvest is finished, not put up any more money and receive up to \$40 an acre, and you're saying no, we won't let him do that? Just to make sure we have that clear, is that what you're saying?

Hon. Mr. Wiens: — Mr. Speaker, I'd like to make it absolutely clear that the federal government is spending \$154 million less this year for the GRIP program in Saskatchewan than they spent last year, and that they have offered this morning \$39 million.

I appreciate that they have responded to the Premier's suggestion last week that they recognize now at least that there is the potential for a crop disaster, which is third line of defence, and I appreciate that they have offered up their savings in order to cover that.

The bottom line is that they have . . . when we define with them the amount of their savings, their appropriate contribution will be recognized. And clearly the fact remains understood by the Prime Minister but not by the member opposite, that Saskatchewan cannot put up 60 per cent of the cost of such programs in order to fund their own disaster relief programs.

Some Hon. Members: Hear, hear!

Mr. Devine: — Mr. Minister, I want to go back and ask you the question once more so that the Assembly will either know you're prepared to answer or not prepared to answer this. The question is simply this. I understand that the offer that is presented this morning says the farmer can look at his harvest as late as November and he could buy the package which would take him up to 100 per cent which could mean up to \$40 an acre. He doesn't have to put up additional premium. And that could cause to trigger money coming into the province of Saskatchewan. And you are going to say no, I'm not going to let the farmer do that because Saskatchewan would have to put up 23 or \$25 million. Is that what you're saying today, sir?

Some Hon. Members: Hear, hear!

Hon. Mr. Wiens: — Mr. Speaker, the member opposite has engaged in these laying back and accepting what the federal government pushes on the province for four years, which has got us into the situation where the Saskatchewan province is now picking up in excess of, in 1991, \$260 million for farm support programs. Exactly by the same rationale, the member opposite outlines now where the federal government says, we don't want to pay our share; will you pick up some of it for us?

The member opposite clearly understands from the way he's describing the situation that the farmer contribution would be part of the proposal, that the provincial

contribution would be part of the proposal, and that provincial and farmer contributions, who are all Saskatchewan's taxpayers, amounts to fifty-eight and one-third per cent.

Some Hon. Members: Hear, hear!

Mr. Devine: — Mr. Minister, I'm just trying to find out what you might think would be acceptable. If we look at post-harvest, and the farmer knows that he's got a bit of a drought, and if he has an option, Mr. Minister, to go then and purchase more drought protection and it doesn't cost him anything and he can get up to \$40 an acre, how could you consider that harmful to a Saskatchewan producer?

And maybe a second question. Would you go to farmers and ask them if they would like that option — if they would like to have that option to be able to say yes, I want to top it up, and I'll accept this program? Because you're making the decision that he wouldn't like that option.

And clearly, clearly a farmer, I would think, would like to be able to top up his crop insurance after the crop is in and he sees that he's got a problem. Wouldn't you acknowledge that as an option that maybe farmers would like to talk to you about, or that they would like to consider very seriously?

Some Hon. Members: Hear, hear!

Hon. Mr. Wiens: — Mr. Speaker, if the member opposite would have joined us in the call for the federal government to ask farmers not to pay back the \$41 million from western grain stabilization, if the member opposite would stop trying to exaggerate the amount of this very modest offer by the federal government of \$39.2 million, when on the other hand he considered it to be just a pittance when the farmers were asked to pay it back to the federal government, if the member opposite would remember that when he sat at the table with all the other provincial ministers when the provinces agreed to second-line programming and in exchange the federal government took responsibility for third-line programming which is disaster relief as defined by the *Growing Together* document and all the participation the member opposite had in that, if the member opposite remembers all those things, I find it difficult to understand why he would now want the province to again . . . the province's taxpayers to again participate in the funding of disaster relief which everyone agrees is a federal responsibility.

Some Hon. Members: Hear, hear!

Mr. Devine: — Mr. Minister, we're just trying to find out what your negotiating strategy is so that farmers will have some idea what they can expect. They know from the recent offer that you could lever say four times as much money coming into Saskatchewan, say a hundred million dollars for the 25 the taxpayer puts up.

Now if it's \$40 an acre a farmer might be able to get . . . why won't . . .

The Speaker: — Order, order. I would ask the members please not to interrupt when the Leader of the Opposition

is trying to ask a question. And if the leader could ask his question, it would certainly help.

Mr. Devine: — Mr. Minister, I'll just reword it. If the farmer who has assessed after harvest that he has a drought wants to apply, he can clearly get a net benefit. So that's not an expense to him, and it's not a cost to Saskatchewan. He is going to get perhaps up to \$40 an acre net benefit.

Now that program, to be levered, means the province is part of the national program so you'd have to come up with your 23 to 25 million. It's a net benefit to the province; it's a net benefit to farmers. But what are you looking for beyond that relationship when every other jurisdiction — Alberta, Manitoba, Ontario, B.C. (British Columbia) — has a similar participation in a national program? Please explain that to the farmers.

Some Hon. Members: Hear, hear!

Hon. Mr. Wiens: — Mr. Speaker, the farmers understand this. The member opposite is the only one that fails to understand it even though he was at the table when that cost-sharing discussion took place. The only thing that's been levered as a result of the brilliant negotiating strategies of the members opposite is that the federal government has levered \$200 million out of the provincial taxpayers of Saskatchewan for their programs.

Some Hon. Members: Hear, hear!

Mr. Devine: — I just asked . . . The minister will at least be able to look back through *Hansard* as . . . will not answer the farmers and respond to the fact that they could, after harvest, go get this extra money which would cost them nothing — no extra premium, no extra premium — just money comes back in here. And he is going to deny them that because he won't participate like other provinces are.

Could the minister explain and define in here — and he must have the figures — how much less money Saskatchewan farmers will receive compared to Alberta and Manitoba under the same circumstances?

Hon. Mr. Wiens: — Mr. Speaker, the member opposite understands that the cost to Saskatchewan of the international trade wars is so devastating to our economy that the Prime Minister has recognized that there is difficulty in provinces like Saskatchewan cost sharing programs.

The member opposite sat at the table when the previous minister of Agriculture committed to third line of defence, when the provinces agreed to second line. I was at the meeting in Halifax a couple of weeks ago and the members sat around and they agreed that it was when the previous minister of Agriculture said we will fund a third line of defence programs, that the provinces said yes, we will take on second line responsibility.

Well the provinces have taken on their second line responsibility and it is the federal government's responsibility for third line whether it's a disaster because of crop conditions; whether it's a disaster because of

international grain wars; or in another sector, if it's a disaster in Newfoundland over the fisheries. Clearly if the federal government has four and a half billion dollars to spend on helicopters, they can surely pay for the cost of commitments already made to agriculture.

Some Hon. Members: Hear, hear!

Mr. Devine: — Mr. Minister, again for the record, you have not advised the farmers why you won't let them have this extra money. Number two, you won't provide the House the comparisons between Saskatchewan and Manitoba and Alberta farmers under the similar circumstances this year.

And number three, you mentioned the Prime Minister in several cases — the Prime Minister in the last nine years has provided \$13 billion of additional help into the province of Saskatchewan. Now I'm not sure what you've been able to get out of the federal government. I know the Premier went down there with the Liberal Leader and others and came back empty-handed, and I don't think you've got any money out of them.

And I point out to the hon. member that if you look at the federal money coming into the province of Saskatchewan, in the letter that goes out to farmers, it is \$27 benefit into Ontario per capita and \$1,090 benefit to the province of Saskatchewan. And under those kinds of circumstances, the Saskatchewan Minister of Agriculture is saying, I won't participate and kick in that kind of federal money into the province of Saskatchewan.

I want that to be on the record as well, because we get far . . .

The Speaker: — Order, order. Does the Leader of the Opposition have a question? I'd like him to put his question, and put his question right away. You've taken well over a minute, sir.

Mr. Devine: — Does the minister acknowledge that the federal contributions coming into Saskatchewan on a per capita basis are much larger than any other jurisdiction in Canada in agriculture as a result of the last few years?

Some Hon. Members: Hear, hear!

Hon. Mr. Wiens: — Mr. Speaker, I believe I need to remind the member opposite that hopefully he represents Saskatchewan people, not federal people in the discussion about cost sharing.

Some Hon. Members: Hear, hear!

Hon. Mr. Wiens: — Saskatchewan produces 56 per cent of Canada's export grains. Canada provides about 20 per cent of the total world trade in grains. That means Saskatchewan produces in excess of 10 per cent of the world's total trade in grains.

And when we have this kind of a disaster in world trade relationships in grains that the member opposite clearly understands, and then says Saskatchewan people with 4 per cent of the taxing capacity in Canada are to bear this burden when the federal government has already

committed to doing it to an arrangement made by the member opposite, I fail to see the logic.

Some Hon. Members: Hear, hear!

Mr. Devine: — Mr. Minister, I'm not sure your numbers are accurate. I just will reiterate and summarize with the last question. Clearly, agriculture is important in Saskatchewan, with about half the farm land, and as you mentioned, a large wheat-producing area and oilseeds and livestock.

Given that information and given that importance, two questions come forward. Why will you deny participating in a program that could put at least \$100 million into the pockets of people that need it here? And number two, on top of that, how can you justify cutting back in all of agriculture — roads, gas taxes, fees up, all of the things that you've done in hurting rural infrastructure — if you think agriculture's so important? And you mention the Prime Minister . . .

The Speaker: — Order, order. The Leader of the Opposition has asked two questions already.

Hon. Mr. Wiens: — Mr. Speaker, the member opposite asks why we would deny. We in fact have not denied. The Premier and myself and others have been persistent, and the member from the Liberal Party here has been persistent, in supporting the call for the federal government to carry their responsibility. The Premier put forward last week a proposal in order to cover the cost of disaster in Saskatchewan.

The member opposite is the one who has denied this basic support for Saskatchewan agriculture, who has refused with his caucus to support the call for third line of defence, the very same third line of defence that he sat at the table negotiating with the federal government and has since let them off the hook on, and continues to call on their behalf for Saskatchewan people to pay that cost.

Some Hon. Members: Hear, hear!

Mr. Devine: — Mr. Minister, we just have to look at the record of . . . the Prime Minister that you're talking about has contributed \$13 billion to Saskatchewan people and farmers in the last few years. Now it was under our administration. You've got nothing from them. You are not going to get the same amount, even equivalent amount that's going into Alberta and Manitoba, and that's why you won't talk about it. You're now denying farmers to get extra money after harvest, post-harvest, for nothing because they don't have to pay the premium. And you're on record now as saying, well agriculture's really important in the province of Saskatchewan.

Mr. Minister, will you now table, would you table in this legislature your ideas for agriculture and what you're negotiating with the federal government so the farmers in this Legislative Assembly have some idea of what you're up to?

Some Hon. Members: Hear, hear!

Hon. Mr. Wiens: — Mr. Speaker, I would answer briefly

to the member opposite that our goals are several. One is to correct the major policy flaws that were put together in a great big election hurry by the member opposite last year. And then to call on the federal government to meet their responsibility with respect to agriculture in Saskatchewan, to do it in a co-operative fashion based on the understanding that we would call on them first, to spend the money that they are saving in the more appropriate expenditure this year; and secondly, to recognize the cost of the international trade war to Saskatchewan and the disproportionate share of that cost that falls to Saskatchewan taxpayers if we pay that bill; and call on the member opposite to understand, with the Prime Minister, that in fact that is a problem for the Saskatchewan people, a problem that we want to address and put back into balance.

Some Hon. Members: Hear, hear!

Return of Leased Lands

Mr. Goohsen: — Mr. Speaker, I would like to carry on a line of questions which the government opposite has been less than open with in its answers. My question is to the Minister of Rural Development. Mr. Minister, your NDP candidate in the last provincial election, the defeated NDP candidate from Maple Creek, a Mr. Brian Oster, has recently turned back to the Department of Rural Development a parcel of land bank land which he was leasing from your government. Mr. Minister, how much was Mr. Oster paid for improvements to that property after he forfeited the land back to your department?

Hon. Mr. Cunningham: — Mr. Speaker, the number was in the neighbourhood of about \$70,000 that Mr. Oster was paid for improvements on his land.

Mr. Goohsen: — Thank you, Mr. Speaker. Mr. Minister, I am asking these questions to clear up what is widely perceived to be a conflict of interests. I would hope that you would be as open as you had promised such that you would be, so that we could get to the bottom of this. Now estimates have been in the range of \$80,000 and as your answer is around 70, I presume it could as easily be 80, or maybe 90. I would hope that you would confirm or counter these figures, Mr. Minister.

And would you table the appraisal that the Department of Rural Development did on these improvements? And would you also table the original appraisals on the land and buildings that was conducted when the land was originally taken over by the land bank?

Some Hon. Members: Hear, hear!

Hon. Mr. Cunningham: — Mr. Speaker, the member opposite continues to drudge up and try to slur people's names. I don't mind the personal attacks on myself as minister. That's part of the game, I guess. I don't like the personal attacks and innuendo on the member who was defeated in the election, although I suppose there may be some justification for that. But I really get upset when he slurs and slanders my department people who did the appraisal and suggest that they are not honest people and have a conflict of interest.

Mr. Speaker, the number I gave was the \$70,000 range; it's certainly not 80,000 if that's . . . They asked for the number. They now have it.

Some Hon. Members: Hear, hear!

Mr. Goohsen: — Thank you, Mr. Speaker. That certainly was a nice round of rhetoric that we heard there and I certainly want to have this matter cleared up. And I believe that a man should have the right to clear his name and be given that opportunity. That's why we're talking about this, because this is a matter in the country that is being discussed at great length.

You did not, sir, agree to table those documents. Would you table those documents in this Assembly?

Some Hon. Members: Hear, hear!

Hon. Mr. Cunningham: — Mr. Speaker, the list of improvements includes a house, a Quonset, several steel bins, and some acres of land. Certainly it was a very reasonable appraisal and was done by the department, was done by . . . had done an independent appraisal which turned out to be higher than the department's values and there is nothing untoward with those appraisals.

Some Hon. Members: Hear, hear!

Mr. Goohsen: — Mr. Speaker, my question to the minister is this: if you have nothing to hide, Mr. Minister, you will table those documents and show what the original values of that house and property were that were already on the property when this man took over.

Can you confirm that after turning the land back to your government, after receiving a large pay-out for the improvements to that land, can you confirm that the former NDP candidate has been allowed to again lease back this very same land and is as we speak here today living in that very house?

Some Hon. Members: Hear, hear!

Hon. Mr. Cunningham: — Mr. Speaker, again I say, the appraisal was done in accordance with the standard department procedure. All lessees who give up their land are paid for their improvements. They were valued . . . some of those improvements were done . . . and many of those improvements were done to the land by Mr. Oster at the time that he farmed the land. He was given a one-year leaseback. His land will be up for tender beginning next year.

Some Hon. Members: Hear, hear!

Mr. Goohsen: — Thank you, Mr. Speaker. Mr. Minister, if you've nothing to hide, if you're going to truly defend this individual and allow him to defend himself, will you table that information in this House? Or are you afraid to table the very information that you say could clear him, the information of how much those improvements were worth when the man took over the land. How much was that property worth at the time when the land bank

purchased it from the original owner? How much was that, and will you table that information in this House?

Some Hon. Members: Hear, hear!

Hon. Mr. Cunningham: — Mr. Speaker, I repeat. Some of the improvements were there; many of them were added to the land after the time . . . during the time that Mr. Oster farmed the land. And again it's standard government policy, was not any political interference, although the members opposite may find that hard to believe. This government no longer operates in that manner.

Some Hon. Members: Hear, hear!

Mr. Goohsen: — Thank you, Mr. Speaker. Mr. Minister, you can stand there and talk all day about how there's no political involvement in this whole matter, but unless you table the information that we've asked for, this man will go through life for ever being accused of receiving political plums.

It is common knowledge out in the country that this is what people perceive. We are asking you to give this individual the opportunity to clear his name in public; do so by tabling the information that we asked for. Will you table that information in this Assembly?

Some Hon. Members: Hear, hear!

Hon. Mr. Cunningham: — Mr. Speaker, if people want to falsely accuse people and slander them, they can do so. If they care to do so without information, they will continue to do so. And it is not our fault that somebody is slandering people.

Some Hon. Members: Hear, hear!

(1430)

INTRODUCTION OF BILLS

Bill No. 79 — An Act to amend The Saskatchewan Pension Plan Act

Hon. Mr. Tchorzewski: — Thank you, Mr. Speaker. I move first reading of a Bill to amend The Saskatchewan Pension Plan Act.

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

The Speaker: — Order. Could we please have quiet in the Assembly.

ORDERS OF THE DAY

GOVERNMENT ORDERS

ADJOURNED DEBATES

SECOND READINGS

Bill No. 64

The Assembly resumed the adjourned debate on the

proposed motion by the Hon. Ms. Simard that **Bill No. 64 — An Act respecting Arbitration** be now read a second time.

Mr. Toth: — Thank you, Mr. Speaker. Mr. Speaker, I think we have a number of questions that we can get into in committee on this Act. I was listening to the minister as he presented his comments the other day. So at this time, I would just move that this Act move through to committee.

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

Bill No. 68

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mrs. Teichrob that **Bill No. 68 — An Act to amend The Education Act** be now read a second time.

Mr. D'Autremont: — Thank you, Mr. Speaker. On this Act, The Act to amend The Education Act, we do have a couple of concerns with it. Although the ideas that the minister has brought forward are good ideas, they need to be carried on a little bit further.

The minister talks in here of consultation with local school districts, local school boards, and that's all very well. The fact is, I wish her government would do more of that on all of the issues.

The one item on consultation with the local school districts which would be a good idea was, if those local school districts were given an opportunity to have a direct say in the viability of their school, whether or not that school would remain open or closed, and have a chance to have a say on how that was funded. And, Mr. Speaker, I will be proposing an amendment to deal with that. But at this time I will let the Bill go on to Committee of the Whole where we will deal with the amendments and any other ideas.

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

Bill No. 40

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wiens that **Bill No. 40 — An Act to amend The Highway Traffic Act** be now read a second time.

Mr. Goohsen: — Yes, we actually intend on allowing this Bill to go forward very shortly. I just wanted to comment though that I have had several people indicate to me concern about changing The Highway Traffic Act in any way. I guess most people are drivers, and as soon as we start to amend Acts that have consideration to the things that they do in their everyday life, they are automatically concerned that it may be something as detrimental to them.

And so I want the minister to be aware of the fact that we will be asking a lot of detailed questions when this Act comes into committee, because the people out there have

been asking us to get a full explanation. I don't believe that it is nearly as bad as some folks feel that it is. They got the notion out there that somehow they're going to be responsible for things that probably aren't in this Bill.

And I think maybe a little more PR (public relations) work on this Bill would have been in order and should maybe still be in order. You might reassure folks, Mr. Minister, through the news media or some other way. I think the media would be the best way to assure them that you are not in fact placing restrictions on them that they can't live with and that they would be afraid of in this democratic society that we have. And I think I'll go into the details of that in committee. But I think you're aware of the kind of things that are going on. Thank you, Mr. Speaker.

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

COMMITTEE OF THE WHOLE

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

The Chair: — Would the minister introduce his officials.

Hon. Mr. Mitchell: — Thank you, Mr. Chairman. I have with me Mary Ellen Wellsch sitting beside me, who is the Public Trustee; behind me, Mr. Keith Laxdal, the associate deputy minister of Justice; and Brent Prenevost, a Crown solicitor with the Department of Justice.

Clause 1

Mr. Toth: — Thank you, Mr. Chairman. Mr. Chairman, I just have a couple questions regarding the Bill before us. And first of all just want to know, is this more a house-cleaning Bill or was there some specific groups really interested? I understand it's a matter of money held in trust in the case of individuals or mentally disabled individuals. I wonder if you could just clarify that for us, Mr. Minister.

Hon. Mr. Mitchell: — Mr. Chairman, to the member, it is in the nature of housekeeping. It is a Bill intended to effect certain efficiencies and to have regard to the fact that time has passed and inflation has changed the value of money, and all of that has led us to the changes that you see in the Bill.

Mr. Toth: — Now when I look at . . . Just taking a quick look I see we're going from 2,000 . . . Do I take it we're jumping from 2,000 to \$10,000 max? Is this a maximum amount a person can hold on behalf of an individual? Or what's that . . . what does that amount apply for there?

Hon. Mr. Mitchell: — The amount that the Public Trustee may hold is an unlimited amount, can be as large as whatever the amount is. There is no upper limit.

What we're talking about here is the amount that can be paid to a responsible adult acting on behalf of a child. And that amount under the previous legislation had been \$2,000 and we're proposing in this Bill to increase the amount to \$10,000 so that the Public Trustee would then be in a position to pay up to \$10,000 to a responsible adult on behalf of a child.

Incidentally, that would cover about three-quarters of the accounts administered by the Public Trustee for children.

Mr. Toth: — You'll have to excuse me for a minute, Mr. Minister. I may have missed it, but if you could just fill me in again. What is that money specifically used for? Like it's held in trust and . . . Is it for paying off bills, or covering accounts, just to clarify, because I'm not sure? And you may have mentioned it a minute ago but I just didn't hear all of your answer.

Hon. Mr. Mitchell: — Mr. Chairman, the Public Trustee supervises the property rights of the children and administers trust funds of children where no one else has been appointed to do that by the court. And I was saying earlier that that can be a large amount. Whatever the amount, the Public Trustee is able to do it.

The amount that we're . . . the figure that we're talking about in this Bill is the amount that the trustee is authorized . . . the Public Trustee is authorized to pay to an adult person on behalf of the child. In other words, turn the money over to the child by paying it to a responsible adult.

And as I mentioned earlier, this figure of \$10,000 would account for three-quarters of the accounts that are presently held by the Public Trustee on behalf of children.

(1445)

Mr. Toth: — Thank you, Mr. Chairman. So then I take it, Mr. Minister, if this covers fully three-quarters of the accounts, are you saying then after this Bill has been finalized and this funding is in place, then a lot of these accounts will be taken care of and will be put out of the way and you don't have to address them any more?

Hon. Mr. Mitchell: — That's right, Mr. Chairman.

Mr. Toth: — What about the other 25 per cent of the accounts? Are the accounts larger, or are new accounts coming on stream, or what are we looking at here, Mr. Minister?

Hon. Mr. Mitchell: — Mr. Chairman, if this Bill is passed by the legislature and the maximum amount that may be paid increased to \$10,000, that would permit the Public Trustee to pay out in respect of all but 300 of the trust accounts that the Public Trustee is maintaining.

In other words, the bulk — really over three-quarters of the accounts — are less than \$10,000. And this will enable, or authorize, the Public Trustee to pay out the money to the family, as it were, a responsible adult on behalf of the child.

Now in all cases it won't work that way. There may not be an adult who is prepared to take on the responsibility, or indeed there may not be an adult who is considered responsible. So we're not suggesting that these will be entirely wiped out but the bulk of them will.

And if all of the accounts under \$10,000 were to be transferred to the family, as I've suggested, that would

leave about 300 accounts active where the amount involved is more than \$10,000, and where the Public Trustee would continue to administer the account on behalf of the child. And that would continue unless and until the court appointed someone to replace the Public Trustee and administer the child's money.

Mr. Toth: — Well these are funds that the Public Trustee then has in his or her possession to help . . . is that with the maintenance of a child or of living or looking after? You mentioned paying out to an individual if they're willing to take a child or look after the child. This is funding that's available to help with maintenance. Is that the . . .

Hon. Mr. Mitchell: — Mr. Chairman, and to the member, the money normally comes to the Public Trustee in one of two circumstances. Either the child is the beneficiary under a will and no one has been appointed by the will to receive the money on behalf of the child — then the money goes to the Public Trustee — or the child is involved in a court action and either is given a settlement or a judgement, and again, the money goes to the Public Trustee. That's how the money gets there.

There are many situations possible. It may be that the child is paid allowances or sums of money before reaching the age of 18 for their support and maintenance or their education. That happens in many cases. And when the child is 18 years of age then the child is entitled to receive the pay-out of the trust money, and that happens.

Mr. Toth: — Mr. Minister, I was going to ask you what happens at 18. I kind of took for granted that that's the case and you've answered that.

One other question here. Regarding The Mentally Disordered Persons Act, what are we specifically dealing with here? Are there individuals in much the same case as children where monies are held in trust? Or what's the purpose of that . . . or does this just follow under the mental . . . the Act kind of falls into this Act as well, the mentally disorders Act?

Hon. Mr. Mitchell: — That's right. The member will recall that we discussed this question of certificates of incompetence under the Mentally Disordered Persons Act just the other day in this House. And you'll recall that they were, by that legislation which was passed, the certificates were limited for a period of about one year. And that made it necessary to change The Public Trustee Act to accommodate the change that we made the other day.

Mr. Toth: — So what you're saying is both Acts kind of intertwine with each other and so if one is changed, the other has to be changed.

I was looking at the word "revoked" and I was just wondering if you were going to take and put both Acts sort of separately so that they wouldn't intertwine. But I don't take it that's the case. It's just a matter of bringing each Act in line with the other Act as we discussed the other day, the mentally disorders Act. So this brings this Act now in line and makes sure that everything is addressed, I take it, for the matter of justice and the legal

aspects of a case.

Hon. Mr. Mitchell: — The member is correct, Mr. Chairman.

Clause 1 agreed to.

Clauses 2 to 7 inclusive agreed to.

The committee agreed to report the Bill.

Bill No. 42 — An Act to amend The Consumer Products Warranties Act

Clause 1

Mr. Toth: — Thank you, Mr. Chairman. Mr. Chairman, and Mr. Minister, I think the major question arising out of this Bill is the fact that I think the Canadian Federation of Independent Business have some problems and some concerns with the fact that the appeal process is being removed, if I understand the Bill correctly. In just reading a little bit in the explanation note, it makes the comment that consumers will still have access to the courts.

My understanding just from talking to members of the business community is they felt the appeal process was appropriate, was working well, and that the court process would just delay the ability of business men or consumers to follow through. And certainly they can make their appeal or raise their concerns, but I think that they feel it would be a slower process than working with the appeal board that was in place.

The other thing, Mr. Minister, I think the feeling is that the fact that courts may stretch out or delay an appeal process, it may create a problem for businesses. The perception that people have that if a complaint is laid against a business and it ends up in court, consumers may see it as something that they may want to watch, whether they would shop or work with or even support a local business. And I think that's one of the main questions being raised by independent businesses. I'd like your comments or your perception on that, Mr. Minister.

Hon. Mr. Mitchell: — Mr. Chairman, the whole point of the Bill is to repeal section 31 of The Consumer Products Warranties Act. Section 31 provided for a process of mediation in the event that a dispute arose under the Act.

Now as the name would indicate, the dispute would normally concern a warranty with respect to the sale of a consumer product. Pursuant to that provision, we provided a mediation service to which the public could have access. The affect of this Bill will be to remove that service so that the department will not have a capacity any longer to try to mediate a dispute between the consumer and the vendor.

The section obviously had a useful purpose, but in reviewing the programs of the department and determining where we could effect economies, this was identified as an area where we could in fact reduce expenditures. And hence we are bringing this Bill to the legislature.

Mr. Toth: — Mr. Chairman, and Mr. Minister, I guess as I indicated earlier, that's the main concern the business community have. The fact that the consumer could come to them and if they had a dispute, they had a mediation process in place. The fact that this would be removed . . . They see certainly the avenue of the courts as open to them, but I think they perceive that as being a longer route. And in most cases the mediation process probably is a lot simpler, a lot more efficient, and certainly to a consumer and a business group, would be more economical.

Now I'm wondering, Mr. Minister, what kind of dollar savings . . . I take it from your comments that the main reason for discontinuing the service was more on the basis of economics versus the fact whether the . . . not that the program didn't serve a useful purpose. I'm kind of wondering whether the economic value certainly outweighs the personal value that the service had and the value it gave to the community . . . or the business community.

Hon. Mr. Mitchell: — Mr. Chairman, the direct answer to the member's question is that we will . . . two person-years are involved and they will be eliminated, and the annual savings will be in the neighbourhood of \$52,000 per year.

I might say to the hon. member that we recognize the criticism that he is conveying, which quite properly has been communicated to him by people who are affected. And it is our plan to try and encourage voluntary mediation services within communities and to encourage existing mediation services to expand their programs to include this type of mediation as well. It's early to say whether or not we will be able to be successful in encouraging volunteer organizations to undertake this function, but we intend to try.

Mr. Toth: — I guess the question I would just like to pose, Mr. Minister, is what process have . . . you've indicated that you're hoping. Now I'm wondering, have you talked to the business community or talked to consumer groups? I'm sure consumer groups probably find too . . . And I think most people would agree that if a dispute arises on a warranty, and let's say a television set; a lot of times with television sets having come down and the prices a lot of times aren't that high, but you've got a dispute over a warranty, and if you end up in the courts it certainly could cost you a lot more than it's worth. It's probably just as worth your while . . . not worth your while to go to the courts but just to go and buy another TV rather than effect the warranty.

What process do you have in place, or have you a process? You indicate that you're hoping people will . . . or some consumer groups. Would it be . . . have you talked to the business community and asked them to maybe look at setting up a process themselves with some consumer representatives that would maybe serve the same purpose as the Justice department has?

(1500)

Hon. Mr. Mitchell: — Mr. Chairman, we have had preliminary discussions with two groups about the matter

that I spoke of earlier, about the matter that you asked about, and we are going to follow up on those. We didn't want to begin that before the Bill was tabled in the House, but we have begun. And we'll continue to follow that up and see where it takes us.

Mr. Toth: — Thank you, Mr. Minister. At this time I don't have any other questions, unless my colleagues do. And we just encourage the minister and his officials to certainly take the time to consult and see what process can be put in place to alleviate the fears that . . . and no doubt this . . .

Well one other question just came to mind is, Mr. Minister, how many cases . . . you indicated there's two person-years involved in the savings as far as monetary value. How many cases would have come before the Justice department yearly regarding that type of complaint?

Hon. Mr. Mitchell: — Mr. Chairman, it's varied over time, but on average it would be between 500 and 600 disputes or complaints that would come to us.

Mr. Toth: — In light of the numbers you've just given, Mr. Minister, I think it would serve the department well to indeed actively pursue an avenue that would give consumers and business people a way and a means of addressing those complaints that come forward that would be satisfactory, in light of the fact the department is discontinuing the service. Thank you.

Hon. Mr. Mitchell: — Yes, I agree with that, Mr. Chairman.

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

The committee agreed to report the Bill.

Hon. Mr. Mitchell: — Mr. Chairman, I'd like to, on behalf of the legislature, thank the officials for coming today to assist us.

Mr. Toth: — Mr. Chairman, I too would express my thanks to the minister and his officials for their help this afternoon.

Bill No. 7 — An Act to amend The Assessment Management Agency Act

The Chair: — Would the Minister of Community Services please introduce her officials.

Hon. Ms. Carson: — Thank you, Mr. Chairman. I have with us today John Edwards, the assistant director of planning with Community Services.

Clause 1

Mr. Boyd: — Thank you, Mr. Chairman. Madam Minister, we just have a few quick questions that we would like to deal with here this afternoon. I wonder if you could give us the amount of funding that SAMA (Saskatchewan Assessment Management Agency)

received for '91?

Hon. Ms. Carson: — The provincial government provided \$7 million in the last 1991 budget to SAMA.

Mr. Boyd: — And could you provide us with the figure for 1992 please?

Hon. Ms. Carson: — The 1992 funding for SAMA will be \$7.5 million.

Mr. Boyd: — Madam Minister, with that it seems that they're going to be receiving an additional amount of funds. Can you account for what they will be doing with those additional funds?

Hon. Ms. Carson: — Yes, Mr. Chairman. They are going through a reassessment phase at this point in time, and they're using those funds to do an education program with the public and with the municipalities, and to do some modelling for the municipalities to check out the effects of the proposed changes.

Mr. Boyd: — Madam Minister, I see that it suspends the funding formula in the future number of years. I wonder if you could provide us both with the . . . for one year, pardon me. I wonder if you could provide me with a copy of the funding formula. And is there any indication of whether this will be . . . the suspension will extend beyond one year?

Hon. Ms. Carson: — Yes, Mr. Chairman. The formula is very simple. There's a base amount of \$6.8 million allocated to SAMA from the provincial government, and any amount of the requisition over that is shared 50/50 with the municipalities.

As far as the future, we are talking to SAMA at this point in time. There may be some changes but we don't know what they will be until we've had further discussions with SUMA (Saskatchewan Urban Municipalities Association) and SARM (Saskatchewan Association of Rural Municipalities), as well as SAMA.

Mr. Boyd: — Could you provide us with a copy of that funding formula, please?

Hon. Ms. Carson: — The formula is in the Act, Mr. Chairman. We can provide a copy but it's relatively simple and it's at the beginning of the Act.

Mr. Boyd: — Thank you, Madam Minister. If it's in the Act, that would be fine then. That would conclude any questions that we would have with respect to this Bill. And I thank Mr. Edwards for his time this afternoon and I appreciate the minister's answers.

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

The committee agreed to report the Bill.

Bill No. 1 — An Act to amend The Clean Air Act

The Chair: — Would the Minister of the Environment

please introduce her officials.

Hon. Ms. Carson: — Thank you, Mr. Chairman. I have on my right Les Cooke, deputy minister. I have on my left David Beckwermert, director of policy and legislative services; and behind me is Larry Lechner, director of air and land protection.

Clause 1

Mr. D'Autremont: — Thank you, Mr. Chairman. Madam Minister, we do have a number of questions dealing with this Bill. To start off with I would like to ask you why in the case of a clean air Act you would not have included something about ethanol. If we look across the border into the United States, their clean air Act does include provisions for ethanol; it does include provisions to encourage the burning of ethanol.

And when we look around this province we have an agricultural crisis. We would have had the opportunity to use up a portion of the grain supplies that we have on hand by running them through an ethanol plant, say at a 10 per cent rate on all our gasoline sold; would have made a significant impact onto our economy; would have made a significant impact to our environment, and a significant impact to agriculture.

Why would you not have included ethanol in your Act?

Hon. Ms. Carson: — Mr. Chairman, thank you for that question, to the member opposite. We have looked at it intensively and we are investigating it. It is more within the realm of Economic Development and Agriculture. We are working with those two departments now to develop a strategy.

As far as a clean air, we are investigating now the ramifications of that production of ethanol and we yet haven't finalized those deliberations.

Mr. D'Autremont: — Thank you, Madam Minister. Mr. Chairman, I think if you had included though some provision in the Act for ethanol it could have been a spur to move things along the line. As it is now, there's no urgent rush being put on to go to an ethanol-based fuel system. And if you had included, in a time frame, in this Act, The Clean Air Act, it would have added some impetus to develop something along that line.

Hon. Ms. Carson: — I appreciate those comments and we are seriously looking at them. Right at this point in time, we're looking at whether it's ethanol or ETBE, which should be added to gasoline. We aren't quite sure whether simply stating that ethanol should be added makes environmental sense at this point in time.

There is some debate whether the production of ethanol produces more CO₂ (carbon dioxide) than what happens when you burn the gasoline. So we're still doing some further research on that and we're waiting for some more data before we finalize our program.

Mr. D'Autremont: — Well, Madam Minister, I'm glad to know that you are at least looking at it.

In this Bill, who have you consulted with before making the decisions you have made?

Hon. Ms. Carson: — Mr. Chairman, these amendments are very general in nature and they come out of our day-to-day operations as we have talked with the people who are in industries and business. So it hasn't been a consultation process *per se*, but definitely the people we are working with all the time have contributed to these amendments.

Mr. D'Autremont: — Well, Madam Minister, would not this Act eliminate burning in municipal disposal sites?

Hon. Ms. Carson: — Mr. Chairman, this Clean Air Act is simply a housekeeping amendment as far as municipal burning is concerned. It takes municipal waste-burning out of The Clean Air Act and puts it under EMPA (The Environmental Management and Protection Act), so that it is governed by one piece of legislation instead of two.

Mr. D'Autremont: — Thank you, Madam Minister. Is that also why you removed natural gas from clause 6(d)?

(1515)

Hon. Ms. Carson: — Mr. Chairman, this is a reflection of what already is happening within the industry. It takes the exemption of the oil and gas industry out so that they are governed now by The Clean Air Act, and their emissions are now subject to licence permits.

Mr. D'Autremont: — On these licence permits, would they be licensed for each individual installation, or would it be a blanket permit per company?

Hon. Ms. Carson: — Mr. Chairman, it's each individual installation.

Mr. D'Autremont: — I noticed in the old Act, Madam Minister, that it stated water flood equipment, and it's not in the current Act. What's the changes there?

Hon. Ms. Carson: — Mr. Chairman, that is picked up as an oil and gas facility under the Act.

Mr. D'Autremont: — Over the years there has been a number of oil locations, sites, where burning has taken place. There's been permits issued for certain kinds of burning. What will be available now? Will all burning be limited, or will there still be certain types of burning permitted?

Hon. Ms. Carson: — There will still be certain types of burning permitted, except now they will have to have a licence in order to proceed.

Mr. D'Autremont: — What types of burning will continue to be allowed?

Hon. Ms. Carson: — Mr. Chairman, that will occur in emergency-type situations where there's some residual that can't be cleaned up in any other way and it'll have to be burned off. And in those circumstances, they'll be given permits.

Mr. D'Autremont: — In all other circumstances then, I'm assuming that a recycling system or a recovery system will have to be in place.

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

Mr. D'Autremont: — Madam Minister, in section 12(1) of the Bill it gives you the power to amend a permit or to suspend it or to rescind it. In what circumstances do you see that that would be necessary?

Hon. Ms. Carson: — Mr. Chairman, technology is changing quite rapidly, and what we have to do is make sure that our legislation reflects those changes in technology so that we can keep ourselves abreast of those developments. So this reflects changing in technology.

Mr. D'Autremont: — Well I don't understand why changing technology . . . why you would need the power to suspend somebody's permit because technology changed. Would you mind elaborating on that a little bit?

Hon. Ms. Carson: — There are two instances, Mr. Chairman, where there would be a change. If someone is deliberately contravening the legislation then we have to have the ability to take steps to bring that into compliance. On other instances where technology changed, because that technology has to be part of a technical side of the permit, we have to be able to change that side of the permit to reflect the technological changes.

Mr. D'Autremont: — Madam Minister, does this Act . . . will it have any effect on agricultural operations? I'm thinking of in the terms of feedlots and hog operations, chickens, turkeys, whatever.

Hon. Ms. Carson: — There is no change in the status for agricultural industry whatsoever.

Mr. D'Autremont: — So this Act won't have an impact on hog operations such as somebody complaining about the odours coming from the hog operations that are . . . any changes this Bill will do.

Hon. Ms. Carson: — Mr. Chairman, no that doesn't. That falls within legislation under the Department of Agriculture. We're not changing that at all.

Mr. D'Autremont: — Thank you, Madam Minister. Mr. Chairman, clause 24(2)(i) deals with a sliding scale of fees. Would you mind explaining why a sliding scale of fees? What do you see in this Bill as needing a sliding scale?

Hon. Ms. Carson: — Mr. Chairman, the sliding scale is there for the purpose of tying the amount that the industry pays according to the amount of pollution that is emitted from the smokestack. So it's a form of polluter pay: the more emissions the higher their fee schedule will be.

Mr. D'Autremont: — Will this sliding scale change if, say, somebody is at a low end and all of a sudden they have a large emission at some point in time for a short period in time. Would that fee change based on that? Would it be used as a penalty structure?

Hon. Ms. Carson: — No, Mr. Chairman. It's based on annual emissions.

Ms. Haverstock: — Mr. Chairman, Madam Minister, officials, clause 6 of this Bill will create a new section 17.1 and addresses the problem of persons or firms that fail to follow an order to stop polluting the environment. I'm wanting to refer to section 17.1(1). And it states that you may — and I'm wanting to point out the word “may” — take steps to enforce polluters to obey an order calling them to stop these environmentally harmful actions.

Does the word “may” imply that you have an obligation to force offenders to abide by an order?

Hon. Ms. Carson: — To the member opposite, “may” is a discretionary word; “shall” is where it's obligatory, and this is not obligatory.

Ms. Haverstock: — Mr. Chairman, Madam Minister, I guess that's where my concern comes from. I guess I will ask: does it mean that you as minister may do nothing to a firm disobeying an order if that firm, for some reason, you feel you don't want to enforce the order?

Hon. Ms. Carson: — Mr. Chairman, what it is meant to do is to give some latitude for some business or industry that has a legitimate reason why they cannot comply. So it's to give some flexibility so there is some tolerance there. Obviously it's not meant to simply disregard somebody who is non-compliance, but it is meant to give flexibility to allow people who are in non-compliance for some unforeseen reason the time that is needed in order to come into compliance.

Ms. Haverstock: — Thank you. Mr. Chairman, Madam Minister, I guess what a lot of the people of the province should be concerned about is a level of assurance that every offender will receive equitable treatment. And when there's no obligation upon you as minister to enforce orders in each and every case then it can leave things open to you as minister to choose who you will bring to task on this and who you will not.

I'm wondering if in fact you would consider accepting an amendment to this Bill striking the word “may” and replacing it with the word “shall”?

Hon. Ms. Carson: — Mr. Chairman, I respect what the hon. member opposite is saying, and we would want to think about that carefully. It eliminates any flexibility that we might have to deal with unforeseen circumstances when we put “shall” in. When we're talking about a time specified in order to comply, and if something happens and there are problems with technology or other circumstances beyond the control of the industry, what this would do is it would make it obligatory for us to shut it down or to prevent it from operating.

And I understand your intent, but I question whether it's in the best interests of the province at this time to take such a rigid position on this.

Ms. Haverstock: — Thank you. Mr. Chairman, Madam Minister, I do hear what you're saying about wanting to

leave some flexibility. And I'm just wondering in a case such as this if in fact that could be dealt with in the Bill itself too. What I'm concerned about is that if one were to adopt this amendment, it'll place an obligation on a minister such as yourself and future ministers to act in cases where offenders contravene an order.

And I believe that's it necessary in order to ensure fair process and that no one is going to be able to avoid compliance based on whether or not they're a friend or foe of those in power. And I think that that's a very important thing to be able to assure the . . . ensure the people of Saskatchewan.

Am I to take it then that you don't see that there's another way there can be flexibility built into the Bill, and at the same time ensuring that there will be an equitable treatment of people?

Hon. Ms. Carson: — Mr. Chairman, a point of clarification. This is intended to allow the minister to carry forward and do those things that need to be done in order to bring it into compliance.

If you read further, it says that the minister may carry out the activities required and the minister may recover the costs. It is not intended, you know, there . . . as you read further, that's the intent of the sections under that.

(1530)

Ms. Haverstock: — Mr. Chairman, Madam Minister, I just wish to clarify my position as well. The use of the word "may" to describe the power of the minister to remedy problems or get an injunction is of greatest concern to me. That's the part that I'm most interested in. There are counter-propositions, okay, that could go with the word "shall".

What I think is missing in the Bill is a real obligation on your part to see a problem fixed. You may do something, or you may not do something. And as minister you could be convinced to do nothing if the thing at fault happens to be a project of a particular firm that's a friend of government, or a department of government, or even a Crown corporation. There are examples of this now where there are real problems whether standards can be met as a result of this kind of thing happening in the past.

I think that in Saskatchewan we have had too many examples that have become the reality of Saskatchewan where many, many projects have had political ramifications or even what I would consider ownership interest at stake in terms of the consideration for what's being done.

So part of my concern that I'm raising here is one that is based on what has already transpired in the province of Saskatchewan, and if nothing else I would just like to be on the record for stating that I wish that the Bill would approach the flexibility issue in a different way, and include the word "shall" rather than "may".

Hon. Ms. Carson: — Mr. Chairman, I respect what the member opposite is saying, and I agree with her that there are times when conflict, political conflict, has caused

problems with compliance. This section here is not the appropriate place to put that, and perhaps there should be an amendment later added that would take care of just the situation that you're talking about. The 17.1 deals with something quite different, that when a control order fails to comply within a specified time, then the minister may — and we leave it as may because the company may want to comply but there's technological problems that they can't, so we leave it as may. But it says if they choose not to or ignore it, then the minister may proceed and have the work done and the minister may charge that cost against the company.

But it doesn't intend to leave a loophole for someone who has political connections to be able to circumvent the law. And if we want that type of amendment, perhaps it should be added at a different spot. But this is not the spot that it should be put in.

Ms. Haverstock: — Mr. Chairman, Madam Minister, I guess it's the flip order that I'm talking about. I'd feel far more, I think, comfortable if there were mandatory obligation here, right where we're talking about it, so that non-compliance activities are absolutely stopped. Okay? So that the obligation of you as minister should be to see that non-compliance is rectified and then 17.1 and 17.2 will actually be the ways in which you might choose to act. So I think that it would be interesting to see an order here.

Hon. Ms. Carson: — Mr. Chairman, I think without some considerable discussion with industries and with other people we would be reluctant to put it in at this point in time. It is important to understand the ramifications of what you're speaking about. And it would be appropriate, I think, to do further discussions on this before we put it into this Bill. Not to say that there wouldn't be an appropriate time or place for it, but at this point in time we choose to leave some degree of flexibility here until we have further investigated what you're talking about.

Ms. Haverstock: — Thank you, Mr. Chairman. Madam Minister, I do appreciate that given your availability to having further insight into details of this, as well as having access to people who have expertise and many officials — none of whom I have — that I go on the basis primarily of the network of people with whom I am in regular contact. And much of my concern in most things is raised as a result of talking to many, many people. As you are probably aware from discussions that have taken place in this Assembly in all different areas, I am very much of an advocate for flexibility and see many, many problems arise through rigidity.

But I also have been someone watching what has transpired over the last decade in this province when it comes to environmental concerns, and from what many of those have stemmed.

So part of my concern comes from the fact that too often people who end up in government say, well we're different so trust us; and that perhaps what we need here is someone who is speaking on behalf of the people of the province who say, maybe we shouldn't trust any of them. What sorts of legislation can we have in place that first of all provides for a specific obligation on the part of anyone

who's minister, and secondly, builds in the flexibility somewhere else?

So that really is all that I have as a concern regarding this Bill and I do appreciate your responses.

Mr. Goohsen: — I thank you, Mr. Chairman. I have some concerns as I sit here and listen to my colleague deliver the outcomes of this Bill and the effects that it's going to have in relationship to many of the comments that I've listened to over the past months, and in fact years, with respect to matters of environmental consideration.

The problem of garbage burning in municipal areas has been talked about for probably the last four or five years and there's nothing wrong in my opinion with the government attempting to help preserve both the quality of our air and all other environmental situations. What happens though, Madam Minister, is that we have a tendency I think to watch in our society the old rule of the pendulum swinging, metaphorically, and I'm sure you know what I mean by that.

We have a tendency to say, things are too far over here; we must move more to the middle. But when we get to the middle, we can't stop the momentum of what we are doing and it has a tendency to swing by and we have what we would possibly term as an overkill of a situation, or lack of a balance for a better way of describing what I want to get at.

The balance we need of course is to allow people to eliminate some of the garbage that we have in our society without destroying the atmosphere, but at the same time when we stop all burning we have a tendency to pile that garbage up and cause other environmental concerns to become even worse.

How many rats do you multiply in a garbage pile that's not properly taken care of, whether it be above ground and covered up with dirt or left out in the air? That's just a comparison of the type of thing that can happen. You can have major rat infestations into garbage dumps that are not properly burned out or gotten rid of in a proper way.

The other consideration is your water table. When you don't allow people to burn garbage and you pile it up and it rains, all of the things in that garbage wash down through and get into the aquifer. And so what I'm saying is that if we don't be very careful here and get some kind of a balance, then we're going to destroy one part of our elements in consideration of trying to save the other. I like fresh air. Don't get me wrong; I love to breathe fresh air.

I was in Eastend over the weekend and there was nothing more beautiful than to have our window down on a sunny day and have from the open prairie, a wind blow down that street and come through the window. And you just knew right there that this was the reason why rural life is so important and so worth saving and so worth fighting for — just that one or two breaths of air coming through the window as we went through the parade. Enjoyed that. It was beautiful out there.

The member from Shaunavon should have been there; he would have noted how nice it was to be there. I guess they

didn't invite him.

But I just wanted to make that point that we don't want to overkill the situation and get out of balance, Madam Minister. We've got to maintain that kind of balance in our society where we don't try to eliminate one problem and create another.

I'll give you another little example of what we're talking about. A few years ago the town of Shaunavon had a problem with its sewage. They were dumping it down the creek, and it was running of course eventually into the Swiftcurrent Creek and polluting the Duncairn dam reservoir. We don't know, to be honest with you, how extensive that pollution was.

What we do know is though that the people became very concerned about it, so concerned that they organized in several different ways. They brought in wildlife people, all kinds of people that were concerned about the environment. They took a look at the whole situation, and they came up with a plan where they would store the sewage into an area and put out nesting areas so that the ducks and the geese of course could utilize the water.

Now I start to wonder. We solved the problem of not dumping that water down the system. We've cleaned up the pollution aspect of water running into the Swiftcurrent Creek, and we've cleaned up the problem of contaminants may be killing the fish in Duncairn dam. And we stopped the potential danger to the people of Swift Current all being poisoned, and of course eventually into Saskatoon where they drink the water.

Somebody made the comment that at one time Shaunavon had the best water in south-west Saskatchewan. In fact in North America it was even touted to be . . . they claimed that they collected water from Shaunavon and gave it to the Queen to drink on her visits to Canada. I don't know if those stories were right or not, but certainly the water was of that quality that it may have been used for that.

The point is that we saved all that pollution problem down the system, and that was necessary. But now we've got these large reservoirs sitting beside the town of Shaunavon where the water below was supposedly the best ever. Now I find out that they're having to chlorinate the water for drinking, and it starts to make me wonder, did we store that water there to save the rest of the system downstream in order to destroy the ground waters in and around the town of Shaunavon? And this is a large aquifer; it runs for many miles around. And of course once it's polluted and poisoned, it will have an effect on a lot of people there.

And so we have to have that balance. And that's what I got out of this debate so far, is that we may not be watching out for that balance. If we allow small towns to collect garbage and force them to bury it without burning off those things that can be burnt and got rid of or if we don't take care of it somehow, we will have rat problems. We will have aquifer problems.

And we've had just an awful lot of the towns express a lot of concern about the sizes of areas that they will have to

have in order to get rid of all the garbage. It's unfortunate, I guess, that wherever we have people in our world we are naturally going to have pollution — the nature of the beast, I guess you might say. Whenever we populate an area the first thing we need is food. You can go out with a baseball bat and hunt some animals and feed yourself, but as the population grows you have to have farmers growing food. And as you grow more and more food, you find out that you've got to spray the weeds and things like that to get more food. And we create our own problems.

So to say that we are going to clean up all of the environmental problems is just simply never going to ever happen. You can assist the situation. You can make great strides. But you will never eliminate all the problems as long as we have people. So we have to accept the role of providing a balance.

And I'm saying that the folks out there in the small towns are first and foremost affected by the burning problem because that's an obvious situation. Every town has to have a dump because the first thing you create after you feed people, you create garbage. And everybody that is a person that lives anywhere leaves some garbage some place, somehow. It's just another situation of the nature of the beast. We are people, and we pollute by the very fact that we live.

How to handle that and best return it to the environment, that is the key and the question. And so I'm saying to you, Madam Minister, that we want you to take a look at the balance here. We've got all of these towns worried about where they're going to get the landfill site from. They have an awful lot of trouble. I know you are aware of the facts, having been involved with municipal government yourself, how tough it is sometimes to find a new site just to dump garbage. Nobody wants to have the dump beside their house. Everybody needs one, but nobody wants it anywhere close. And if you have to have twice the size that you ever had before, you escalate the costs, and we're into all these cost/price squeezes and all those kinds of things.

So I'm saying that we have to take a look very carefully at controlled types of burning in order to eliminate some of this stuff. Maybe we have to load some of it up and take it away. But it seems that we've got a panic out in the country. People are really worried about the fact that they're not going to be allowed to burn up their garbage and that they're going to get all these problems. And I want you to be aware of that.

And I want you to be aware of the fact that I have had probably 25 different towns and locations make this issue known to me personally. Now that is more towns than I have in my constituency, almost double the amount. So you know the depth of the concern out there, and I'm sure that all of my colleagues could bring you in stories from all around the province where they've been.

So I don't want you to go out of this Assembly thinking that what you're doing here isn't being noticed by the folks out there. They're noticing, and they're concerned. They're extremely worried that you may be producing an overkill.

(1545)

The other thing I worry about in your deliberations here, Madam Minister, is the sliding scale. And immediately when I heard that . . . I guess I have thought sometimes that I shouldn't have, but I thought immediately that if I were to get into trouble, I'll bet you the best thing I could do would be to buy a membership in the NDP and I'd probably save myself just a whole bunch of money. It just seemed to me that, you know . . . I know that's not a good thing to have to say, but it just crossed my mind that maybe it wouldn't be so much what you did wrong as who you knew in the departments, or who you were affiliated with, or who had the most power to convince people. Not what you know, but who you know.

And I don't really think that that's the way people want their laws to be drawn up or even perceived to have been drawn up, and I perceived this in the first few minutes that I sat here and listened to that very comment.

So, Madam Minister, I draw that to your attention. If I thought it, everybody else in the country thought it because nothing, I think, is original. I only pick up from listening to other people and listening to what they say so they've all picked it up and they've all thought it too.

And I think you owe it to yourselves and to the rest of the members of your political party to alleviate those kinds of concerns and to take those kinds of perceptions out of your Bills.

The "shall" or "may" mentioned by the member from Greystone is obviously again, as she has pointed out, one of those things that leads you in that direction of thought. And her point is well taken, and I support that line of thinking, that you ought to reconsider how you word these things to make sure that it is fair to the people.

With that, I want to let my colleagues get back into the debate and I want to ask you though to please give me your comments and your responses to these questions and issues.

Hon. Ms. Carson: — Thank you to the member opposite. You made some comments that are very interesting and I'm very concerned as you are about the cost to taxpayers when it comes to environmental regulations and changes in environmental legislation.

I'll point out first though that when you talk about burning of municipal waste, this Act, this Clean Air Act, takes the burning of municipal waste out of it. There is no reference in this Act to burning of municipal waste at all. The burning of municipal waste is under EMPA, which is the other Act.

I will also point out to the member opposite that it was under the former government that the enforcement on the burning of municipal waste came into effect. I can also assure you that when I sat as a director on SUMA and chair of their health, environment, and protective service committee, we had a lot of concern with that and I understand completely what you're talking about. So I have some empathy with what municipal governments are going through.

We can discuss the whole idea of landfills at some detail if you want, although it doesn't pertain directly to this legislation that we're under review here at this moment. I will say though that we do feel that regional landfills are the way to go. We are working with a great many municipalities to try to cut down the need for a lot of landfills for every community. We are talking about waste minimization so that they do not have as much waste going to landfills. Most of what goes to landfills is burnable but it's also recyclable. So we are looking at the whole idea of waste minimization and recycling.

But once again I want to point out that burning at municipal landfills is not part of the legislation of The Clean Air Act; there's no reference to it. In fact we took that reference right out of this. So it's another Act that you're speaking about here.

In regard to the sliding scale, I can assure you that there is no intent for political interference or manipulation here, although there may be past governments who would have interfered. We do not believe that this government or any future government would want to interfere in that.

Further to that point, those sliding scales will be controlled through regulation. So there will be no ability for this minister or any other minister to think about that. But I would point out that we do not believe that any minister in this government and any future government would take that upon themselves anyway, and perhaps it was only past governments that would have happened.

Mr. Goohsen: — Well, Madam Minister, I certainly have no intentions of standing here and throwing stones at the Blakeney administration of the 1970s and some of the foolhardy things that they did back then. And the fact that they might have treated this type of a Bill ridiculously, really doesn't make any difference to us today. We're looking at the future and today on, and this is what your Bill concerns. So I don't personally care what happened in the past except to use it as an experience to guide our actions in the future to make it better.

And it looks to me like you'll have to take responsibility for what you're doing in this Act and other Acts, and the responsibility of the results of your actions will be yours and you won't get away with blaming people in the past or some place else for what you are doing. That just won't wash any more.

This is your government, this is your Bill, this is your law. You're tied to it; you're going to have to live with the results of it. And I tell you that if you say to me that politicians will not play politics, I simply have to say that I don't agree with you and I don't believe you. Politicians are politicians and they will play politics. For as long as I've lived and for as long as there will be people and for as long as there is an organized society where there is the freedom to have governments, you will have people attempting to influence what happens to their lives by what they know and, better yet, who they know.

And so there will be, as long as you make a provision in a Bill an opportunity for there to be interference, there will be interference, because that is the human nature and the

human condition. If you want to have a Bill that specifically spells out that certain things will happen, then that's exactly what you have to do, otherwise it will be manipulated and it will be abused.

And I suggest to you that people in your government will abuse it as much as Mr. Blakeney's government might have in the '70s. And you are as vulnerable to being human as he was and his administrators and his government. So don't point fingers and say they were bad guys. Do this thing yourself and do it right. Take out the possibility of the thing being abused and you will find yourself a lot happier people.

I did have another question. And it seems to me that probably you were proper in stating that you have taken out a lot of these things out of the Bill, and that it would be better reflected into Bill 3, so I think I will reserve those questions for that Bill 3. And those things that apply to Bill 3, from the statements I made earlier, I would appreciate it if you would superimpose and imply that to Bill 3 and save me having to repeat myself a lot at that time.

If you'd care to comment any further, I'd be happy to hear your comments.

Hon. Ms. Carson: — Mr. Chair, I have no more comments.

Mr. D'Autremont: — Thank you, Mr. Chairman. At this time I would just like to thank the minister and her officials for coming in today and answering our questions.

Clause 1 agreed to.

Clauses 2 to 8 inclusive agreed to.

The committee agreed to report the Bill.

Bill No. 2 — An Act to amend The Ozone-depleting Substances Control Act

Clause 1

Mr. D'Autremont: — Mr. Chairman, this Bill affects a number of people across this province, and we've been contacted by a number of them over the last period of time, mainly people dealing with small service stations that repair air conditioners in vehicles. It seems to be they have a lot of concern about this Bill. I'm wondering, Madam Minister, who have you consulted with in concerns to this Bill?

Hon. Ms. Carson: — Mr. Chair, I'm pleased to report that we have talked to nearly everybody that this Bill could be concerned with. We've talked to the automobile association; we've talked to the service industry; we've talked to refrigeration companies; we have done extensive consultations regarding this Bill.

Mr. D'Autremont: — Would the minister, Mr. Chairman, supply us with a list of those people that she consulted with?

Hon. Ms. Carson: — Yes, Mr. Chair, we would, by

association. We can provide you with the list.

Mr. D'Autremont: — Thank you, Madam Minister. On this Bill, have you given any consideration to what it's going to cost the individual sectors to make the changes as outlined in this Bill?

Hon. Ms. Carson: — Mr. Chairman, this Bill . . . The amendments do not add any cost whatsoever. It only provides for the certification of the people who are working with CFCs (chlorofluorocarbon). The certification process costs about, as I understand, about \$80 for the service repairman.

Mr. D'Autremont: — Thank you, Madam Minister. Does this Act not call for the recovery of all CFCs such as Freon from systems?

Hon. Ms. Carson: — Mr. Chairman, that's not a cost to the industry. Obviously, the more they can recover the less they have to replace so actually this recovery process is saving them money, not costing them money.

Mr. D'Autremont: — Well, Madam Minister, I don't believe that all locations have systems in place for the total recovery and storage of used CFCs and refrigerants. That would be an added cost to them; the storage, the unit to recover, and the storage and the transportation thereof.

Hon. Ms. Carson: — Mr. Chairman, the industry is very quickly moving to do just those type of processes that you're talking about, and it provides an economic activity for them. Obviously, I think most people today are very concerned about the hole in the ozone layer and the release of CFCs. And most responsible people in industries are now understanding their obligation and responsibility, and they are moving forward on this. And we haven't had a great deal of opposition from members of the public or members in the industry on this.

Mr. D'Autremont: — Well, Madam Minister, you're right that a lot of people are concerned about the environment, the ozone hole, the effects on skin cancer. We see it in the paper all the time where they're talking about people not going to the beach and going sun-tanning.

And yet there is a cost associated with the recovery of the CFCs and the Freons and the refrigerants. And that was the question I asked you. What is that cost going to be?

Hon. Ms. Carson: — Mr. Chairman, to the member opposite, these amendments are only providing for the certification. The costs that he's talking about were costs associated with a Bill that was brought in by the last government, and they have been part of the legislation for quite some time. These amendments we have do not put an obligation of any increased costs on anyone except the certification process.

Mr. D'Autremont: — Well, Madam Minister, that may well be true, although I find it surprising that people would all of a sudden start getting antsy about this Bill, about the program of collecting refrigerants. Why, when this Bill comes forward, is all of a sudden there a great concern that it's going to cost somebody a lot of money to do this collection? People are talking of getting out of the

industry because of the costs of buying recovery units and storage. So there must be a new, added cost there some place that they were not experiencing before.

(1600)

Hon. Ms. Carson: — I believe, Mr. Chairman, that there could be some misunderstanding within the public's mind and within the member opposite's mind. These amendments we're talking about today are simply for certification. The fact . . . what he's talking about is the Act that the last government brought in which talked about controlling the ozone-depleting substances and with that came a set of regulations.

Those regulations are now in effect, and there are some people who are concerned. But obviously it is a necessary thing that we must do, and as responsible citizens we simply have to move forward. But we are aware that there is a cost, but this amendment we're dealing with today is not part of . . . does not bring about that cost. That cost was from the last piece of legislation that your government brought in. Today we're dealing with certification of the people who handle the ozone-depleting substances.

Mr. D'Autremont: — On the certification and the training, what procedures will be in place now to provide that?

Hon. Ms. Carson: — Mr. Chairman, we are running programs at this point in time from the department to certify people who require that training and knowledge. We hope by the end of this calendar year, we will have all the people who require certification with the certificate and training that they need.

Mr. D'Autremont: — Madam Minister, where is this training being done at? Who is providing the training?

Hon. Ms. Carson: — The training programs are provided at a cost to the department. They're advertised in the paper. There was an ad in the last Saturday's paper, and they're provided in centres all across this province.

Mr. D'Autremont: — And your department supplies the instruction for that type of training and for the certification?

Hon. Ms. Carson: — Mr. Chairman, yes, the department provides the instruction.

Mr. D'Autremont: — Madam Minister, on your control orders, what is the purpose for this?

Hon. Ms. Carson: — Mr. Chairman, in circumstances where there is a problem with an industry or a business, the department needs a control order in order to make the industry or business refrain from continuing its operation until such time as they are in compliance with the Act.

Mr. D'Autremont: — Madam Minister, in this Bill, like the previous Bill, you also have in here the power to . . . or may revoke, replace or amend or vary previous control orders. Under what circumstances would you be doing that? And would that be consistent every time? If you made an amendment or a change in one circumstance, if

a similar circumstance arose again, would the same amendment be made in it?

Hon. Ms. Carson: — Mr. Chairman, this area is very complex and the department needs the ability to respond to unique circumstances. And this gives some flexibility in order to provide the department time and the industry time to check out circumstances, that's all.

Mr. D'Autremont: — Well, Madam Minister, my concern here is the consistency. That if an event happens in where you need to take some action, that the next time that same type of occurrence happens that you will be consistent.

Hon. Ms. Carson: — Yes, we do intend to be consistent. But there are circumstances, as you probably are aware, where technologies vary, circumstances change from time to time. And we have to have the ability to respond to each circumstance individually.

Mr. D'Autremont: — Madam Minister, in section 10.3(2), you talk there of interim relief. What do you mean by interim relief? The section reads:

With respect to an application pursuant to subsection (1), the court may make any order for interim relief that it considers appropriate.

Hon. Ms. Carson: — The interpretation of that section means that the court will make an order that would correct the problem as it sees appropriate, which means many things according to the circumstances they're dealing with. It's hard to put it into an Act, all the circumstances that might occur. And so what this says is that the court will have the authority to make interim relief.

Mr. D'Autremont: — In subsection 11(1)(g.3) it talks of prescribed fees which will be paid with respect to any matter that is regulated pursuant to this Act. How will those fees be laid out?

Hon. Ms. Carson: — Mr. Chairman, through regulations.

Mr. D'Autremont: — Madam Minister, in the regulations how will you determine what the fees will be? Again it's a matter of consistency that I'm looking at here. For the same type of business, for the same type of refrigerant, for the same type of service, will the fees be the same?

Hon. Ms. Carson: — Yes, absolutely you're right. That's the way the regulations will be set up. Thank you.

Mr. D'Autremont: — At what level will these fees be set at, I'm wondering. For a service station that works on 10 air conditioners a year, will there be any variance along that line?

Hon. Ms. Carson: — Mr. Chairman, at this point in time we're consulting with various people. It's under study right now; we haven't made that determination. But we will make every effort to keep the member opposite and the public aware of those discussions.

Mr. D'Autremont: — When these fees are set and when

the permits are issued, for what time period are you looking at? Will it be a one-year term or a five-year or have you some figure in mind?

Hon. Ms. Carson: — I thank you for that question. It also is under study. Those will be further terms within the regulations that we'll be discussing with people in the industry and the public, and we'll keep you informed.

Mr. D'Autremont: — Well, Madam Minister, my concern here is whether the fees will be at such a level as to not be prohibitive to a business. If it's for an extended period of time, then a higher fee is perhaps applicable. But if it's simply for a one-year term, then a high fee can be quite prohibitive to a business which is on the verge of not doing well. So I think you need to take that into consideration when you enact your regulations.

You also, I think, need to take into account the costs associated with putting this Act into place to those individuals, to those service stations, refrigeration companies.

On section 12.1 you have in here that no prosecutions will take place after two years. I mentioned in the second reading of this Bill that perhaps an extended period of time should be considered. Have you given any consideration to extending it beyond the two-year time frame that you have in the Bill now?

Hon. Ms. Carson: — I thank the member opposite for the previous remarks regarding the regulations. I agree with you. Those all will be considerations. We'll make the regulations fair and equitable.

With regard to the last remark, the officials in Justice feel that the two-year limitation is fair and reasonable and that that is an appropriate length of time.

Mr. D'Autremont: — Mr. Chairman, we have no further questions. At this time I'd like to thank the minister and her officials for being present today.

Clause 1 agreed to.

Clauses 2 to 6 inclusive agreed to.

The committee agreed to report the Bill.

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

Clause 1

Mr. D'Autremont: — Mr. Chairman, Madam Minister, we do have some very serious concerns about this Bill, and the fact is I have some amendments which I'll be presenting later on this.

The one issue that is to us a burning issue is the matter of search and seizure without a warrant. So we will be getting into that after a bit.

I would just like to ask the minister who she has consulted with in dealing with this Bill?

Well it seems Madam Minister had a very short answer for that. I wonder if she could give us a list of who she consulted with.

Hon. Ms. Carson: — Mr. Chair, you want a list of who we consulted with on all the amendments or the ones we handed out today?

Mr. D'Autremont: — All of the amendments, Mr. Chairman.

Hon. Ms. Carson: — Mr. Chair, most of these amendments come out of the day-to-day activities that the department undertakes. They've been recommended by Environment Canada and industries that interface with the department on a regular basis.

Mr. D'Autremont: — Madam Minister, you're saying then that you did not go out and hold any public consultations or any consultations with any groups other than those that your department happens to meet in the regular course of business?

Hon. Ms. Carson: — That's correct.

Mr. D'Autremont: — Well, Madam Minister, as my colleague from Maple Creek was just bringing forward in the last Bill, that the RMs (rural municipality) have a very serious concern about the waste disposal, their sanitation sites, and I'm surprised that you would not have consulted with them to some degree concerning this issue. Have you consulted with the RMs, with SARM about the landfill sites and the burning?

(1615)

Hon. Ms. Carson: — Mr. Chairman, there's nothing in this Act about landfill management. It doesn't deal with it here. The issue that the other member was commenting on is a very important issue and we've done extensive consultations with municipalities and we are now, in regards to municipal landfills.

We have a committee struck that is talking with both people in SARM and SUMA regarding the potential for regional landfills and the impact on their costs. But the Bill that we have today, the amendments that we're talking about today, don't necessarily deal with that issue. The issue of burning and landfills was an issue that was legislated under the previous government.

Mr. D'Autremont: — Well, Madam Minister, during comments in the last Bill you stated that the burning had now been transferred to, you call it the EMPA, which is what this Act is. So is not burning then being dealt with under this Act?

Hon. Ms. Carson: — Mr. Chair, point of clarification. Burning at landfills was always under The Environmental Management and Protection Act; it's always been there. But there was a duplication in that it was under The Clean Air Act as well. We removed it from The Clean Air Act. We've done nothing to change it under the EMPA. It was there last year and two years ago and three years ago and it's there same today.

Mr. D'Autremont: — Well perhaps then, Madam Minister, there has been a change in enforcement, that perhaps it was not being enforced strictly to the letter of the law perhaps, but now enforcement is very stringent.

I've been receiving complaints that RMs and towns have been told that if there is a fire at their disposal site, regardless of how that fire started, that they will be fined up to \$5,000. Is that the case?

Hon. Ms. Carson: — Mr. Chairman, I can appreciate what the member opposite is talking about because as former mayor I received one of those letters. But that started two years ago. The process today is no different than it was two years ago, started under the former minister of the Environment.

I understand their concerns. We're working with those people. We are trying to be very fair and even-handed, understanding the limitations they have on their financial resources. And we're looking at trying to work out a program that would to some degree limit the amount of financial obligation that we'll have by trying to find ways of sharing the cost across a broad number of municipalities.

But I will repeat, the amendments to the EMPA Act today do not deal with burning at landfills, because that was an issue that was put into the Act a couple years ago and the process to control that burning started a couple of years ago under the former government.

And we are doing nothing different today than you were two years ago, except we're holding further consultations and trying to mitigate any of the problems and the financial burdens that they may have toward the whole issue of burning at municipal landfills.

Mr. D'Autremont: — Mr. Chairman, Madam Minister, again in this case as in the ozone Act, it seems rather strange then that all of a sudden people are getting more and more concerned about it, about the costs at this time. There needs to be some controls placed in there, but all of a sudden they're very concerned about the costs; they're very concerned about the enforcement.

When they receive notification that if there is a fire under any circumstances, you will be fined up to \$5,000, it scares a lot of people, because they do have some real concerns. It may have been caused by an accident, it may have been an act of God, or it may have been deliberate. But in the case of an act of God, surely the RM or the town council in question should not be responsible for such. They may be responsible to try and get the fire out as quickly as possibly, but not to prevent it. And I think some considerations need to be given there.

Hon. Ms. Carson: — Certainly I appreciate what you're saying. Mr. Chairman, the member opposite perhaps only himself has become more aware of it. As a former mayor and member of SUMA I can tell you that concern has been there for a long period of time and our department at this point in time has a committee struck.

We're working with members of SUMA trying to rationalize a landfill situation in Saskatchewan.

We empathize with the cost that you're talking about. But I will say that I don't believe the situation has been raised any further by our administration than under the last administration. The concern was there with municipalities then. Municipal waste is their responsibility. We are working with them to try to find ways of reducing it. But this is a responsibility of municipal governments.

Mr. D'Autremont: — Well, Madam Minister, you are the Minister for the Environment. You also sit in cabinet. When we look at what happened in the budget, funds for RMs, for both rural and urban municipalities, were cut. And yet this is going to add an added burden to their expenses. Have you considered, from your position in cabinet, to providing some sort of assistance to those RMs, to the urban municipalities, for waste disposal?

Hon. Ms. Carson: — We have announced a solid-waste management assistance program of \$1.75 million over the next five years to give just such assistance that you're talking about. We would like to provide more. And perhaps when the province has more flexibility in regard to financial resources, we will be able to. But at this point in time we have allocated one and three-quarter million dollars toward the assistance that you are talking about.

Mr. D'Autremont: — Thank you, Madam Minister, for bringing that up. I was going to get to that after a bit.

This \$1.75 million that you're providing, those are for experimental sites, are they not — landfill sites? And you have it designed that there would be what? — approximately five sites tested at the present time?

Hon. Ms. Carson: — That money will be allocated towards regional landfill sites. Right now we are looking at a limited number, but we hope to expand that as years go by and we have more resources. But it's not experimental. It will be a regional landfill site across the province. And we hope to have a more limited than the just about 900 landfills that we have now, or garbage dumps.

Mr. D'Autremont: — This \$1.75 million — how many landfill sites do you expect to fund with that at the present time?

Hon. Ms. Carson: — At this point in time, Mr. Chair, we intend to fund one very large, complex, regional landfill site and one smaller one in rural Saskatchewan. That's the program for this year. We'll evaluate it again next year.

Mr. D'Autremont: — Have those sites been chosen?

Hon. Ms. Carson: — Mr. Chair, we just recently announced the terms of reference for those projects. There is a committee that's been struck that consists of people from SUMA and SARM, and we'll be selecting those sites in the near future.

Mr. D'Autremont: — Madam Minister, who is on your committee?

Hon. Ms. Carson: — Mr. Chairman, to the member

opposite, we know we have SUMA and SARM representatives as well as SSTA (Saskatchewan School Trustees Association). We can provide you with a list of the names and their associations, if you like. We don't have it with us.

Mr. D'Autremont: — If you would please, Madam Minister. How many people are on the committee?

Hon. Ms. Carson: — Mr. Chairman, 10 people sit on the committee.

Mr. D'Autremont: — What cost do you expect this committee to incur during their deliberations?

Hon. Ms. Carson: — Mr. Chairman, the associations that have representatives on the committee pay those costs for their members. There is no cost to the provincial government.

Mr. D'Autremont: — Well thank you, Madam Minister. I find that they're being very generous to us, these various associations that are sitting on this committee.

You spoke earlier of another committee. What was this committee?

Hon. Ms. Carson: — I'm not sure what the member opposite is referring to, but the committee I referred to earlier is the same committee. It's the Community Environmental Management Committee.

Mr. D'Autremont: — Thank you, Madam Minister. I wasn't sure if you had two committees on the go or if it was just one.

Madam Minister, in the Bill it says that this Bill will be economically responsible. I was just wondering, how many fines or how much in fines for those people who do burn in their landfill sites . . . How much would you expect to collect in a year?

Hon. Ms. Carson: — I'm not sure that I understand your question fully, but there is a discussion under way at this point in time that'll discuss the fees that you're speaking about. We have no set amount.

Mr. D'Autremont: — Madam Minister, if I could go back to the \$1.75 million, you say that you have two sites in mind for that — a large site which would probably be somewhat of an urban area, and a small site, probably a rural area. What happens to the rest of the landfill sites across the province? Where do they get any funding considering the cuts in the budget and the additional costs that they will incur?

Hon. Ms. Carson: — Mr. Chairman, the process under way is under a request for proposals, and every set of communities can join together and put forward a proposal if they like. This is simply the start of a process that we feel will go on over the next number of years as we try to eliminate the many small garbage dumps and end up with fewer landfills.

The department will be working with municipalities. This is a beginning of a very long process and we have only a

limited amount of funds and that's what's been allocated this year. But it's by no means the end; it is only the beginning.

Mr. D'Autremont: — Well I'm sure that those municipalities that do not receive any money from your 1.75 million will appreciate it's only a beginning. But what do they do in the mean time? Between the point that this Bill comes into assent . . . it says this Bill comes into force on the day of assent. Well on the day of assent they have to start meeting these rules and the regulations that you may impose on them until some point in time when you provide some funding. So what do they do in the mean time?

Hon. Ms. Carson: — Well there are many things a municipality can do in the mean time. First of all, I would say that waste management is a municipal responsibility. How they control their waste management systems is up to them. The provincial government has only limited resources in order to provide assistance.

There are many municipalities who are in compliance with their regional . . . with landfills at this point in time; they're not burning. For the smaller ones, they are joining together, working together. Instead of every municipality having their own, they're sharing the cost.

So there are many things that a municipal government can do at the local level to decrease their costs as well. There are many fronts that they're working on. The provincial government is providing as much assistance and help as we can. And the municipalities are joining together collectively to provide a joint approach to this system as well.

(1630)

Mr. D'Autremont: — Well, Madam Minister, when you go to a larger collection site, a larger collection area, and you eliminate some of the RMs, some of the urban municipal dumps, they've already got those in place. If they're full, fine, then it's valid to go to a larger collection system. But if those sites are not yet filled, if they still have some useful life span, then it's going to be an additional cost on those RMs to close that site down and move to a larger facility some place else. And so that's going to provide some added cost to the whole system.

Madam Minister, I have to really wonder what precipitated all of this action. Who asked for this Bill to be brought forward, and why are you bringing it forward?

Hon. Ms. Carson: — What I would like to comment on to the member opposite, that first of all this is not just a Bill to deal with municipal landfills. In fact, that doesn't come into this Bill at all, into these amendments. That was under the previous government, I'll point out again.

The amendments in this Bill that we're dealing with today have a number of purposes. Some of them were recommended by the Department of Justice, some of them were recommended by the federal department to bring provincial legislation into equivalency with federal legislation, and some have just come from the department officials who have been working at a number

of areas and see deficiencies within our own legislation.

Mr. D'Autremont: — Madam Minister, I'd like to go back to a question I asked about the funding. And I'll read from your explanatory notes. Firstly, the ability of the minister to prescribe fees and charges for a number of activities will allow the department to become more self-supporting.

That was the question I had. What do you envision? How do you envision the department becoming more self-supporting? Is there any place that the department collects other than fees and fines? Do they have any other source of income other than the general funds from the government?

Hon. Ms. Carson: — At this point in time, Mr. Chairman, the department does not have any ability to collect any fees. These amendments allow the department, the government, to charge for permits and licences that we issue.

Mr. D'Autremont: — Will the department also collect any fees that are . . . excuse me, any fines which are levied against any municipality?

Hon. Ms. Carson: — No, we do not do that.

Mr. D'Autremont: — Madam Minister, in section (2) of the Act you've added the words ". . . waste dangerous goods". I wonder if you'd mind explaining what you mean by ". . . waste dangerous goods".

Hon. Ms. Carson: — Mr. Chairman, that is the generally accepted term for hazardous wastes that's used across Canada. It's part of our equivalent terminology.

Mr. D'Autremont: — So this would be equivalent terminology to what is in the federal legislation. Is that right?

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

Mr. D'Autremont: — Madam Minister, will there be any repercussions from this Act on farmers with respect to storage of their chemicals like farm chemicals, pesticides, insecticides, or rat poisons and that type of thing?

Hon. Ms. Carson: — No, not under this legislation.

Mr. D'Autremont: — Madam Minister, why does this amendment allow the Minister for the Environment or an agent, an officer of that, to enter onto any land or buildings without the consent of the owner?

Hon. Ms. Carson: — Yes, thank you for that question, to the member opposite. There are two reasons for it. One, there are circumstances where the government must move to protect the public health and welfare. And the second is that we have to make sure that evidence is not being destroyed during the time that we have to take action.

So in circumstances where we have to take immediate action, this amendment will be used.

Mr. D'Autremont: — Well, Madam Minister, that seems to be an awful heavy hand to be able to have search and seizure without a warrant in the case of the environment, where that's not the case in most other areas in criminal activities.

The RCMP (Royal Canadian Mounted Police) or the local police, whomever it may be, has to get a warrant if they wish to search somebody else's property in search of evidence. Why is the Minister of the Environment so much more special that she should be able to enter into somebody else's property without a warrant, without having to give an explanation to anyone why you or your agents should be allowed into such type of forceful entry.

Hon. Ms. Carson: — This applies only when there is a risk to the public good. It does not apply to private residences. I'd like to point that out. And I would also like to point out that the occupational health and safety also has the same provision for the minister to act in circumstances where immediate action is required in order to protect the environment or the health of the public.

Mr. D'Autremont: — Well, Madam Minister, I'd like to read this section of the Act here:

... enter on any land or into any building where the minister, environment officer or designated person believes on reasonable and probable grounds that:

(a) a hazardous substance, waste dangerous good, hazardous waste or other material that could cause or may cause pollution is present on the land or in the building;

Well, Madam Minister, to me that gives you blanket power to enter any place you want to. It doesn't say that it is causing pollution but it says that it may cause pollution, "... could cause or may cause."

Madam Minister, many things could cause pollution. Common table salt, NaCl, if used in a large enough dose will cause pollution, will sterilize soil. In fact Carthage when it was sacked by the Romans was salted so that nothing ever grew there again. And so that is an environmental hazard if used to that extent.

So this could give you the ability to enter into any place you wanted to, other than a dwelling, with very little explanation as to why you're doing so. There's no onus on you to explain why you had to enter into that building, other than the fact that there could cause or may cause pollution ... something in there that could cause or may cause pollution. Why do you need that extreme power?

Hon. Ms. Carson: — First of all, the hazardous substances are defined under the hazardous substances Act, so there's a limited number of goods that we are talking about here. What this says that the minister, or the environmental officer may enter private property if they have reasonable or probable grounds that the substance is there and that activity that is dangerous of polluting the environment is taking place.

Mr. D'Autremont: — Well, Madam Minister, it says: a

hazardous substance, waste dangerous good, hazardous waste or other material. Now what do you mean by other material? Surely if the only things that are going to cause a problem to the environment are hazardous substances or waste dangerous goods, then why do you need other material in there? That's where you collect everything that allows you to enter into anybody else's property without any good cause.

Hon. Ms. Carson: — Perhaps to explain, to clarify some of these circumstances where this could be used ... perhaps in an auto body shop or in a garage, the occupants are pouring gasoline or solvents down a sewer. Now the hazardous good is not necessarily something that you would, in general terms, decide that it is hazardous, but once it enters the sewer system, then it is. So in circumstances like that, the environment officers have to have the right or the authority to enter and stop those activities from taking place.

Mr. D'Autremont: — Well, Madam Minister, I would think that pouring gasoline down the sewer would already be covered under hazardous substances or waste, dangerous good or hazardous waste.

Hon. Ms. Carson: — Mr. Chairman, there are a number of substances or materials that could, in appropriate amounts, become dangerous to the public good. They can't all be defined here, but in circumstances where it is perceived that is a dangerous use of them, the environment officer would enter and take whatever actions were necessary. It is difficult to give a limited list of these because quantity and other circumstances determine whether it's hazardous or not.

Mr. D'Autremont: — Well that's right, Madam Minister, and that's why I used the example of the salt. We all use salt every day, but if it's used in an excessive amount, it'll kill you.

Madam Minister, further on in the Bill it says, "without a warrant". You used the example of the gasoline being poured down the sewer. If your agent or if you knew that gasoline was being poured down the sewer in a service station, why do you have to enter in that immediate second? Surely if you know about it happening, you can go to a judge and say, Your Honour, somebody is contravening the Act. Here is the evidence that we have. Give us a warrant to do something about it.

Why does it have to be so immediate? Surely if you know it's happening, then you can get the warrant to do so, because you have the evidence. But what it seems is that you want the warrant ... you want to be able to operate without a warrant so that you can enter on the suspicion.

Well if you have suspicions, surely you can go to a judge and get a warrant for that. That's what the RCMP have to do; that's what the city police of Regina have to do. And surely breaking a criminal law is just as important as breaking an environmental law. In an environmental law you may have a large number of people affected, but the same may happen in a criminal law if it's being broken, or you may have simply one individual being affected.

I don't understand why, in your particular case, you feel

it's more important that you have that right than, say, the Minister of Justice has for his officers to enforce the law.

(1645)

Hon. Ms. Carson: — Mr. Chairman, what we're talking about is public health and public good. And pollution is very difficult to control, and even more difficult to clean up in contaminated areas. In regard to an instance where there's gas in the sewers, it is extremely dangerous and it has to be stopped immediately. And to allow that to go on over a prolonged period without taking action would endanger the health of a great many citizens.

So there are circumstances and they have to be used very judiciously. No minister or environmental law officer will use this power without a great deal of forethought, because obviously no one is trying to exercise power that is unnecessary. But in order to protect both the environment and the public health, there are circumstances going on all the time where immediate action is required, and it is necessary to enter the premise immediately in order to either secure data, secure information, or stop the practice from continuing. And in those circumstances it is important that the officer have the legislative authority to do so.

Mr. D'Autremont: — Well I agree with you, Madam Minister, that the environment is extremely important, and actions at a speedy time are necessary. And yet this Act does not require any burden of proof or any responsibility on the part of your agents when they do in fact enter into a premise on a suspicion that somebody is contravening this Act. Why have you not included something along that line?

Hon. Ms. Carson: — Once again I would point out that it is the responsibility of the government to protect the safety and health of the citizens. And responsible governments will, as I pointed out, use these amendments only when required. They will not be used in any circumstances that can be avoided. But they have to be here in order to protect the health and welfare of the environment and the citizens at large.

And there are many, many times when these amendments would have prevented pollution or prevented damage to property, and it's important that they be there. They're not there to be used lightly or without a great deal of information acquired beforehand. It is only when the minister feels an environmental law has been broken that they will pursue the types of activities that are talked about in these amendments.

Mr. D'Autremont: — Well, Madam Minister, you say only when required, and yet that means somebody has to make a judgement on when it's required. Is that simply going to be made on the basis of one of your agents in the field making that judgement that it is now required that I break down Fred's barn door and check out his premises? Or do they have to report back to you?

You stated at the end of your statement that only by the minister. So if they have to come back and consult you before they do make this forced entry, why not take some evidence before a judge and get a warrant?

Hon. Ms. Carson: — The circumstances have to warrant it. If the public's health or welfare is immediately threatened, then the minister or her agent has a responsibility to act. These are the types of circumstances that we're talking about. I'm at a loss to try to understand exactly the problem you're having with this, maybe.

Mr. Swenson: — Well the problem we're having, Madam Minister, is that government is a large organization with many different views brought to it. Your bureaucrats will come and go, as do other minister's bureaucrats.

What we're finding here is that we have fairly Draconian legislation placed in the hands of people who aren't trained legal officers. They are people that are supposedly environmental protection types, but we don't know any classification to them. We don't know sort of what their standing is within the legal community. And yet you're asking us, and I look at the sections here where if need be one of your designees could take a bulldozer and drive through my shop door because it says any piece of machinery or equipment necessary to enter the premises without a warrant.

In other words, you could drive into my lot, unload a bulldozer, drive through my shop door because you suspect something is going on. And I would say to you, Madam Minister, that's fairly Draconian.

Now the member from Souris-Cannington asked you earlier, where was the drive for this legislation? Where did it come from? I want a list of people that demanded this type of legislation from your department. Was it your back-benchers? Was it people in your department? Was it your deputy minister? Was it certain industry segments? Who demanded? Was it unions? I want to know from you a list of people that demanded measures that Draconian that you can come and unload a bulldozer on my lot, my private property, and drive through the door of my shop to gain access. I want to know.

Hon. Ms. Carson: — Mr. Chairman, we don't agree that this is Draconian. The incidents that you like to recite are Draconian but they are not those circumstances that we would envision using the terms of this amendment. The public has told us in very strong terms that they want the environment protected and they want the health and welfare of the public protected.

This does not though, take precedent over any other civil or criminal law. It is simply a matter if people in the department act improperly and exercise poor judgement, then the recourse will be as in any other terms when there's a person who transgresses any other law, that they'll have the same recourse to action against department officials or the minister as any other time when there is trespass.

Mr. Swenson: — Well, Madam Minister, you didn't answer my question about who demanded this type of legislation. The other is a separate issue. And I know about suing the government. My farm was in a legal action with the Department of Highways for five and a half years. I know all about it. Suing the government is one of the most difficult things for an individual or a

company to undertake.

Government is large. Government has access to the taxpayer to pay their legal bills, where I got to pay my own. Believe me, no one sues the government lightly because you're more than likely to get dragged through the courts for years and years and years. At the end of the day, you may break even. And that's sort of the life of suing government. And I don't think any individual in this province should have to do that.

Madam Minister, your Bill says that someone can come onto my property, break in to my property, using whatever methods they deem necessary, and my only recourse will be at the end of the day to sue the government. That's not acceptable. I want to know from you a list of people, institutions, groups. I want to know who asked for this legislation prior to it coming in here.

Hon. Ms. Carson: — Mr. Chairman, the public has told us, in no uncertain terms, that they want their water and the soil and the air protected. We've had many discussions. This is not a problem with most people. The problem that the hon. minister opposite has is not a problem that most people in the general public have. They feel quite comfortable that the environment has to be protected in the circumstances where there is immediate reaction required. They feel that the responsible authority would be the person or persons representing the minister or the government.

Mr. Swenson: — Well, Madam Minister, I don't know why you don't want to answer the question. I'm a former minister of Energy and Mines. A lot of the people that you interact with, that your deputy interacts with on a day-by-day basis, because he interacted with my officials when I was the minister, are people that could be affected by this legislation. If it was those people, just tell the Assembly, that demanded these changes.

I want to know from you a list of groups, individuals, back-benchers, I don't care; I just want to know who demanded the changes to the Act to bring forward these clauses that in the hands of the wrong person I say to you are Draconian.

Why won't you provide that list to the Assembly? I'm a member of the public, Madam Minister, and a lot of the people I talk to are members of the public and they haven't asked you for this legislation. So let's get down to brass tacks here and give us some examples of people who demanded this.

Hon. Ms. Carson: — Mr. Chairman, there wasn't a demand made on the public . . . on the department from any specific group. The public demands that the water and the soil and the air of Saskatchewan be protected, and they demand that there be some security and some enforcement of environmental laws.

In circumstances where environmental laws are being broken and there is an emergency nature attached to it, then it is incumbent upon officials of the department to take action that they deem necessary in order to stop the action from proceeding. They need to gather evidence; they need to stop the action. In this circumstance they

need the legislative authority to do so.

There are always circumstances, if you wish to use hyperbole or use exaggeration, that you can dream up, but this authority also is the same authority that rests with the occupational and welfare statute and it is not used in excess. It is used only when required to protect the public health and safety.

Mr. Swenson: — Madam Minister, many people in the public appreciate your concern for our environment. Some of us live it. On Wednesday evening there will be a celebration at my parents' farm for 10 years of using Moose Jaw effluent for irrigation rather than running it into the Qu'Appelle system. Some of us understand that quite well about our environment and what we do to mitigate things.

Madam Minister, parts of this legislation are Draconian, and that is from many sources. Now I don't know why you will not inform this Assembly of the groups and people who have said there are instances that demand change in your legislation, Madam Minister, because we think something is going on. And I don't know why you hesitate to provide that to this Assembly. And I can only tell you, we're going to be here a long time until you're ready to come forth with names and groups and give us some indication of who demanded these changes to this legislation.

Hon. Ms. Carson: — Mr. Chairman, there was no single person or single group that demanded this. It is in response to the environmental concerns that most people in the public have.

I would point out that not only is the same authority provided under The Occupational Health and Safety Act, but it is a similar type of legislation that's now coming forward in most jurisdictions across Canada. There is nothing Draconian about this. If it is used inappropriately, obviously there will be political consequences to it.

No minister would want to take upon him or herself any action that was not required, because obviously we are in an open society, and that is always open to debate.

I will point out though that it is the responsibility of the Minister of the Environment to protect the public and the environment, and in cases where it is required that we take immediate action, this amendment gives us that legislative authority.

Mr. Swenson: — Well we'll switch tacks here for a minute, Madam Minister. In your legislation is there any immunity from civil action or lawsuit provided to employees of your department under this Bill?

Hon. Ms. Carson: — No.

Mr. Swenson: — Does that exist in any of the other legislation pertaining to your department?

Hon. Ms. Carson: — Does what . . . Could we have the question?

Mr. Swenson: — In a civil sense, lawsuits or

prosecutions, are your employees immune from that in any of your other areas of legislation?

Hon. Ms. Carson: — No.

The Chair: — It being 5 o'clock, the committee stands recessed until 7 o'clock p.m.

The Assembly recessed until 7 p.m.