



Standing Committee on Agriculture

Hansard Verbatim Report

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**STANDING COMMITTEE ON AGRICULTURE
2002**

Ron Harper, Chair
Regina Northeast

Donna Harpauer, Vice-Chair
Watrous

Pat Atkinson
Saskatoon Nutana

Bob Bjornerud
Saltcoats

Wayne Elhard
Cypress Hills

David Forbes
Saskatoon Idylwyld

Carolyn Jones
Saskatoon Meewasin

Ron Osika
Melville

Randy Weekes
Redberry Lake

The committee met at 11:01.

Mr. Kaczowski: — Good morning, everyone. I'd like to bring this meeting of the Standing Committee on Agriculture to order. Hon. members, as committee Clerk it is my duty to preside over the election of the Chair. I will receive nominations for that position now.

Mr. Elhard: — I nominate Ron Harper.

Mr. Kaczowski: — Are there any further nominations? Seeing none, I would invite one of the members to move a motion that Mr. Harper be elected to preside as Chair of the Standing Committee on Agriculture.

Okay. Mr. Elhard has moved:

That Mr. Harper be elected to preside as Chair of the Standing Committee on Agriculture.

All those in favour of the motion? All those opposed? I declare the motion as carried and invite Mr. Harper to take the chair.

The Chair: — Thank you, colleagues. I will do my best as the Chair of the committee.

The next order of business will be the election of the Vice-Chair. I'll now accept nominations for the election of Vice-Chair.

Ms. Atkinson: — I move the nomination of Donna Harpauer.

The Chair: — Donna Harpauer has been nominated. Is there any further nominations? If not, I'll ask somebody to close the nominations . . . (inaudible interjection) . . . Okay, could we have somebody formally move the motion:

That Donna Harpauer be elected to preside as Vice-Chair of the Standing Committee on Agriculture.

Ms. Atkinson: — I'll move the motion.

The Chair: — Donna Harpauer has been elected as the Vice-Chair of the Standing Committee on Agriculture.

The next item of business is the terms of reference of the committee. And the sheet that you've been handed out by Viktor there, item no. 1 sort of outlines a term of reference. And I guess we'd open it up to discussion on item no. 1.

Ms. Jones: — Well I'm just wondering in terms of our task, Mr. Chair, if we should be determining a date and a time frame for the hearings. And I'm not sure if a date has been discussed between the parties or not.

The Chair: — A good point. The item under discussion would be the proposed date for the standing committee to receive the report from the ACRE (Action Committee on the Rural Economy) committee.

Ms. Harpauer: — The discussion that I've had with the Minister of Agriculture was perhaps to see if there was a

Monday night that the committee would be available, since we do government business Monday nights. That was my understanding.

Now it's dependent on when the committee members are available as well. So it would be the earliest possible Monday, was my understanding, that the committee members could come forward.

Mr. Kaczowski: — Monday night, just to let the committee members know, that is a night that the House is regularly scheduled to sit. Our terms of reference do indicate that we are permitted to hold hearings in the Chamber when the Assembly is not sitting.

That doesn't prevent us from meeting. What it does require is that the committee do report to the House requesting permission to sit on a Monday night in place of regular government . . . or regular legislative business. And that can be done by motion of the House, if the House authorized it.

So that's just to let you know what the process would be in that case.

Ms. Atkinson: — Then I would suggest that the committee recommend to the legislature that we meet to discuss ACRE on Monday, April 29 from 7 till 10:30 p.m.

Mr. Elhard: — There might be a conflict for some of us, because I believe that's the time that the SSTI (Saskatchewan Social Sciences Teachers Institute on Parliamentary Democracy) is here. Now that isn't the night of the banquet, but is there any potential conflict with that activity? Does anybody know of that?

Mr. Bjornerud: — I don't think so. I think, just other than the banquet, there's nothing at night that's formally on. So I don't think that would be a conflict.

Ms. Harpauer: — Well should we confirm with the committee members that that will work before we get permission from the House?

The Chair: — Well I would think, yes. I mean we'd set a tentative date, contact the committee members, see if that date works with them before we would go to the House. But if that's an acceptable date by this committee, that would be the date that we would pursue.

Ms. Atkinson: — . . . ACRE a couple, basically a couple of weeks notice that they're to come before the legislature. And it's an evening that we are sitting and if we can all clear our schedules, which I understand we can — I understand there's nothing really on the agenda that night — then ACRE could come before the committee.

Ms. Jones: — Well in terms of other conflicts, I mean members are committed to be here from 7 till 10:30, so I think we need to keep that in mind.

I also wonder in terms of the time frame — Ms. Atkinson suggested 7 till 10:30 — but from what I've heard, I doubt that

it would take that whole amount of time.

The Chair: — Yes. What I would prefer to do on committee here is settle on a date first and then we'll talk about the time after. So is the 29th an acceptable date to all the committee members? Okay. Then we'll record it such that we will set that as a tentative date. I'll take on the responsibility of contacting the ACRE committee to see if that date works with them and then I'll get back to the committee as to whether or not it is an acceptable date. Agreed? Agreed.

Now I do think it would be useful to the committee to have a starting time to receive the committee's reports and an ending time. Would the committee like to discuss that particular issue?

Ms. Atkinson: — If I could, Mr. Chair, our normal sitting hours are from 7 to 10:30. Now if all of our work is done before 10:30 I'm sure that we can adjourn, but those are our normal sitting hours. So that's why I was suggesting that we all understand that the work for that evening will be to receive the report from ACRE and discuss it. And there won't be any other government business.

The Chair: — Is that time frame acceptable to the members? Okay.

Now do we want to stipulate the length of time within that framework, the length of time for the presentation and the length of time for answers . . . or questions and answers to follow? Or do we want to leave it up to ACRE and to the committee as a whole, open, that they can use the time as they so see fit and then . . .

Mr. Bjornerud: — I would think that probably if it was open would be better for them, would it not? If they've done a lot of work and if it takes longer than 20 minutes and we cut them off at 20 minutes, that's not really fair to their presentation either. So why don't we leave it open. We've got from 7 to 10:30. If we need it all, that's fine.

The Chair: — Yes. The committee agree to that?

Ms. Jones: — I think I would just suggest one stipulation in that, in that the committee to have adequate time to question the ACRE committee. So you know, I think there could be, you know, at least a period of time that is for their presentation and a period of time for questionings. If they get their presentation done earlier we can end our questioning earlier, but we don't want . . . I wouldn't like to leave us in a position where it was all presentation and no discussion.

Ms. Atkinson: — Might I make a suggestion and the suggestion might be that the Chair, when he speaks to the appropriate people from ACRE in terms of the time and does that work — like the date — then I think what the Chair be authorized to do is to determine how long a presentation they'll require and report back to the committee.

The Chair: — Yes, I'm prepared to do that. And that was a suggestion by Viktor, that we contact the committee and get a sense from them what they think would be a reasonable amount of time for their presentation that they would feel that they have adequately covered everything. And then with the committee's

permission, we would simply set that as the parameters for the presentation and then the balance of the time up till 10:30 for questions and answers. If that's agreeable? Agreed.

I'm assuming — but I should never assume things as Chair — I'm assuming that we would send them a letter of invitation from the committee, a formal invitation for them to appear at the legislature on a date that's acceptable to them once we determine that, and invite them to make their presentation and be present. Is that agreed? Agreed.

Mr. Elhard: — Before we move to item 2, I noticed that as part of the process, the procedure says that:

. . . the Standing Committee shall both make a report to the Assembly to that effect and table a copy of the ACRE Committee's Final Report as soon as . . . (possible).

Are we to pass the report to the Assembly without comment? Or will we as a committee be asked to or be allowed to make comment on the recommendations of the ACRE committee?

Mr. Harper: — What are the rules?

Mr. Kaczkowski: — That's not a procedural matter. That's really up to the decisions that originate . . . that prompted this and I don't know what consideration was given to that.

The Chair: — On that issue, what is the feeling of the committee?

Ms. Jones: — Mr. Chairman, just to clarify from Mr. Elhard: are you suggesting that this committee in its report to the Assembly comment on the ACRE committee's report?

Mr. Elhard: — That's what I'm wondering, whether we wouldn't want the opportunity to do that. There might be suggestions in the report that we would find eminently sensible and would recommend to the government that those suggestions be acted on with some haste. There might be other suggestions that are delicate or difficult that we might have recommendations or comments on as well.

I don't know if we want to, as a committee, just accept the report and pass it on without comment. I think that we have a little more important role to play. I hope we have a little more important role to play than just to be a conduit.

Mr. Forbes: — I think the key words there are after to the report of the Assembly "to that effect" — that our report essentially will be that we've received the report and that we are passing on. So I think it's like a letter of transmittal or transmission that we have received a report.

That to me . . . those are the key words: that we have actually received a report, that we have done our job of receiving the report, and that we're passing it on. So that, that's the guiding phrase for the report, I think.

Mr. Weekes: — Mr. Chair, it says:

. . . both make a report to the Assembly to that effect and table a copy . . .

So that's saying that we're going to present a report of the committee.

Hon. Mr. Osika: — Mr. Chairman, I would suggest that that's probably, that's probably correct. I mean, we're meeting with that committee to discuss their report, their findings. And it would be my view that they're . . . in transmitting the report, that the committee, after having discussed it with the ACRE committee, would have some observations and/or comments in support of, or questions about some of their recommendations or proposals. That would be my view.

Otherwise why are we meeting with them? To discuss their findings and their report. I think we have twofold here.

Ms. Atkinson: — The only committee that I am very familiar with is the Standing Committee on Health Care where the Standing Committee on Health Care received the Fyke report and then had hearings on the Fyke report. And then they submitted their . . . what they heard to the legislature, as I understand it. They did not comment on the findings of the Fyke report, but what they commented on was what they heard various citizens say about the Fyke report.

If you look at the wording as contained in the motion regarding the order of reference, it isn't very clear. And I think that some of us could interpret it as we're simply transmitting their report. We've listened to them and we're transmitting their report. Or some of us could interpret this as we're to comment on the report.

Do we need to seek clarification from the people . . . Because it was Mr. Serby and Ms. Harpauer that moved this motion. And do we need to have Mr. Serby and Ms. Harpauer clarify what the intent of this motion was. Because it's not clear, and I think it's subject to interpretation either way.

Ms. Harpauer: — Just a further comment. My understanding from the ACRE committee is they wanted to present their report to the entire Assembly. And for whatever reasons, and I can't say what those reasons would be, Mr. Serby wanted rather to refer it to the Standing Committee on Agriculture, which is a disappointment apparently to some members of the ACRE committee who wanted to present it to the Assembly as a whole.

My understanding from Mr. Serby is that, yes, we are, we're just passing the report; it's passing through us. However I am more than willing to meet with him and clarify that.

Ms. Atkinson: — . . . that Mr. Serby and Ms. Harpauer try and clarify the situation?

Can I just make one comment about Ms. Harpauer's observations about ACRE. I think the only reason why this is going to a standing committee, is no one has ever really been called before the bar of the Assembly, in front of the entire Legislative Assembly members. And this is one procedural mechanism that allows that to happen.

So I can understand why the ACRE committee people are disappointed. But I think we all expect to be in the Chamber that night and — I know all of our members do — and this is

just a procedural way. This is not any disrespect to ACRE.

Ms. Harpauer: — Well at least I can explain to the members I talk to that most people would be there. I can, you know, sort of assure them.

Mr. Bjornerud: — I believe that you're right. All members have the opportunity at least to sit in their seats and listen to the proceedings — can't take part, but they can listen, so . . .

Ms. Atkinson: — And it's just a procedural way for them to be televised in presenting the report to us.

The Chair: — . . . Viktor just informed me that all members in the Assembly can take part. That means that they can ask questions of the ACRE committee if they so wish. It's just that they can't move any motions or any procedural moves, because that would be restricted to committee members.

But as far as questions is concerned, all members of the Legislative Assembly in the House would be availed to ask questions of the committee.

Hon. Mr. Osika: — Mr. Chair, then that should be clarified with the committee as well.

The Chair: — Yes.

Hon. Mr. Osika: — And perhaps, Mr. Chair, you might, in your communication to them inviting them to that meeting, outline and explain, underline the fact that, you know, you expect all members will be present.

The Chair: — Expect all members to be present and all members . . .

Hon. Mr. Osika: — And will be allowed to participate in the exchange.

Ms. Jones: — Well I think that also is a departure from other times when . . . For instance, when the Agriculture Committee had hearings in late 1999, I believe that the practice is that only the committee members ask questions.

And it may well be allowable in the Clerk's opinion, but I'm not sure it's advisable to have a very free-for-all, have at the ACRE committee from all members. I mean, I think any member that has a question can certainly get it down to a member of the Agriculture Committee. But I think procedurally that would be very difficult.

And if you have to recognize every member, I think the Agriculture Committee will have a very difficult time in trying to have some continuity to the lines of questioning if you let every member or invite — I shouldn't say let — but invite every member to participate in questioning the ACRE committee. I think that's going to be very ominous for them and I think lacks continuity for us.

Even if that's allowed, I think we, as a committee, should determine which way we want to handle that.

Ms. Harpauer: — I totally agree with Caroline. And I know, in

the past, when we had hearings, other members just came forward if they had questions and just quietly got one of the committee members to ask that question. And that keeps it quite orderly and I think gives it some more . . .

So I think we should consider just having committee members ask questions, but do inform them that the Assembly, for the most part, will all be there and have the opportunity to ask questions through the committee members.

The Chair: — Viktor, would you like to clarify this for us?

I mean, I agree and there may be a mechanism to do that but . . . unofficially. But I believe officially, we cannot deny any of the members in the Legislative Assembly from their rights of asking the committee questions. I believe that is in procedural rules, regulations of the Legislative Assembly. We certainly don't have to encourage it, though.

Well what we can do is encourage our members respectively to funnel their questions through the committee members . . . (inaudible interjection) . . . Just a minute, Bob, if you don't mind. Viktor, am I not correct there?

Mr. Kaczkowski: — I'd say you are. Did you want me to comment and just perhaps help clarify some of the other issues here?

The Chair: — Yes, please. Please.

Mr. Kaczkowski: — There are two mechanisms by which presentations may be made to members of the legislature. There's of course standing committees, special committees where witnesses can come and appear before the committee, and in this case it's one witness that is appearing before a committee. Or as was the case with Mr. Fyke when he made his presentation, he appeared before a Committee of the Whole House.

Now in Committee of the Whole House all the members of the legislature may be assembled and all of the members of the legislature may certainly participate in the proceedings, and vote and move motions, whatever needs to done.

When you have a standing committee . . . and it just happens in this case that we happen to be sitting in the Chamber. Normally that wouldn't be happening with most standing committees. It would be a committee room like this where it just wouldn't be practical for members to appear. But there is nothing to stop any member from participating in a committee proceeding, whether in this room or in the Chamber itself.

In this case, what's being proposed is that the Standing Committee on Agriculture hear from the ACRE committee in the Chamber. That size room would certainly facilitate the participation of all members and there's absolutely nothing in the rules that would prevent a member from participating as far as asking questions. In fact, to try and stop a member might even be interpreted as a breach of privilege.

The only thing that members that aren't a formal member of the committee can't do, they cannot be counted in terms of quorum, they cannot move motions, and they cannot vote.

But if this committee is holding hearings in the Chamber with the ACRE committee as per the terms of the terms of reference, there's nothing to stop any member from participating and upholding his or her right to do so.

I hope that clarifies a little bit.

Mr. Bjornerud: — Well no, I guess that overrules anything that we would wish to see happen in there, if the rules are the rules and we have to abide by the House rules.

Ms. Atkinson: — On the other hand — not that rules are made to be broken — but I think that we're all disciplined enough to understand that you need to have a procedural way of dealing with the report. And if you have 58 members of the legislature asking questions, then the task becomes quite onerous. And the legislature has struck a Standing Committee on Agriculture to deal with the report — and that's us.

And I'm sure that we're disciplined on both sides of the House to the extent that our members will understand that in order to get through the report — and it's a lengthy report with several recommendations — then we will need some sort of process.

I'm sure we can talk to our individual caucuses that this is how we're recommending this be handled; and if you have questions, each side is prepared to have the questions go through their members of the standing committee.

Mr. Bjornerud: — And I was going to suggest too that an unwritten, really, agreement between both parties . . . And now where the independent member comes up through the middle I don't know, but your guess is as good as ours, I suppose. We'll cross that bridge when we get to it.

Hon. Mr. Osika: — I was just going to say if there's any concern about clarity for that, what's wrong with letting all the members of the House know that this is what's going to occur on Monday evening and that if they have questions this is the protocol that we would — in order to get some semblance of order — if they have questions in advance or during the course of the proceedings, to direct them to one of the committee members. Thank you.

Mr. Forbes: — Will we be seeing the report before that night?

Mr. Kaczkowski: — I have not seen a copy myself so I can certainly request, or the Chair can request, I think of the ACRE committee, to make them available as soon as possible, the distribution to the members of the committee.

The Chair: — . . . for the distribution to the members of the committee. I think that'd be appropriate and I would make that request.

Mr. Weekes: — In a few days maybe.

The Chair: — Oh yes, as soon as possible. We would request it as soon as possible. Any further discussion on this item of business? All agreed then? Okay.

The next item of business which I delve into just, I think in the best interest of time, is item no. 2, which will be the

committee's next order of responsibility and that will be to examine and make recommendations to the Assembly with respect to the agricultural land holding previously as set out in The Saskatchewan Farm Security Act.

Just initially, my thoughts on that. We need to deal with some of item no. 2 today as far as getting advertising and getting notifications out, and so on and so forth. The time factor here — we want to do this I think sooner again rather than later.

So I'm open to that discussion on that particular issue, and that issue being discussion and recommendations for the purpose of advertising the fact that the committee will be sitting and receiving presentations on this particular issue.

Ms. Atkinson: — Yes, Mr. Chair. When the Standing Committee on Health Care met, there was a steering committee that was struck from both sides of the standing committee — the opposition and the government side. And they did some of the following. They . . . a researcher will have to be hired who will write a report.

The steering committee dealt with who the researcher was, the hours of operation of the committee, that there be something established on the legislative Web site about the schedule. They determined when advertising was going to take place in order that the public could know when the hearings were. They established how long the presentations would be. They had the Clerk send notices to the key stakeholder groups. They had a deadline for witnesses to request to appear before the committee and so on and so forth.

So the steering committee basically did all of the legwork and then reported back to the committee of the whole. And I would suggest today that what we do is that we assign a steering committee whose job it will be to look after the nuts and bolts of how we're going to proceed and then report back to us.

Mr. Bjornerud: — Well I would agree with that. I think it would save us time and everything else if we appoint possibly the Chair and the Vice-Chair to fill that role and go from that point.

Mr. Weekes: — I would also suggest that we take a look at how the first . . . the standing committee met in the fall of 1999, how that was set up. It sounds very similar to what you suggested but we possibly could look at that, how that arrangement came about.

Ms. Atkinson: — There just happens to be a procedure that the Clerk just gave me. And so it works like this. That someone moves that a subcommittee on agenda and procedure — so this is the steering committee — comprising of the Chair and Vice-Chair and someone else be appointed to make recommendations to the committee on the following matters: how the committee should proceed to study its order of reference; selection of a committee researcher and any other assistants as might be necessary; times and locations of the hearings; witnesses; committee budget; and quorum for the purposes of receiving testimony.

And further, that the subcommittee shall meet as directed by the committee or at the call of the Chair.

So there already is a procedure so if we could . . . (inaudible interjection) . . . yes.

A Member: — . . . adopt that procedure.

Ms. Harpauer: — And then my suggestion would be that Pat was the someone else. Because of your experience, I'm sure you could get this . . .

Ms. Atkinson: — Well we could have . . .

The Chair: — Well first we need to deal with the fact, do we want to set up a subcommittee? And if we do, we need to have a motion to that effect.

Mr. Bjornerud: — Well I would make that motion if that's what we're waiting on here.

A Member: — . . . include who we want on it at the same time, one motion.

Mr. Bjornerud: — Well then the Chair, the Vice-Chair, and possibly Pat, if you would let your name stand.

The Chair: — So just read that bottom . . . that's the standard motion for the establishment of a subcommittee. And maybe all members want to take a look at it in case there's any changes that . . .

Mr. Bjornerud: — Well I guess what it says here is:

- a) how the committee should proceed to study its order of reference;
- b) selection of a committee researcher and any other assistant as might be necessary;
- c) times and location of hearings;
- d) witnesses;
- e) committee budget;
- f) quorum for the purpose of receiving testimony; and further . . .

So if everybody's happy with that, I would move that.

The Chair: — Has anybody identified any additions they would like to see on there, or anything, deletions or anything, any changes to that . . .

Mr. Bjornerud: — Oh, I would suggest in my motion then, Chair, Vice-Chair, and Ms. Atkinson would be the three members on that.

The Chair: — I hope that the committee understands that the activities of the subcommittee are still subject to ratification of the whole committee.

The said motion to establish a subcommittee has been moved by Mr. Bjornerud. Is this agreed? Agreed. Carried.

Other than setting a time and date for the meeting of the subcommittee, I think we're just about coming to the conclusion of our agenda. So would we like to discuss that?

Ms. Harpauer: — Well as you already mentioned, Mr. Chair,

the timeliness of this is quite critical so we need to meet, if we possibly could, even today, later today if it would work at all.

Could we do this on the floor of the Assembly?

The Chair: — I don't see why we couldn't. There's no reason why we couldn't meet behind the bar and set the process.

Ms. Harpauer: — Later today and start the process.

The Chair: — If that's all right with the three committee members?

Ms. Harpauer: — I have another meeting later on today so I will get back to you as to the time of that one and we'll work around — if that will work . . . (inaudible interjection) . . . Yes, my other one's in the caucus lounge.

The Chair: — Excuse me, committee. We do have a bit of a problem because a Clerk has to be present at the meeting of the subcommittee. And the Clerk cannot meet behind the bar.

Ms. Atkinson: — May I suggest that we meet Friday morning at 8 a.m. Oh, that's a problem.

The Chair: — That's a problem. I definitely would like to see us do it before the end of this week.

Crown Corporations is meeting tomorrow from 9:30 to 11 in this room. Now for the three members on the steering committee, would 11 o'clock in this room work?

A Member: — Yes.

The Chair: — If that works for Ms. Harpauer.

Ms. Harpauer: — Yes, it does.

The Chair: — So then that's agreed. We'll meet tomorrow, Thursday, April 18, at 11 o'clock in room 10.

Any other business before the committee?

The Clerk will make available to the three committee members an outline of the items of business that need to be discussed. He'll probably get that to us ASAP (as soon as possible) so we have time to go through that before tomorrow's meeting.

Ms. Harpauer: — Very quickly then, what we decide as a steering committee has to go to the committee. How soon can we do that?

The Chair: — We'll meet early next week as a committee if we need to and get it done.

Ms. Harpauer: — Because you know, it is important to get the advertising out there.

The Chair: — Yes, I think we all agree that there's a need of haste on this. There's a process that we need to follow but we need to hasten that process as much as possible.

Ms. Atkinson: — The earliest we can advertise, really, is next

. . . not this Saturday but the following Saturday and then into all the weeklies. So we can't do it any faster.

The Chair: — That's agreed? The subcommittee will meet tomorrow at 11 o'clock, and then we'll make the subcommittee recommendations to the committee, the whole committee early next week and as early as possible.

Ms. Jones: — . . . decided next week, that's what I'm saying.

The Chair: — Yes. And that will be at the call of the Chair for the purposes right now.

I'll entertain a motion of adjournment.

Mr. Weekes: — I'll so move.

The committee adjourned at 11:41.