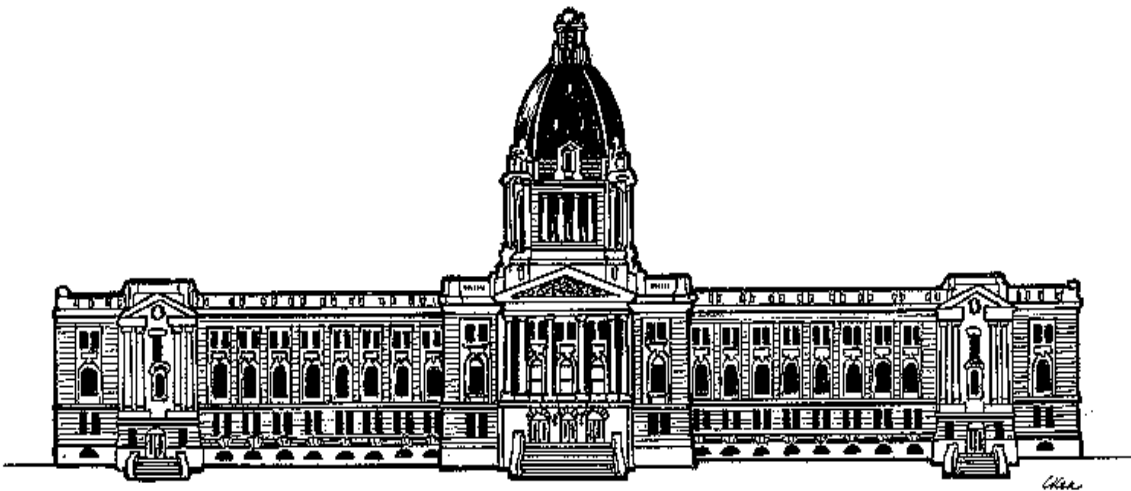




STANDING COMMITTEE ON THE ECONOMY

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Legislative Assembly of Saskatchewan

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**STANDING COMMITTEE ON THE ECONOMY
2005**

Mr. Eldon Lautermilch, Chair
Prince Albert Northcote

Mr. Randy Weekes, Deputy Chair
Biggar

Ms. Brenda Bakken
Weyburn-Big Muddy

Ms. Doreen Hamilton
Regina Wascana Plains

Hon. Deb Higgins
Moose Jaw Wakamow

Mr. Delbert Kirsch
Batoche

Mr. Kevin Yates
Regina Dewdney

[The committee met at 15:00.]

The Chair: — Ladies and gentlemen, it being just after 3 o'clock if we could call the meeting to order. We have before us the Department of Labour. This afternoon we will be considering some Bills. The first order of business on our agenda is Bill 86. Mr. Krawetz. Oh I'm sorry, 87.

As I'm instructed by the Clerk that we need to have agreement to amend the agenda because as the agenda is written we have Bill 86 and my understanding is, Mr. Krawetz, that you wanted to do Bill 87 first?

Mr. Krawetz: — No my understanding is that the agreement between the House leaders is that the order remain at Bill 87 first and then followed by 86, followed by 122.

The Chair: — The agenda though is written Bill 86, 87. So we'll just need leave to consider Bill 87 before we move to Bill 86 and then to 122. Is leave granted?

Some Hon. Members: — Agreed.

Bill No. 87 — The Trade Union Amendment Act, 2004

Clause 1

The Chair: — That's agreed. Okay, Bill 87, Mr. Krawetz. I'm sorry. Minister, if you would care to introduce your officials, I am terribly sorry.

Hon. Ms. Higgins: — Thank you very much. With me on my right is Bill Craik, the deputy minister of Labour. Sitting behind us at the table is John Boyd, the executive director, planning and policy division. To my left is Mary Ellen Wellsch, manager, legal policy and legislation. Also sitting behind at the table is Eric Greene, director of labour standards, Pat Parenteau, senior policy analyst and also Melanie Baldwin, registrar of the Labour Relations Board.

Mr. Speaker, I would also . . . or Mr. Chair, I would like to give notice that I will be asking the committee to approve two House amendments to Bill 87, The Trade Union Amendment Act, 2004.

The first House amendment deals with clause 5 of the printed Bill, which repeals the existing section 18 and replaces it with a new section that clarifies certain procedural powers of the Labour Relations Board.

The printed Bill would give the LRB [Labour Relations Board] the powers set out for the Canada Industrial Relations Board in section 16 and 16.1 of the Canada Labour Code as those sections existed on the day this section comes into force, as well as certain other powers that are not found in the Canada Labour Code but that have already been added to the Bill.

The House amendment spells out the powers of the board rather than referring to the powers of the Canada Industrial Relations Board. The House amendment specifies exactly what the board's powers will be, particularly at the pre-hearing stage.

Mr. Chair, the feedback that we've received suggested that while the powers of the Canada Industrial Relations Board have been found to exemplify procedural powers and have proven fair to both sides, there is a concern that individuals representing themselves before the Labour Relations Board may not have access to sections 16 and 16.1 of the Canada Labour Code as it's worded today. This could prove especially difficult down the road after the Canada Labour Code has been amended a number of times.

It should be pointed out, Mr. Chairman, that the House amendment does not change the intent or effect of the printed Bill, but rather spells out specifically the details. More clearly defined procedural powers will ensure timely rulings by reducing delays in board hearings. The amendments to section 18 do not favour one of the parties over the other. Rather, they establish a level playing field and reduce the increasing number of judicial review applications related to what are purely procedural matters.

Mr. Chairman, the second House amendment removes clause 4 of the printed Bill, any reference to making regulations, interpreting, defining, enlarging, or restricting how the provisions of the Canada Labour Code apply for the purposes of The Trade Union Act. The power to make such regulation is of course unnecessary if the first House amendment is approved. Thank you very much, Mr. Chairman.

The Chair: — Thank you, Madam Minister. Mr. Krawetz.

Mr. Krawetz: — Thank you very much, Mr. Chair. Mr. Chair, in light of the discussions that have been going on for weeks already regarding this Bill and the concerns that have been expressed by many people, many businesses, many employers across the province, I understand that this is a new, new venue as far as the committee so I believe this is now in order. And I would move:

That this committee agrees to hold public consultations on Bill 87, An Act to amend the Trade Union Act, and that these consultations be concluded no later than September 30, 2005.

I so move.

The Chair: — It has been moved by the member from Canora-Pelly:

That this committee agrees to hold public consultations on Bill 87, An Act to amend the Trade Union Act, and that these consultations be concluded no later than September 30, 2005.

Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — All those in favour? Those opposed? The Chair will have to rule, I believe. And I would rule then that the motion is lost as the Chair will vote with status quo, or the Clerk might correct me on that. It being a tie vote, it's negated. And I do vote with the nays, so the motion is lost.

Mr. Krawetz: — Thank you very much, Mr. Chair. In light of the decision on that motion I believe that it is now in order to move to a second motion. And I would move:

That this committee agrees to hear witnesses on Bill 87, An Act to Amend The Trade Union Act, and that these witnesses be allowed to make presentations and to be questioned by committee members beginning today and concluding no later than September 30, 2005.

I so move.

The Chair: — It has been moved by the member from Canora-Pelly:

That the committee agrees to hear witnesses on Bill 87, An Act to Amend The Trade Union Act, and that these witnesses be allowed to make presentations and to be questioned by committee members beginning today and concluding no later than September 30, 2005.

Mr. Yates.

Mr. Yates: — Thank you very much, Mr. Chair. Prior to voting I'd like to just indicate that this piece of legislation was first introduced into the House last fall. There have been consultations with the business community, the labour community, and stakeholders throughout the province. These are not new Bills that the business community and others are not aware of. They have made their points known to members of the government, to the minister, and despite that these are viewed to be Bills that are in the public interest and the government is going to proceed with them.

So, Mr. Speaker, or pardon me, Mr. Chair, I see no need for further consultations on Bills that have been broadly consulted on by the minister and by members of the government.

The Chair: — Thank you, Mr. Yates. Mr. Krawetz.

Mr. Krawetz: — Mr. Chair — and I apologize to the minister and others — that I mean this is the first time I believe that committees have looked at public hearings and have expressed themselves. It is my understanding from talking with the Clerk that the . . . I was led to believe that public hearings were one type of procedure and that the calling witnesses before this committee was another type of procedure. I've been informed that that is not in fact true, that public hearings are a combination of the two, whether they occur here in this room or outside of this Legislative Assembly. So, Mr. Chair, before you rule that the motion is out of order, I would withdraw that motion.

The Chair: — I want to thank the member for withdrawing the motion. We will then go to consideration of Bill 87. Mr. Krawetz.

Mr. Krawetz: — Thank you, Mr. Chair. Mr. Chair, I'd like to spend time, as we've agreed on a format for this afternoon, where Bill 87 is the first Bill that we'll deal with. And we'll deal with that for the balance of about an hour and 15 minutes in a very broad and general sense.

And I want to begin in that light, Madam Minister. You've given us a series of amendments today, specifically the amendment that will deal with section 18. I want to bring to the committee's attention that Bill 18, or sorry, section 18 as it currently sits is a one-clause or one-paragraph section as The Trade Union Act that we have today.

In Bill 87, Madam Minister, you've proposed a new section 18 that would contain clauses (a) to (h). I was . . . I did receive a copy of the amendment, the proposed amendment to Bill 87 that now creates a brand new section 18 that has clauses (a) to (x) — a significant number of clauses.

Now, Madam Minister, I haven't had the opportunity to study each of these clauses to note, you know, whether or not these clauses are part of the concerns that you've heard or whether they're comments and clauses that come from other Bills.

Could you indicate how this Assembly and we as an official opposition are now to, at a moment's notice, look at an amended section that has changed the Bill dramatically. And I'm wondering why you didn't follow the same procedure that the Minister of Municipal . . . sorry Government Relations followed and bring back the Bill in a different state because I think that's what you've done today. You've brought in now amendments that are going to produce an entirely different Bill.

Hon. Ms. Higgins: — Well that's incorrect. It isn't an entirely different Bill. The reference in the initial printed Bill that was tabled last November refers to the Labour Code of Canada. And what this does is remove that reference for clarity and it itemizes the powers that are contained within the Labour Code of Canada. So it isn't any different; it's just printed differently. And the reason for this is when we did various consultations with people in the legal community and others, there was concern with the reference to the Labour Code of Canada that what would happen is the board would have the powers as the Labour Code of Canada as the Bill came . . . or on assent of the Bill.

So now down the road, if the Labour Code of Canada changed anything within their code and if someone was bringing a case before the Labour Relations Board here in Saskatchewan, they would have to have a copy of the Labour Code of Canada as per the date of assent, plus the labour relations . . . or The Trade Union Act also. So it could cause some confusion.

And we felt that it was more appropriate and all of the consultations that we did, the legal community made the reference to not being happy with the Labour Code of Canada being referenced; that they felt it would be more appropriate to lay it out fully within the Act itself for ease and convenience also because there are people who will take cases to the Labour Relations Board or look at the possibility of taking cases to the board without legal counsel. They will do it on their own. So I mean that was the rationale for spelling it out within the Act.

Mr. Krawetz: — Thank you, Madam Minister, and Mr. Chair. The point that I'm making, Madam Minister, is I've looked at the sections that were in the current Act, section 5 which deals with . . . or sorry, clause 5 which deals with the new section 18. And I think by a very quick look through, the sections that are listed as (b), (c), (d), (e), (f), and (g) have been copied in their

entirety, word for word.

Could you confirm that indeed (b) to (g) have been included in your amendment word for word and that (a) and (h) are not?

Hon. Ms. Higgins: — When you look at it, (a) is different because that's the clause that refers to the Labour Relations Code of Canada; (b) to (g) are complete in their wording; (h) is slightly different but the wording gives the same effect and it becomes clause (x) because of the renumbering. But (b) to (g) are exact.

Mr. Krawetz: — So Madam Minister, am I then to assume that the clause in the current Bill, 18(a), I'll refer to it as 18(a), is now replaced by all of the other clauses, namely 18(a), (b), (c), (d), (e), (f), (h), and (i), all of the clauses that are not reprinted. Are you saying that the information contained in these new clauses is a direct result of having to put into this Bill the conditions that are currently suggested by the Canadian Labour Code?

Hon. Ms. Higgins: — They are the same other than the ones that are not applicable in Saskatchewan.

Mr. Krawetz: — Madam Minister, I think the best way for us to get an understanding of where the clause, the new clause that we've seen just arrive this morning, the first thing that I'd ask, Madam Minister, is with all of these new sections that have been introduced or new clauses that have been introduced into this new section 18, have you had consultations with labour groups and employer groups who are supportive of these clauses being introduced in this fashion as new clauses?

Hon. Ms. Higgins: — Well they're not new clauses. What we are doing is laying out in detail the Labour Code of Canada instead of just putting a reference to the code of Canada in the Saskatchewan legislation. And that was on recommendation of consultations and comments back from the legal community and others.

Mr. Krawetz: — Thank you, Madam Minister. Madam Minister, while we have looked at . . . And I've been looking at the legislation of all different provinces and I was trying to get an understanding of where these new clauses were coming from. And I see certain clauses come from the Alberta legislation, certain clauses come from the Manitoba, almost word for word. They are contained in various parts of other provinces' legislation.

So I'm wondering if you might be able to share your explanatory notes regarding the new sections that we have presented to us in the way of this amendment.

Hon. Ms. Higgins: — We don't do explanatory notes for a House amendment. But what we have is put together a side-by-side that is probably easier to understand and we can provide you with a copy of that. And what it will give you is the exact wording of the Labour Code of Canada and what the numbering will be in the House amendment and whether it applies or doesn't apply. And we can provide you with that.

Mr. Krawetz: — Okay. I think, Madam Minister, you can see — through you, Mr. Chair — that in order for us to have a good

discussion about whether or not each of these sections is valid is going to become much more difficult. And I think that's why in the course of sort of an agreed time, I guess by 4:30, I'd like to continue asking a lot of questions but I would hope that we're not going to be voting on these new sections today before we've had an ample opportunity to verify what you've just stated, Madam Minister, and to indeed determine from stakeholders as to whether or not they would interpret your statements the same way as you have.

Hon. Ms. Higgins: — Well my understanding is that was what was agreed to, was that we would have a fairly lengthy discussion with an opportunity to ask questions today and that this Bill will come back to committee on Tuesday.

Mr. Krawetz: — All right. Thank you very much, Madam Minister. Madam Minister, therefore what I'm going to do is look at this new section, and you've already indicated that the correlation between the Canada Labour Code and all of the other sections. For purposes of members that are looking at this new Bill for the first time, section 18(b) is now listed as (g) and (c) is listed as (m); (d) is listed as (n); (e) is listed as (s); (f) as (t); (g) as (u).

So we have, as I indicated to you at the very beginning, we have all of sections (b), (c), (d), (e), (f), and (g) in their entirety and you've confirmed I think that the wording has not changed. And I think your officials will confirm that. So now there's a number of sections as you've indicated, you know, the last section being (x) that, I guess, is worded very similar to section or current section (h), except for some changes to referencing specific clauses. So now we have a number of new clauses.

So the first clause that I want to, I guess, we'll start with 18(a) — 18(a) says, and by the way, the statement at the very beginning of section 18 has changed. The old Act said or the current Bill 87 says:

The board has, for any matter before it

And then there's a colon and then, of course, the subheadings (a) to (h).

Now we have:

The board has for any matter before it, the power:

Could you explain to me why you would need to include the words, the power, which wasn't in the, which wasn't in the Bill that we have before us, Bill No. 87, section 18, "**Procedural powers of board.**"

It listed:

The board has, for any matter before it:

Now your new Bill, or your new amendment is saying:

The board has for any matter before it, the power

And then the colon. Could you ask me what you mean by the word, the power?

Hon. Ms. Higgins: — When we dropped the article where it speaks to the Labour Relations Code of Canada, it refers to the powers in that paragraph. So when it was dropped — when that paragraph and the reference to the Labour Code of Canada was taken out of the Bill to have them completely laid out in the Act — the power actually was added to the first sentence, and that's why, because it was taken out in the original Bill, out of article (a).

Mr. Krawetz: — Okay. Thank you, Madam Minister. Madam Minister, let's move then to 18(a). 18(a) reads, now, new clause:

to require any party to provide particulars before or during a hearing;

Was this information not included in any of clauses (b) to (g)? And why is this needed now in the new amendment?

Hon. Ms. Higgins: — This is what was contained in the Labour Code of Canada in (f.1), (f.1).

Mr. Krawetz: — Thank you, Madam Minister. Clause 18(b) is new as far as I am able to deduce. It says:

to require any party to produce documents or things that may be relevant to a matter before it and to do so before or during a hearing;

Could you confirm that that comes from the Canada Labour Code and which section you were referring to.

Hon. Ms. Higgins: — That's also contained in (f.1).

Mr. Krawetz: — Madam Minister, in our discussions in the legislative Chamber during adjourned debates, one of your members made reference, and I quote from *Hansard* of May 12, 2005, page 3047. And it says this:

Mr. Speaker, what this Bill does not give the members of the Labour Relations Board is the same powers as a Court of Queen's Bench judge. It gives them the same . . . [privileges] and immunities, and there is a difference, Mr. Speaker.

Madam Minister, if I'm reading this new amendment that you have proposed, section 18 says:

The board has, for any matter before it, the power:

(c) that is vested in the Court of Queen's Bench for the trial of civil actions to:

And then it lists (i), (ii), (iii).

For the statement in *Hansard* to say this is not tied to the Court of Queen's Bench, it's not the power, and now your amendment clearly says it is the power; it is the power that is vested in the Court of Queen's Bench. Could you confirm that that is . . . that my interpretation is correct?

Hon. Ms. Higgins: — The board whose members . . . they currently have the powers of commissioner pursuant to The

Public Inquiries Act. They currently exercise this power. The reference to The Public Inquiries Act is being removed and replaced with the listing of the powers. So this power is found in virtually every other or all labour relations statutes. It's not uncommon.

Mr. Krawetz: — Madam Minister, I was looking through the labour statutes of Alberta and Ontario and Manitoba, and I do not see, other than the province of Quebec, that actually gives the Labour Relations Board the same power as a Court of Queen's Bench judge. Quebec is very clear. It says it. It outlines it.

I have looked into the legislation, and if you have copies of the sections from the various provinces that are in fact exactly the same as this, would you be able to supply us the clause numbers and the sections that you have looked at that would confirm that the provinces, other provinces have the exact same wording?

Mr. Craik: — Perhaps I could help you with that question. I believe the questions that were put previously were talking about the privileges and immunities of the members of the board. And with respect to the question of privileges and immunities, that is different than powers.

This section though does refer to powers for those three functions only, not for other functions that exist with the Court of Queen's Bench. So they're limited, they're very limited functions, summoning and calling witnesses. Commissioners under the public inquiries would have that power, compelling witnesses to give evidence on oath; in other words, the power to issue a subpoena either to attend in person or to attend with documents. And the power to compel witnesses is number (iii).

Other powers of the Court of Queen's Bench judge, inherent powers to the power to cite for contempt, they're not included in this because just these three specific powers are enumerated.

Other privileges though in terms of being immune from being sued, that's what's referred to in the other clause. The privileges and immunities is much like the privilege that you enjoy for comments made in the House, so the legislative immunity. So it's privileges and immunities as distinct from powers, and these powers enumerated in a very narrow fashion, yes, but not other powers of the Court of Queen's Bench judge.

And some of those powers of the Court of Queen's Bench judge have been set down not by statute but by time, just by operation of common law. So we're not . . . Although there's a reference to this, they're vested in the Court of Queen's Bench, that's a very limited reference for the purpose of those specific powers only and nothing else.

Mr. Krawetz: — A couple of follow-ups there. Thank you for that explanation, Mr. Craik. Is this particular clause then that references those three actions that can be taken by the board, is that the common practice that you have identified, Madam Minister, that is held in many provinces? And would you be able to confirm examples of those three specific duties or privileges I guess, that the board can exercise that are contained in other provinces?

Hon. Ms. Higgins: — Did you want me to read them all out?

British Columbia:

The board, in relation to a proceeding or matter before it, has the power to

(a) summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath and to produce the documents and things the board considers necessary to a full investigation and consideration of a matter within its jurisdiction that is before it in the proceeding,

Alberta:

... the Board may, by order, summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath and to produce the documents and the things the Board considers requisite to the full investigation and consideration of matters within its jurisdiction in the same manner as a court of record may in civil cases.

Also within Manitoba, Ontario, Nova Scotia, and the Labour Relations Code of Canada.

Mr. Krawetz: — Thank you, Madam Minister. Madam Minister, under section (c) though, you begin by saying that the board has the power “that is vested in the Court of Queen’s Bench . . .” Okay, now . . .

Hon. Ms. Higgins: — Well that is very specific where it says “. . . for the trial of civil actions to:” and then points out the three areas where it has jurisdiction, thereby limiting it to those three.

Mr. Krawetz: — I understand that it is limited to those three. My question though is, in the articles that you’ve just cited from the other provinces, it didn’t mention that these are the powers that are vested as in the Court of Queen’s Bench. That’s not how it began. It had one reference to a court. I believe that was Alberta. But it doesn’t have the same type of wording. And I’m just wondering, for clarification, what is meant by the first part, “that is vested in the Court of Queen’s Bench . . .” Could you explain why that seems to be words that I do not find — specifically that phrase — in other provinces?

Mr. Craik: — As you’re probably aware, there have been cases before the courts questioning the procedural powers of the board in the previous years . . . [inaudible] . . . various judicial authority, restricting the board’s ability to do certain things. A reference to a power to subpoena or to summons witnesses and to call evidence that is the same power as that vested in the Court of Queen’s Bench would allow for no confusion by those Queen’s Bench judges who are then interpreting the power to be exercised by the Labour Relations Board. It will be a power they’re fully aware of because they exercise it.

Mr. Krawetz: — Mr. Craik, could you identify the circumstances that have contributed to the reasons why the Department of Labour feels that this clause is necessary now to clarify? What problems will you fix by having this, real examples that have occurred in the past while?

Mr. Craik: — I can’t point to any specific judicial examples or cases of judicial review where it’s alleged the board exceeded its jurisdiction. This essentially has been something to put into writing practices of the board that has been oftentimes done with consent of both parties before the board.

But in the most recent history of the board, there’s been some challenges to some of those practices of the board. So consequently this is one of the powers that we are setting out to clarify for the parties and for any court that wants to review the exercise of those powers by the board so there’s not . . . so we’re not spending time on jurisdictional issues. We’re spending time on the essential questions that boards are essentially created to do, which is to apply their familiar knowledge of the labour relations world to make those questions and determinations of questions a fact that aid parties in the legal questions that are presented to the board.

Mr. Krawetz: — Thank you, Mr. Craik. The clause then, the third clause which I’ll just choose, is the one that says “compel witnesses to produce documents or things . . .” Now if the Labour Relations Board has now the powers that are vested in the Court of Queen’s Bench to compel that person to produce those things, what is the course then of appeal to that union group or to that employer that says no, we are not going to grant this wish? What is the next level of appeal?

Mr. Craik: — Well a party that takes issue with a subpoena duces tecum requiring a person to bring certain documents or things, let’s say a computer list of employees, to the board would have the right to challenge that. At least to attempt to challenge that order or that subpoena in court. And that’s certainly a power that has been exercised from time to time, whether it’s a subpoena issued by a judge or subpoena issued by a board. They can challenge that.

Mr. Krawetz: — Thank you. You see what I was looking at is if . . . you’ve identified a whole new section 18 with a lot of different clauses and then we have 18.1 that is in the current Bill, that is still going to be there, which says that:

18.1 The members of the boards shall have the same privileges and immunities as a judge of the Court of Queen’s Bench.

That’s section 18.1 in the current Bill. So it’s still going to be there and now you’ve put in place all these powers.

So the question that I was getting at is if your LRB now has the power to . . . that is vested in the Court of Queen’s Bench and it has, the members of the board have the same privileges and immunities as a judge of Court of Queen’s Bench which is what section 18.1 is saying — and 18.1 is not being deleted it’s my understanding — so how then does someone have the right to appeal to a court when in fact this is supposedly now had . . . the members of the LRB have all the powers of the judges of that Court of Queen’s Bench? They are granted the same privileges as immunity. So then how can their decisions be challenged when they’re not judges?

Mr. Craik: — I think there’s maybe a difference. Privileges and immunities don’t mean that actions can’t be reviewed. Privilege and immunity doesn’t prevent an action or a decision

of the board from being . . . it being reviewed. That's the full answer.

Mr. Krawetz: — Okay. So therefore if a decision by the board to follow the three instructions now or the three requests that have been given to that board, your comments still say then that that can be challenged and that can be reviewed. Is that correct?

Hon. Ms. Higgins: — Well let's be clear here. What we're talking about in 18.1 is the same privileges and immunities as a judge of the Court of Queen's Bench. Section 18 of The Trade Union Act currently states that members of the board have the power of a commissioner under The Public Inquiries Act. And this amendment, what it does it simply moves that provision into The Trade Union Act.

So The Public Inquiries Act was amended in 2004 to add this protection for the immunities. Therefore the board members already have this immunity and what we're doing is defining it.

The purpose for doing this is to make it very clear that the board members cannot be sued for their actions and decisions as a member of the board. They must be free . . . I mean in any board you must be free to make decisions and to operate without concern that your decisions or actions will in some way form the basis of a personal action against them. So the privileges that are given to board members by this provision are legal privileges only. They don't include privileges of office — like I mean all that goes with that — but they are the legal privileges only and the immunities.

Mr. Krawetz: — Could you then, Madam Minister, when we're on this topic, I need to get a better understanding of the civil actions that you've identified here that are the actions of a Court of Queen's Bench. Are they different than what is currently in the Act or is that something that, as you've indicated, that the . . .

Hon. Ms. Higgins: — Now are you back to the three points?

Mr. Krawetz: — Yes, because I'm trying to tie . . . I'm trying to get an understanding. And I understand what you're saying about privileges and immunities. You want the members of the board to have, as you've said, the freedom to be able to make decisions without being challenged, okay? But on the other side now, are these new actions that you've identified, are they, are they different than what was already contained within the labour Act in the province of Saskatchewan?

Mr. Craik: — If I might. Your question is . . . I think it might be part of the solution. The proposal regarding privileges and immunities isn't to stop a decision from being challenged — it's not for that purpose — it's to stop them being personally sued.

The parties can always claim or attempt to claim that jurisdiction has been exceeded. And there's much authority in our common law where a subpoena is issued by Provincial Court judges have gone all the way to the Supreme Court of Canada and have been quashed. So there's a difference between challenging the decision and suing an individual personally, I think, so we want to separate . . . The difference between privileges and immunities doesn't refer to the decision not

being reviewable. There is a certain level . . . The privity clause contained in The Trade Union Act, which means that the court does not review lightly decisions of the board, it reviews those decisions when there's reviewable error of, like a loss of jurisdiction, so it's a higher standard of error that's required for them to review the decisions. But they still have the power to review decisions of the board.

Mr. Krawetz: — Could you then clarify whether or not these powers that have been given to the LRB were already within the jurisdiction and all you're doing is listing them and specifically categorizing these three as the actions that can be done?

Hon. Ms. Higgins: — What I will tell you, well just out of The Public Inquiries Act, the power to compel attendance of witnesses, 4.1:

4(1) The commissioner shall have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of record in civil cases.

And,

(2) The commissioners and any counsel engaged pursuant to section 5 shall have the same privileges and immunities as a judge of the Court of Queen's Bench.

So that's where that piece came from, already contained within The Public Inquiries Act.

And you're asking for the three in . . . too much paper. 18(c)? Yes.

Mr. Krawetz: — Okay. So, Madam Minister, what you've now said is that, what, our new amendments are not just the clarification of the Canada Labour Code and what was contained in 16(1) and (2) but now we're saying that The Public Inquiries Act. Is that different?

Hon. Ms. Higgins: — No. They have always held the powers of The Public Inquiries Act as a commissioner. And so part of this whole process of making the amendments is to define powers that the board has already exercised, that are already there, but to define them more clearly so that we reduce the number of judicial reviews.

Now quite often you will get questions whether the board has the authority. So we look at public inquiries. We look at other cases. We look at other . . . So by defining them, we take away some of those questions and put it out clearly in the Act. And we aren't giving the board any powers that it has not exercised or has not used previously.

Mr. Krawetz: — Could I ask then why at this stage of the legislative session do we have an amendment that in your words clarifies and puts into place reference to The Public Inquiries Act, reference to the Canada Labour Code, reference to a number of things, and these are brought forward now? Why didn't we see these sections in the original Bill 87?

Hon. Ms. Higgins: — The Public Inquiries Act has always been there within the Act. But what we're doing is taking away

the reference to the Labour Code of Canada or the Canada Labour Code and defining those powers instead of making the reference and using a different piece of legislation purely for the fact that it would come into effect the day of assent.

The Labour Relations Code of Canada up until that date would be referenced in The Trade Union Act in Saskatchewan. And it was felt by the labour community and the business community, the legal groups, that it was not a particularly great way to do it. They would prefer to have it clearly defined in the Act and not just put in the Act by a reference to another Act. So that's why we're doing this.

Mr. Krawetz: — Thank you, Madam Minister. Madam Minister, the request then to in your words, to improve the clarity of this Act, are these changes that you've brought forward in this amendment, which are numerous changes, are they . . . have they been requested by the various pieces of communication that you've had with, you've mentioned legal groups. Are these changes a direct result of requests by the various stakeholders that you've been communicating with over the last eight months?

Hon. Ms. Higgins: — The comments that we've received from the legal community, this was the part that they always talked about and felt that it was not a good idea to reference the Labour Code of Canada, that it should be . . . It was an unnecessary reference, and it should just be defined within the Act in Saskatchewan, and without the reference because it just leads to confusion down the way. And I mean, listening to their comments, they're accurate.

Mr. Krawetz: — Madam Minister, let's move on then to (d). Section (d) then says to administer oaths and solemn affirmations. Wording I note is almost identical to a number of provinces within their trade union Acts. Could you indicate where this one, where this clause is referenced in other legislation?

Hon. Ms. Higgins: — The administration of oaths, clause 18(d), also found in British Columbia, Alberta, Manitoba, Ontario, and Canada — pretty well the same wording.

Alberta for the purposes of this Act:

. . . officers and members of the board may administer oaths.

Ontario:

(2) Without limiting the generality of subsection (1), the Board has [the] power . . . (d) to administer oaths and affirmations;

And also Manitoba:

. . . to administer oaths and affirmations.

Mr. Krawetz: — I understand that it's contained in a number of provinces, and I have the legislation here from Alberta, Manitoba, BC [British Columbia]. I'm wondering is where, prior to this amendment now, what referenced section 18(d)? Was it part of the Canada Labour Code? Was it part of The

Public Inquiries Act? Where was 18(d) before you've now identified it as a specific clause?

Hon. Ms. Higgins: — Canada Labour Code.

Mr. Krawetz: — And specifically . . . You said (f.1) were the other two. Do you have that reference there?

Hon. Ms. Higgins: — 16(b), I believe it is. Yes, 16(b).

Mr. Krawetz: — Thank you. Let's move on then to (e). Section (e) says:

(e) to receive and accept any evidence and information on oath, affidavit or otherwise that the board in its discretions sees fit, whether admissible in a court of law or not;

Is this a new section that you find in other provinces? And then you can answer. The second part of course is if it comes from the Canada Labour Code, please identify.

Hon. Ms. Higgins: — It's in the Canada Labour Code, 16(c).

Mr. Krawetz: — Could you clarify what this will enable the LRB to accomplish that it has not had the ability to accomplish before this amendment is introduced?

Hon. Ms. Higgins: — This is a standard power for quasi-judicial tribunals and who can hear evidence that would not be admissible in court, such as hearsay evidence, if appropriate. The board already has this power under the existing section 18 of The Trade Union Act.

Mr. Krawetz: — So when you make reference to the fact that it already is contained in The Trade Union Act is this then repeating it or is this clarifying it or changing it in any way? I think I heard you say that it's contained in The Trade Union Act. And therefore if it's in The Trade Union Act already are we listing it as a sort of consolidation of I guess powers or duties or whatever?

Hon. Ms. Higgins: — Part of the reason for it being defined this way, because it is in section 18 which we are repealing and replacing with the new piece so it will be reinforced, okay. Section 18 will be gone and that is where we will be putting the new definitions, defining the powers, okay. So that's why. It's already there but we will be removing that section and replacing it with the more detailed.

Mr. Krawetz: — Right. Okay. I now see that. See if I'd have had this information a couple of weeks ago I wouldn't be asking all these questions, Madam Minister, because you are right that section 18 does contain the words oath and affidavit and it makes reference to. And that section 18 was being deleted and replaced with a new 18(a) to (h) which is now being replaced by a new 18 (a) to (x). Right?

Hon. Ms. Higgins: — Right.

Mr. Krawetz: — Let's look at (f) of the new amendments that you've put forward:

to determine the form in which evidence of membership in

a trade union or communication from employees that they no longer wish to be represented by a trade union is to be filed with the board on an application for certification or for rescission, and to refuse to accept any evidence that is not filed in that form;

When you talk about the form, first of all clarify that this comes from some other piece of legislation?

Hon. Ms. Higgins: — It comes in part from the Canada Labour Code, 16(d).

Mr. Krawetz: — And when you talk about “to determine the form” could you clarify what you’re meaning by the form? Are you talking about a specific application form, or specific piece of paper, or is it a procedural thing where the form is a series of events that must occur? What do you mean by filed in that form and referring “to determine the form”?

Hon. Ms. Higgins: — There is a booklet that is Regulations and forms, Labour Relations Board. So there is many things that are laid out in there, the processes that need to be followed, and the forms for applications. I mean there’s many of them in here so . . .

Mr. Krawetz: — Madam Minister, it’s my understanding that this new form that will be required that, and again I believe that your . . . the last statement of this section 18(f) says, to refuse to accept any evidence that is not filed in this form.

Will this reduce the number of applications or the number of requests that are at first denied because of a technicality? Will we see more . . . the ability for requests to be dealt with more accurately because they will be all following the same form? It’s my understanding that the Labour Relations Board has rejected certain applications because of technicalities. It wasn’t written up properly. It wasn’t designed correctly. So will this correct that? Is that what this clause is trying to do?

Hon. Ms. Higgins: — I don’t believe that it changes any of the forms or requirements that are required under various applications or cases that are put before the board. It just clarifies how the board will deal with them and the power to refuse if it isn’t filed in the appropriate format.

Mr. Krawetz: — And the next clause too, Madam Minister, is the old (b) clause that is found already in our Act, which is now as I indicated, is numbered as (g). Both of them refer to the forms and the ability to not accept. Has that power been within The Trade Union Act? And if so — obviously it wasn’t in section 18, the current section 18 — so could you indicate where that was indicated before?

Hon. Ms. Higgins: — Just for clarification, (f) refers to support evidence when you’re talking about applications for certification or a rescission order. So it has to do more with the evidence that’s being presented.

And I apologize, I forgot your question.

Mr. Krawetz: — Both (f) and (g), which is the old (b), it’s not a new section. It’s already the one that has been in the Act. The last part of it also refers to the fact that the board has the ability

to refuse to accept unless it’s on that particular form.

My question is, where was this information for both the filing of a membership in a trade union or referencing the proceedings as you’ve outlined in section (g)? Where was the direction or the control vested in as far as a piece of legislation that currently exists?

Hon. Ms. Higgins: — It wasn’t contained in the existing legislation but it was a practice of the board.

Mr. Krawetz: — So when you say a practice of the board, does that mean then like determined by regulations of the board if it’s a practice that is not contained within The Trade Union Act.

Hon. Ms. Higgins: — Oh, sorry.

The Chair: — Madam Minister, if I could ask you to introduce your officials when you bring a new official to the table.

Hon. Ms. Higgins: — Melanie Baldwin, the registrar for the Labour Relations Board. She can give us a more complete answer on this.

Ms. Baldwin: — Mr. Chair, with respect to the form of support evidence which would be what’s referred to in section 18(f), evidence of membership in a trade union or a communication from employees that they no longer wish to be represented a trade union, the requirements of that type of evidence have been set out in the board’s case law. So there is case law spanning several decades in which this issue has arisen.

The board has said what it wants to see in terms of what support evidence should look like and the board does follow that case law when it’s looking at support evidence to determine if it’s valid or not.

So that’s been the practice to date. If you want to know what the board requires in terms of support evidence, one needs to either ask somebody who works at the board and they will be told, or look at the board’s case law, which is all published, to determine what is required.

Mr. Krawetz: — Madam Minister, through to your official, will clarifying this section, both (f) and (g) but especially (f), will this correct some misunderstandings or some problems that have surfaced regarding following the form that you’ve identified in the board’s case law? Will this improve the system? And who will benefit from the fact that this is now clearly spelled out here in section (f)?

Ms. Baldwin: — Well first of all I would say that by giving the board the power to do something it does not necessarily mean that the board will do that. It means that the board may do that, but it does not mean that the board will do that. So I’m not certain whether the board will depart from its practice of setting out requirements in case law to actually creating some kind of form for evidence of support. I don’t know the answer to that.

Mr. Krawetz: — Will there be some confusion then if you’re looking at an application for either certification or for rescission, and if you’re saying then that the board may or may not, and it may rely on case law, and then you have prescribed

forms, is that going to be confusing?

Ms. Baldwin: — I don't think that it will. Like I said, if you need to know the answer to that question, you call our office. If the board has created a form, I'd provide you with that form. I'd say, this is the form that your evidence of support must take. If the board has not created that form, I'll tell you what the case law says: that it must be signed; that it must be dated; that it must be an original, it cannot be a photocopy or a faxed copy; that it must clearly indicate the wishes of the individual who has completed it, whether that be to support the union and apply for membership and ask the union to represent him or her: or whether that be to support an application for rescission and indicate that they no longer wish the union to represent him or her.

So my answer and the answer of the board's staff when asked that question will depend on what the board has done. To date the board has its case law and that's what we refer people to. If there was a specific form created, obviously we would be providing that form to people.

Mr. Krawetz: — Thank you, Madam Minister. The reason for clarifying this I think is the fact now — and I'm going to jump to (n), which is connected to the answer I've just received — where it says that (n) is the old (d), and (d) says:

(n) to refuse to entertain a similar application for any period not exceeding one year from the date an unsuccessful application is dismissed from any one mentioned in subclauses . . . [above].

Now when you're talking about an application for certification or an application for rescission and you're referring to boards case law and then if something . . . if someone follows a procedure that they have accepted as the norm because of what has happened in the past and now there is the insistence that there be a different form, would that automatically mean that that application may be dismissed because it didn't follow the correct form? And then it may not be able to come back for another year.

Ms. Baldwin: — Well, Mr. Chair, I think what that's asking me to do is speculate on what the board will do if the legislation is changed and if that type of case comes before it, and that's not something that I am prepared to do. I can tell you that administratively we will provide people with the current information in terms of what is required.

In terms of section 18(n) there already are bars to reapplication relating to certification and decertification applications in the present trade union Act. So, and I don't think section 18(n) is tied to certification and decertification applications because there are already restraints or constraints in The Trade Union Act in terms of when a person can reapply for certification or rescission, and they're found in section 5.

Mr. Krawetz: — What I'm . . . The reason for my questions, Madam Minister, is to ensure then that we have a clear understanding about what is the policy. And I know your official has indicated that the board may follow, you know, case law, may change to something different. My concern is that everyone in the field — whether it's an employer or whether

it's employees — clearly understand the rules by which they must operate, whether it's for certification or trade union or membership or whatever the case may be.

And I'm hoping that we're not going to create a situation where we have the i's not dotted properly and the t's not crossed properly, and therefore there is an application that is dismissed because it wasn't on the right form, And then now we have a procedural thing that says you can't bring that forward again for another year. Is there any fear that that may happen, Madam Minister?

Hon. Ms. Higgins: — Well not on my part because I know the board, as Ms. Baldwin has said, is more than willing to give information and advice on what needs to be there to proceed with an application. This is more in my mind to the view of avoiding frivolous issues to come before the board. And I mean those are the issues that are out there.

But I mean the board is very good about providing information that's needed to people making inquiries. And as you say, for certification and decertification that is held in another section of the Act, section 5. So no, it's more looking at the frivolous issues that come up.

Mr. Krawetz: — Is the procedure that you've identified in section 5, is that the procedure that you follow today for all such applications?

Ms. Baldwin: — The provisions of section 5 that I was referring to deal only with certification and rescission applications. So for example if a union has a certification application dismissed, it may not or the board has the discretion not to permit it to apply again for a period of six months. And that's found in section 5 of The Trade Union Act.

With respect to an application for rescission, there is only a 30-day time period every year that an application for rescission may be filed. So that's already fairly strictly regulated in terms of when that type of application can be made. It cannot be made every month. It has to be made once a year during that 30-day window.

Mr. Krawetz: — And when there is a problem with that 30-day window — and I was trying to get an understanding of that last week — when you have a 30-day window to make those applications but because of the fact that the new legislation will indicate that that cannot be brought forward for one year based on something, you know, being dismissed previously, can you then have a problem with that 30-day window because it may in fact be just immediately after the 30-day window when this occurs and you may then actually be almost two years before this can be brought forward again.

Ms. Baldwin: — Well I'm not a legislation drafter, but I would assume that the specific in section 5(k) would override the general in the new section 18(n) which doesn't specifically refer to applications for rescission, whereas section 5(k) clearly does. And the board has treated that open period as absolutely sacrosanct and has not deviated from the open period contained in section 5(k) of the Act.

Mr. Krawetz: — So then could you clarify, Ms. Baldwin, then

in section 5(k) the six-month provision is not going to be changed at all. Is that what you're referring to? For rescission, certification and rescission.

Ms. Baldwin: — The certification part is not found in section 5(k). It's found in section 5, either (a), (b), or (c) — (b). It says:

... no order under [clause 5(b)] ... shall be made [and that would be a certification order] in respect of an application made within a period of six months from the date of the dismissal of an application for certification by the same trade union in respect of the same or substantially similar unit of employees, unless the board, on the application of that trade union, considers it advisable to abridge that period;

And no, my understanding is that that section's not being changed.

Mr. Krawetz: — And you did say then for rescission 5(k) is the section that refers to that.

Ms. Baldwin: — That's right, yes.

Mr. Krawetz: — And does it say the six-month provision as well? If it's not a long section could you read it just for the record?

Ms. Baldwin: — Section 5(k) says the board may make orders:

rescinding or amending an order or decision of the board made under clause (a), (b) or (c) [and that's the certification clauses] where:

(i) there is a collective bargaining agreement in existence and an application is made to the board to rescind or amend the order or decision during a period of not less than 30 days or more than 60 days before the anniversary of the effective date of the agreement; or

(ii) there is no agreement and an application is made to the board to rescind or amend the order or decision during a period of not less than 30 days or more than 60 days before the anniversary date of the order to be rescinded or amended.

Mr. Krawetz: — Okay, thank you. Madam Minister, let's look at clause no. (h) then, I think, if I haven't stepped out of the order here. Clause (h) in the new amendment says:

to order preliminary procedures including pre-hearing settlement conferences.

Could you indicate where that amendment is coming from and how it will apply?

Hon. Ms. Higgins: — This power is not explicit in the existing Act but it's been exercised by the board with the consent of the parties on many occasions. We believe that it will expedite the actual hearing of applications. Otherwise these matters would need to be dealt with when the hearing has begun, then the application would be adjourned until the matters are finalized.

So to be able to request the information beforehand, the pre-trial or pre-hearing — sorry — instead of waiting until the hearing begins, making a request for information, having to adjourn and reconvene at a later date with the information that's required.

Mr. Krawetz: — So therefore, Madam Minister, if I can summarize. You're saying that this would allow the LRB to have preliminary discussions, preliminary conferences, those kinds of things without the actual hearing starting — the actual hearing date starting?

Hon. Ms. Higgins: — And what it comes out of is 16(a.1) out of the Labour Code, Canada Labour Code, (a.1).

Mr. Krawetz: — When you talk about pre-hearing settlement conferences in this, what is intended by that, settlements conference?

Ms. Baldwin: — We at the board already offer pre-hearing conferences. We offer them on a consensual basis, so if the parties consent to holding a pre-hearing we will schedule one. Sometimes we will schedule one where only one party asks for it because we think it would be useful on the file. If the other party says they're not showing up, that's it for the pre-hearing. So it's essentially consensual, although we will suggest it if we think that it would assist.

Our pre-hearings are used for two purposes. One is on very complex cases. They may be used for management. So to talk about how many days of hearing are required, to talk about when people are available for hearing, to talk about any preliminary objections that need to be made before the hearing, that sort of ... so sort of to triage the case, to use the board's time most efficiently.

The second purpose for a pre-hearing conference would be settlement. And if it appears that settlement is possible or might be possible, an officer of the board — either myself, one of the vice-chairpersons, the chairperson, or our investigating officer — will try to mediate a settlement between the parties to avoid the necessity of having a hearing. And we've been fairly successful at that form of alternate dispute resolution which we've sort of put into place on our own, without the specific legislative authority to do so. And it's been I think happening since probably the early- to mid-'90s.

Mr. Krawetz: — Since this has been a procedure that has been ... as you've indicated you haven't had the legislative power to do it, but it seems to ... Can you indicate whether you think it has been working fairly for employers and the employees to move things along?

Ms. Baldwin: — Well I would say from our success rate, yes. But it is a process that we don't have the ability to mandate for the parties. And certainly there may be cases where it would be useful to be able to mandate a pre-hearing of some kind as opposed to having it purely consensual, which it is at the present time.

Mr. Krawetz: — Madam Minister, in your consultations since the Bill came forward in November, have you had any employer groups or employee groups suggesting that this should be included in the legislation rather than, you know, sort

of being a practice that is not mandated by the Act?

Hon. Ms. Higgins: — No, not specifically on this issue. I haven't received any comments back on it.

Mr. Krawetz: — Madam Minister, I'm then looking at the sections that follow section (h), which I guess is sections (i), (j), and (k). I believe all of those would refer to these pre-hearing settlement conferences. They make reference to different means of telecommunications. They make reference to adjourning or postponing the proceedings. Are these powers granted to the LRB to clarify what is an existing procedure already or are any of these different than the practice that is already followed?

Hon. Ms. Higgins: — The only difference . . . It's not anything different than what is followed except that now, as Ms. Baldwin said, that it has to be done by consent currently.

Mr. Krawetz: — So, Madam Minister, then for these pre-hearing settlement conferences to occur, the procedure was before that there had to be consensual by both parties that these would occur. The fact that you haven't referenced consensual, does that mean now then that these conferences can occur with either party requesting it or in fact neither party requesting them, and that the Labour Relations Board may impose these pre-hearing settlement conferences to have the discussions without anyone requesting it and . . . or the other case is of course if either one requested it?

Ms. Baldwin: — Certainly the way I read it, yes. I mean it's talking about the power to order a pre-hearing settlement conference. And so generally speaking you would order that type of thing where there wasn't full consent from the parties, where one party was not consenting or possibly where neither party had requested it.

Mr. Krawetz: — Ms. Baldwin, would you know if this is a practice that is enshrined in legislation in other provinces, whereby there isn't a consensual position that has to be followed?

Ms. Baldwin: — No, I don't know the answer to that.

Hon. Ms. Higgins: — It comes from 16(a.2) out of the Canada Labour Code:

to order that a hearing or a pre-hearing conference be conducted using a means of telecommunication that permits the parties and the Board to communicate with each other simultaneously;

So it's out of the Canada Labour Code.

Mr. Krawetz: — Madam Minister, then I'm wanting to understand. If the old section 18 didn't reference the Canada Labour Code at all and then you introduce two clauses that made reference to it and that's now you're saying that it needs to be clarified, so you're removing that reference to 18(a) and now identifying it. What was the procedure before for the board regarding these hearings? Like were they, were they following a procedure that was an accepted practice or were they referencing the Canada Labour Code as the standard?

Hon. Ms. Higgins: — I would assume, looking at issues before the board, looking at the best processes to facilitate an agreement and . . . I mean when you're doing these things you look across the country at what works, what doesn't work. Dispute resolution, there are many forms that it can take. And if the board, by dealing with consensus to do the pre-hearing conference, you know, as Ms. Baldwin has said, it's been quite successful for the board, it may be more useful in other areas. I'm sure being consensual would be the first priority or the first choice of anyone at the board, but if there was felt that it would be beneficial to order a pre-hearing conference, then this gives the ability for the board to do that.

Mr. Krawetz: — Madam Minister, then in the period leading up to this morning and the producing of this amendment, would these sections — (h), (i), (j), and (k) — have been the, you know, at the request of the Labour Relations Board and the officials to say, we believe that this is a better practice and it should be included in the legislation? Would that have . . . request to have come to the drafter of this, of this amendment? Would that have come from the LRB directly?

Hon. Ms. Higgins: — You know, what I will tell you is, people in the labour relations field are well aware of what happens in other parts of the country. There is always . . . Whether it be officially in conferences, but I know unofficially in various meetings across the country and reading of other legislation that may be in other provinces and other jurisdictions, they like to keep quite well versed in what is happening in other areas of the country.

So quite often, I know in my travels around the province people will come up and talk about something they are doing in other provinces that works very well; we should give it a try here; it may work in, you know, in different instances. That's quite common. So it's a pretty open area, pretty well discussed and people are quite knowledgeable about what's going on in other provinces and in the Canada Labour Code.

So I can't tell you specifically where this suggestion would've come from, but if it is a process at the board that has been working well and they are seeing good results from, then I think it's something that we should pursue farther and make it a more formal process of the board and have the board with the ability to do this on a more regular basis and within their jurisdiction, I guess is . . . instead of just practice.

Mr. Krawetz: — Thank you, Madam Minister. Madam Minister, then this preliminary procedural conference and settlements that can go on, they will not in any way affect the actual hearing. This is something that is going on because it's deemed to be able to be helpful. And what I'm getting at is your last clause (k) says, "to adjourn or postpone the proceeding." So obviously that clause is there to, you know, allow the LRB to say no, there's really going to be no benefit from having a pre-hearing conference so therefore we're going to adjourn it. But in fact . . . or we're going to postpone or adjourn this, but it won't delay any of the other time restrictions that we have within The Trade Union Act on applications, submissions, and the dates, and everything else. The minister is saying no. Correct? Thank you, Madam Minister.

Madam Minister, let's move on to number (l) then. It says to:

to defer deciding any matter if the board considers that the matter could be resolved by arbitration or an alternative method of resolution;

What section would that have come from? Is it just as similar to the ones above, that this is the power that the board has exercised but is not contained within the Act?

Hon. Ms. Higgins: — We do. The board currently does this, but it is contained in (l.1) in the Labour Code of Canada.

Mr. Krawetz: — (l.1). So is that 16(l.1)?

Hon. Ms. Higgins: — Yes. Yes, it is.

Mr. Krawetz: — Okay. And when you refer to an alternative method of resolution, could you clarify what that might mean? I understand what arbitration is. So I'm wondering if that's a . . . is that a judicial settlement? Is that something that . . .

Ms. Baldwin: — I think that . . . I mean it could be many things. But I mean, for example if you look at section 26.5 of The Trade Union Act, the first collective agreement provision, the board has the discretion as that provision presently stands to require the parties to submit the matter to conciliation. Conciliation is an obvious example of another method of resolution that might be preferable.

The one that we see most often is a case coming to the board which is the subject matter of a collective agreement and the board deferring to a board of arbitration because it's felt that that is the more appropriate place, the more appropriate forum for that to be dealt with. And there is case law, a fair bit of case law on when the board will defer to arbitration and when it will not defer to arbitration.

Mr. Krawetz: — So then, Ms. Baldwin, if I might, you're saying conciliation or probably even mediation and other forms of settling a dispute prior to arbitration.

Ms. Baldwin: — Well possibly or prior to coming back to the board or . . . you know, I mean I don't know, again it's speculating about what the board may or may not do with new language. So I can tell you in the past, the board has recognized when there is a better forum to deal with a dispute than the board and has deferred to that forum.

Mr. Krawetz: — Thank you very much, Ms. Baldwin. The section (m) is the current (c), 18(c) that we've had in the existing Bill. And, Madam Minister, I'd like to clarify, when you talk about not having the ability to submit a similar application for a year, is that the practice now in Saskatchewan? And is that a common practice in other provinces? Could you indicate where the basis for this particular clause is coming from.

Ms. Baldwin: — Well I can speak to the present practice. I mean the only type of application that has this type of bar is the application for rescission as we discussed earlier with the open period only coming up once a year, in 5(k). So there is no other statutory provision that I'm aware of that creates that kind of bar. And the board's practice is not now to bar this type of application because the board doesn't have jurisdiction to do

that.

Mr. Krawetz: — And, Madam Minister, then for sort of from your perspective of why you wanted this in the Act, is this a common practice in other provinces that people or groups have to wait one year before they can submit a similar application? Is that what you're trying to put in place here?

Hon. Ms. Higgins: — Well I guess Ontario has something quite similar to bar an unsuccessful applicant for any period not exceeding one year from the date of the dismissal of an unsuccessful application, or to refuse to entertain a new application by an unsuccessful applicant, or by any of the employees affected by an unsuccessful application, or by any person or trade union representing the employees. I mean as we talked about previously, I mean to do away with some of the frivolous cases that you may get — that one-year time. And it doesn't still affect the applications for certification or rescission because that's contained in another portion of the Act.

Mr. Krawetz: — Okay so that's the point that was raised to me in some notes I received from some business owners who were concerned about the application for certification, or the application for rescission. This clause does not have any bearing then on the sections 5(b) I believe it was, and 5(h). Can that be confirmed by your official, Ms. Baldwin?

Ms. Baldwin: — 5(b) and 5(k)?

Mr. Krawetz: — 5(k) and those sections will remain in force.

Ms. Baldwin: — Yes.

Mr. Krawetz: — And the fact that this one-year clause is not meant to influence those two sections as well. Thank you.

Madam Minister, then section (d) . . . section (n), I'm sorry, is the old (d). It says “. . . to refuse to entertain a similar application for any period not exceeding one year . . .” Now we've talked about that to a bit. What will section (n) do that section (m) also lists? Is there anything different?

Ms. Baldwin: — Again I'm not a legislation drafter, but when I read them, it looks to me like section 18(m) would permit the board to simply send an application back to that type of applicant. So it's sort of an administrative action, whereas section 18(n) would be where the application had actually made it in front of a panel of the board, at which time the board could refuse to entertain that application. I think that's the difference, semantically, between the two sections.

Mr. Krawetz: — Right. So then going back to my questions a while back about the form and whether or not you're going to be following a particular case law or whether you're going to be introducing a new form, when you say that an application can be sent back before it really becomes part of (m), is that meaning then that it's rejected for one year, according to this new (n)?

Ms. Baldwin: — The new (n) is the board refusing to entertain the application. The new (m) would be barring from making an application. That's the difference between the two of them. And they both speak to one year — not exceeding one year, I believe

it says.

Mr. Krawetz: — So then not exceeding one year would imply then that if someone's application is not filled out correctly, is not signed, I don't know, not dated, is that a reason then that the LRB would then reject that application for one year?

Ms. Baldwin: — No.

Mr. Krawetz: — Okay. What is meant then by the refusal to entertain an application? For what reasons would an unsuccessful application come forward? Is that, you know, as I was asking before, is that due to a prescribed form not being followed? Is that due to, you know, not understanding the procedures? Is there any danger that this clause itself creates a frivolous situation?

Hon. Ms. Higgins: — When I look at the rating and it talks about an unsuccessful application, that gives . . . well implies to me that it was an application that has carried on through the process and for whatever reason the board has decided against it, that it was unsuccessful. So what this does is states that an unsuccessful application can't be resubmitted. If I didn't like the decision, I just can't turn around and put it back two months from now. There has to be a period of time.

Mr. Krawetz: — Madam Minister, I see that it is 4:30 already, and I understand that the House leaders had agreed that this would only be up for one and a half hours, till 4:30. So even though there's still I guess a number of sections that we haven't had an opportunity to discuss and as you indicated at the beginning it is yours and my understanding that this will come before us again next Tuesday, and I'm wondering to save time in next Tuesday's questions if you could have your officials prepare the responses to (o), (p) and on to (x), as the new clauses as to where they are currently found, whether it's the, you know, the Canada Labour Code or whether it's The Public Inquiries Act. And if I could receive that before next Tuesday, then that might help us expedite things on Tuesday.

Hon. Ms. Higgins: — I think what we have prepared already, the side-by-sides, cover pretty well everything that you are looking for. So we will just kind of check through that to make sure that's it. And if it does, we can give you a copy of the side-by-sides today, so you can have them to look at them.

Mr. Krawetz: — Madam Chair, with that I'd like to thank the minister and her officials for assisting in answering the questions that we had on Bill No. 87.

The Chair: — Thank you very much. It would appear then that Bill No. 87 will be before the committee next Tuesday. And I would ask the ministers that the requested information be forwarded to the Clerk if it hasn't already and with copies to satisfy the inquiring minds of all members. Mr. Krawetz.

Mr. Krawetz: — Mr. Chair, I'd also like to indicate that, you know, once we're through Bill 87 next Tuesday, then we'd be moving into Bill 86 and 122. So we're going to delay those questions from today obviously, and then we'll include them at the end of 87, once we've had an opportunity to finish the discussion with 87, which is I think the procedure that has been agreed upon.

Hon. Ms. Higgins: — Well my understanding was a little different than that but if that's . . . I understood that we were dealing with 87 for about an hour and a half, and then we were going to spend the rest of the time until 5 on 86 and 122. But if I was inaccurate . . . [inaudible] . . . misunderstanding.

Mr. Yates: — Yes. My understanding was we were going to move to Bill 88 and do 88, 95, and 98 from 4:30 until 5.

Mr. Weekes: — I would also concur with that. That was my understanding as well.

Bill No. 88 — The Health Labour Relations Reorganization Amendment Act, 2004

Clause 1

The Chair: — It would then appear that we have agreement by committee members that the committee would move to Bill No. 88. Madam Minister, I don't know if you need to reintroduce officials or if you're bringing new officials to the table, but if you choose to make some comments I would invite you to do that now.

Hon. Ms. Higgins: — Thank you very much, Mr. Chair. The officials are pretty much the same except Mary Ellen Wellsch, the manager of legal policy and legislation has joined me on my left-hand side.

And, Mr. Speaker, I would like to . . . or Mr. Chair, I would also like to give notice that we'll be asking the committee to approve a House amendment on Bill 88, The Health Labour Relations Reorganization Amendment Act, 2005.

And what the House amendment deals with is clause 5 of the printed Bill, the coming into force provision. And the amendment to the printed Bill we are proposing will make the amendment Act effective on assent rather than on December 31, 2004. And this is necessary, Mr. Chairman, because legislation cannot come into effect retroactively unless that is specifically provided for in the legislation. In this case we felt that it was fairer to have all parties concerned to have the amendments come into effect on assent. Thank you very much.

The Chair: — Thank you very much, Madam Minister. Proceed please.

Mr. McMorris: — Thank you, Mr. Chair. I just have a few questions regarding Bill 88, An Act to amend the labour relations Act. This Bill has come before us a number of times. It's been . . . I guess the initial stages were about nine years ago. Could you tell me how many times we have passed this Act in the last nine years? I see this year it's only for a one-year term. I think other years it had been for two or three years. Could you give me some sort of an idea how many times this Bill has been in front of us?

Hon. Ms. Higgins: — This will be the third time we have seen the moratorium extended.

Mr. McMorris: — Can you explain to me why the first few times, how long the Bill was in effect for and why it is only in effect for one year this . . . you're asking for a one-year

extension?

Hon. Ms. Higgins: — Initially when the Dorsey regulations were put in place, we were going through some major reorganization within the health care system. We went down to . . . oh darn, first number of health care districts. Anyway we were cut quite drastically. Thirty-two? Thanks. And then at that time the Dorsey regulations were put in place that defined the certification orders and the bargaining units and provided also a process with which there would be votes held that would decide which employees went with which unions or which unions would represent the various bargaining units. So it was a fair time of upheaval.

The moratorium was first put in place then, and it was felt that it would come off at the end of that first term. But then again we were still going through a fair number of changes within the health care system. The moratorium was extended, and since then what we have done is gone down to the even smaller number of health districts — 12, I believe it is. So there again there was votes in some of the health authorities that merged some of the bargaining units, and there was votes had to be held for employees to decide which union would represent them.

And that is the rationale for this last extension. We're at the tail end of some of the merged bargaining units just going through their first set of bargaining in the merged units. So we made the decision to extend the moratorium until the end of this year with I guess the feel that bargaining would be done by then and the bargaining units would be better established. And it would come off; the moratorium will come off at the end of this year.

Mr. McMorris: — So it would be safe to say that the first piece of legislation probably talked about a four- to five-year term, second piece about a four to five year. And now you're saying one year, and you don't see any reason for this to be put forward in the next year.

Hon. Ms. Higgins: — No, I don't.

Mr. McMorris: — So after this piece of legislation sunsets, is over, then the MLTs [medical laboratory technologist] will be able to apply to the Labour Relations Board to choose the union they want to represent them.

Hon. Ms. Higgins: — This piece of legislation does a couple of things. It extends the moratorium until the end of this year. But it also puts in place the ability for the Labour Relations Board to make certification orders in the case of multi-employer bargaining units, which it does not have the ability to do currently.

So what you will see is the bargaining units and the certification orders have been defined by the Dorsey regulations. The regulations, I don't know whether you've gone through them or had a look at them but they are a fairly lengthy, detailed set of regulations that really lay out a number of processes in fair detail within labour relations community, within the health authorities. And that's what defines the certification orders and also the processes that are currently followed.

Mr. McMorris: — So if I understand you correctly then, the regulations going forward really limit what the MLTs will be

able to do in the future as far as choosing their bargaining . . . their union. Is that correct?

Hon. Ms. Higgins: — Well what would happen after this Bill is passed, then the Labour Relations Board will have the authority to make decisions in the case of multi-employer bargaining units and to define certification orders or define the bargaining units. So after the moratorium is done and this piece is passed and the Labour Relations Board has that authority and that ability to make those decisions, then it's entirely up to the lab technicians as to what road they take after that.

Mr. McMorris: — One last question I think regarding this. SUN [Saskatchewan Union of Nurses] and the health science . . . What is it? I don't have it right in front of me. The two unions that bargained on their own without being forced into it. Why were the lab techs kind of singled out and weren't allowed to choose? I realize, you know, the upheaval at the start, but why were they kind of singled out? Because it really seems like they were the ones that were singled out, and said, here you have to be under this bargaining unit. Whereas a number of other professionals in the health field, such as the Saskatchewan Union of Nurses and here — it's Health Sciences Association of Saskatchewan — they were able to kind of bargain on their own.

Hon. Ms. Higgins: — I can't give you that answer. You would have to go back to the original report that was done by Mr. Jim Dorsey in '94-95.

Now I'm informed that those were the structure of the bargaining units originally. So Dorsey would have defined those during his process of consultations when he laid out the processes that we would follow for the reorganization.

But what's gone on with the moratorium is that they have restrictions and they haven't since then had the ability to move if they so wish, or make changes. That's where the issue's been.

Mr. McMorris: — And I certainly know it has been an issue because I've talked to a number of them before I was the Health critic. I certainly had talked to a number prior and have talked to a number since, and they've been frustrated all the way through the process for the nine years they couldn't choose, that this moratorium had continually been put on them.

And it just seems, you know, it seems they were kind of singled out. I haven't heard of a lot of other professionals or organizations or groups that have wanted to move. It's been the MLTs that have been voicing their concern. And why they continually have been singled out, you know, it begs a question. But I'm interested to hear that you're saying that this is the last time we'll see this Bill come before us, and after this point they can pursue whatever avenues they want to through the Labour Relations Board.

Hon. Ms. Higgins: — That was my intention with the one year. And I truly believe that this moratorium has served its purpose. It has made for some better transition time within the labour movement and within the health care sector. But I think it's time that it was gone at the end of the year.

The Chair: — Thank you, Mr. McMorris. Any further

questions?

Item 1, is that agreed? Oh I'm sorry. Mr. Yates, agreed?

[Clause 1 agreed to.]

[Clauses 2 to 4 inclusive agreed to.]

Clause 5

The Chair: — Mr. Yates.

Mr. Yates: — Item 5. I'd like to move an amendment. I move:

Clause 5 of the printed Bill

Amend Clause 5 of the printed Bill by striking out "December 31, 2004" and substituting "assent".

I so move.

The Chair: — Thank you, Mr. Yates. Can we take the amendment as read? Is that amendment agreed?

Some Hon. Members: — Agreed.

The Chair: — Okay. Item 5, is that agreed?

Some Hon. Members: — Agreed.

[Clause 5 as amended agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: Bill No. 88, An Act to Amend the Health Labour Relations Reorganization Act.

Bill No. 95 — The Ecological Reserves Amendment Act, 2005

Clause 1

The Chair: — The next order of business is Bill No. 5, The Ecological Reserves Amendment Act, 2005. Item 1, is that agreed? Mr. Hart, did you want . . . the members of the opposition have questions?

The item before the House is Bill No. 95, The Ecological Reserves Amendment Act. Mr. Minister, if you would care to introduce your officials and any opening comments that you may have in the third reading. Thank you.

Hon. Mr. Forbes: — Mr. Chair, I'd like to introduce to my right, Lily Stonehouse, deputy minister; to my left, Alan Parkinson, associate deputy minister, compliance, fire, and forest. Dennis Sherratt is in the back. Oh here he is. This is Dennis right here. He is executive director of planning and evaluation. And Alan must be right there. Fred Beek is here as well, studies manager, strategic environment studies section, planning and evaluation. Thank you very much. And I do have some comments I'd like to start us off with.

First of all I'd like to say overall our province's environment is

vibrant and healthy and we recognize the need to make sure it stays that way. We currently protect 9 per cent of our Saskatchewan's land and water, close to 6 million hectares. Our goal is to protect approximately 7.8 million hectares or 12 per cent of Saskatchewan.

These areas are still available for compatible uses such as camping, hunting, fishing, and trapping. Our protected areas include 38 ecological reserves including the Great Sand Hills Representative Area Ecological Reserve. The Great Sand Hills Ecological Reserve covers 36,585 hectares or 141.25 square miles. That's about 18 per cent of the Great Sand Hills.

The amendments to The Ecological Reserves Act clearly state that the boundaries of any of the province's 38 ecological reserves cannot be changed without approval of the Legislative Assembly. An additional amendment gives the Great Sand Hills Representative Area Ecological Reserve even more protection by ensuring that any changes to the land uses allowed within the ecological reserve would also need the approval of the Legislative Assembly.

The amendments also say that activities such as exercising treaty rights, ranching, and hunting would continue to be allowed in the reserve. However activities such as gas development would not be.

Government has accepted all the recommendations of the Great Sand Hills land use strategy review committee in principle, including conducting a regional environmental study and protecting even more land in the area than recommended. Our actions demonstrate our commitment to conserving our environment while developing a green and prosperous economy.

Thank you, Mr. Chair, and we'd entertain any questions that people might have.

The Chair: — Thank you, Minister. Mr. Hart.

Mr. Hart: — Thank you, Mr. Chair. Minister, welcome to your officials. Under Bill 95 are you extending the protection of The Ecological Reserves Act to a much larger area than what is currently protected? You made statements about . . . that the size would triple. We have wildlife habitat lands that are protected under the wildlife habitat Act and also under The Ecological Reserves Act and it's my understanding that The Ecological Reserves Act as you said can only be changed by the legislature.

So what this Bill is doing is extending that protection from a smaller area to a much larger area that's three or three and a half times the size of the current area. Is that . . . Am I correct in those statements and assumptions?

Hon. Mr. Forbes: — Let me explain this way. How you put land into The Ecological Reserves Act is by regulation so this land has already been put into the reserves right now. So they're already there. This Act takes them out of The Wildlife Habitat Protection Act. That's why you see all those land locations being repealed. So they're already put into that. And it's 141.25 square miles. So that's one unique feature of this Act.

The other one that's unique is that we talk about what kind of activities can be inside that protected area. And so that's the other unique feature of this Act.

Mr. Hart: — Okay. You mentioned that activities such as ranching and those sorts of activities that are currently happening in those areas will continue. However, you also mentioned that the lands could be made available for treaty land entitlement settlements. But oil and gas developments will not be allowed. Now that part, the oil and gas development, were those activities allowed prior to the enactment of this Act within the defined area?

Hon. Mr. Forbes: — I want to speak about two parts of your question, if I may. And the first one talks about the treaty rights because there may have been some confusion around treaty rights versus treaty land entitlements. And they're two different things. Treaty rights of course are guaranteed by the Canadian constitution. They will be honoured within the ecological reserves. That's very, very important to understand that. But treaty land entitlements will not, within that 141.25.

Now we've undertaken a regional environmental study. We're going to identify what the uses of that area should be in a much more thorough process. And so that will have impact on oil and gas work. It will have impact on treaty land entitlements. But we said prior to the study's beginning that while First Nations could give notice that they would like to make claim in those areas, that they cannot proceed with those claims until the study is over with. And likewise with oil and natural gas.

And what's really important to note, that within the area of the environmental study, not including the 141.25, if the companies — and it's largely gas, natural gas within the area, not so much oil — but if they already have, and they've bought the rights, then pending the appropriate processes, which include an environmental impact assessment, that they can proceed with that.

But I'm quite excited about the environmental study because this will actually in many ways speed up the process because it will be one of the first times that we've taken a landscape study. And we will in fact be doing a lot of the work that many of the companies would have had to do as a preliminary study — where they can go, what we can offer for sale, and that type of thing. So in a lot of ways we're streamlining a bit of the work here because of the larger landscape study.

Mr. Hart: — So just to be clear, currently there are no natural gas developments happening within the area we are talking about.

Hon. Mr. Forbes: — No, there are none.

Mr. Hart: — Now I'm looking at a letter that was in the *Leader-Post* — I'm guessing, I don't have the date, but I'm guessing it would be in April sometime — where Chief Barry Kennedy of the Carry The Kettle First Nations expressed some concern. My understanding from reading the letter is that the Carry The Kettle First Nations were interested in some of the land in the Great Sand Hills area and looking at it for possible treaty land entitlement settlements. Were any of the lands that they were looking at within this defined area?

Hon. Mr. Forbes: — No, in fact. And we saw the same letter and we were quite concerned because consultations were key. But from what I understand the land that Chief Kennedy speaks about was not in fact part of the study area.

Mr. Hart: — Thank you for clarifying that. It just seems, it seems to me a bit odd I suppose that, you know, we are looking at a fairly extensive study that is just now under way. The panel has been formed. But we're looking at perhaps a year or two before we see the results, the work of that panel.

Is it not a bit presumptive to make these changes to the status of the land before we see that report and the results, the recommendations of that report?

Hon. Mr. Forbes: — When the report came down last June, they talked about protecting — and it was pretty much consensus — protecting about 100 square miles in that area. And so they were very keen that there would be some protection. They were also very keen that a study happen and that the good work in terms of the environmental impact studies be done. And so when we went ahead and increased it to 141.25, and part . . . the main reason for doing that is to link three of the four areas so it's much more contiguous. And that's a good environmental practice to do that as opposed to having four discrete areas.

And so they were very supportive of that and we think that this is the right time to do this. We know the key, the areas that are going into The Ecological Reserves Act are very special, unique landscapes, and need to be protected. And we're excited about the groundbreaking work that we're doing here in terms of the environmental study. And I think it's good for everyone in terms of . . . And if I could, you know, when we talk about the green and prosperous economy, really, truly here's both the balance and here's the synergy. We're working with the gas companies, and they're excited because now they know what the field is like out there. It's not a field of unknowns. And so we're doing a lot of the work, and so it's good news for everyone.

Mr. Hart: — Minister, what percentage of the known natural gas reserves would fall within the boundaries of the protected area? And well I guess maybe I'll wait for your answer on that, to that question.

Hon. Mr. Forbes: — I think you've found a good question for us there. But we are aware . . .

Mr. Hart: — While you're looking for that . . . Sorry, Minister. While your officials are looking for the answers, I must admit I'm not familiar with the area. My colleague, the member from Cypress Hills who would like to ask a few questions and he certainly will shortly, is much more familiar.

But I guess the question I would have is, the land within the protected area, is it significantly different than the land outside of the boundaries? I'm not proposing that we disregard the ecology and the need for protecting fragile areas. We certainly do. I just need to have some sort of sense as to the boundaries of this ecological reserve that we are establishing with this Bill. Are there some definitive boundaries as far as the fragility of the ecology, you know, within a few miles inside the reserve

and a few miles outside the reserve? Perhaps just give me a sense of the change of landscape from within the reserve and outside the reserve.

Hon. Mr. Forbes: — What I'll do is I'll ask Dennis to speak to this in just a second. But I do want to say that this was . . . There were four areas that were identified in the study of having . . . that they were identified as prime protected areas and having significant ecological value, both in terms of some of the species, the flora and fauna.

And of course, you know, there was a lot even national attention to the kind of landscape that was there. And then the study will also inform us in terms of what we should be doing with the remainder in terms of protecting it or, you know, economic development, that type of thing — what is a long-term plan here. And so it's a very unique and very special place, but I think we can be pretty assured that this has some very valuable ecological areas in here, but Dennis could maybe speak more to that.

Mr. Sherratt: — We engaged, first of all, not only staff from our department but utilized information from the universities. The areas we chose in essence, first of all, are representative of the various types of land forms that are within the Great Sand Hills.

Secondly they tend to be more rugged. In the past, obviously, developments have tended to operate in the flat areas. So these areas have a tendency to be more rugged and they also include some moving sand dunes, which is part of the ecological uniqueness of this area that we wanted to maintain. And as the minister said, being one contiguous block, that was valuable to us from a science point of view.

And so those are the three basic reasons that we chose — the representativeness, the fact that they were rugged and therefore prone to damage from various types of development, so we wanted to protect them from that.

Mr. Elhard: — Thank you, Mr. Chairman. Mr. Minister, I'd like to delve into some of the elements of the study that is about to be undertaken. I understand that there's about \$900,000 set aside in this year's estimates for additional study in that area. And would you, for the record, just indicate to us, who's going to undertake the study and what the terms of reference will be for that study and how that might also come into play as far as this legislation is concerned?

Hon. Mr. Forbes: — Well we're really quite . . . It's a landmark study and it's going to be led by Dr. Reed Noss from the University of Central Florida, as we made a key commitment last June that we would take an internationally renowned scientist to lead this study. But what's really exciting about it is it's also done within using scientists here in Saskatchewan, and I'll get Mr. Sherratt to explain who those four are.

And the terms of reference though, is that it's a two-year study and it will take a look at the social, the cultural and the ecological values of the . . . and the economic values of the Great Sand Hills. It'd give us some scenarios about where we might go forward with this. And also we're going to make sure that we use good use of the local people and their insights into

this, as well as the First Nations. So we're going to be actively using the University of Regina, University of Saskatchewan, and as well, the main contract holder for this will be the Canadian Plains Research Center from Regina, because what we want to do with this kind of study is develop capacity within the people here in Saskatchewan.

And so I'll ask Dennis if he has any more points that he would like to . . .

Mr. Sherratt: — The actual science team is made up of four residents of the province in addition to Dr. Noss. And it's Dr. Bram Noble, Dr. Paul James, who is actually from our department, Dr. Dave Gauthier, and Dr. Polo Diaz. Each are experts in representative fields either of social sciences, environmental impact, ecology, or geography in the case of Dr. Dave Gauthier.

They are meeting actually within the week to begin more detailed study plans around the areas that the minister's already identified. The way they will operate is request . . . they're called proposals, requests for proposals which will actually go out in our two newspapers for local consultants. And that range in everything from information around known gas reserves, local culture, governance, ecological considerations of all sort, history. And that package will then be put together in some form of a synthesis and recommendations made to government. And we expect those to be finished in the fall of '06, fall of next year.

The Chair: — Thank you very much, Mr. Sherratt.

Being past the hour of 5 o'clock, and I know the members have more questions, we'll return at 7 o'clock to this Bill and then on with the rest of our agenda. So this committee stands recessed until 7 o'clock this evening. Thank you.

[The committee recessed for a period of time.]

The Chair: — Good evening, everyone. I guess we could call the committee back to order. We had some deliberation this afternoon on Bill No. 95. I think the members were not yet completed. I think Mr. Elhard had some comments yet that he wanted to make. So the Chair will recognize Mr. Elhard.

Mr. Elhard: — Thank you, Mr. Chair. And good evening. I'm glad for this opportunity to clarify some of the issues around this particular piece of legislation. I have in front of me a map, Mr. Minister, that you provided to my office. And I take it from this particular map that this outlines the precise area that you are setting aside as part of this legislation, Bill No. 95.

But am I correct in assuming that the study that's about to be undertaken by the professor from Florida that you mentioned earlier will include a much larger area than has been delineated by this particular map? And if so, could you identify more or less the east terminus of the area that he plans to study?

Hon. Mr. Forbes: — Well now if I think I'm looking at the same map — it's a little shorter, smaller than yours — so the centre part up at the top here, that's that ecological reserve area right there. The area in the green is the study area.

Mr. Elhard: — Is that the study area? Is that the area that's protected by this legislation?

Hon. Mr. Forbes: — No. The area that's protected is the area right up here. There's one very large piece and then this area over here, the very small piece. That's the ecological reserve. That's the land going into the ecological reserve.

Mr. Elhard: — So the green area is the area that's to be under study going forward? All right.

Within this area that is identified for further study there's a lot of privately owned land in there as well as publicly owned, whether it's federal or provincial land. What are you going to do to identify . . . Or once those areas are identified, what are you going to do to assuage the fears of the privately held land in that area, the owners of the privately owned land in the area?

Hon. Mr. Forbes: — In terms of . . .

Mr. Elhard: — Well if as a result of your study, you find this privately owned land to be, you know, an essential part of the ecology of the region, there's going to be restrictions I assume placed on that land that ordinarily private land wouldn't necessarily have to adhere to. Are you thinking that through and . . .

Hon. Mr. Forbes: — Right. I'm thinking that this is what . . . So there's two parts to this. If it is Crown land then it can be put into ecological reserves. If it's private land it cannot be put into ecological reserves. But what people do at that point then is they think about conservation easements, that type of idea, if they wish to put it into some sort of protected status. And that would work well.

Mr. Elhard: — So for the privately owned land in there though, where the owners might not want to encumber their land that way, does the government anticipate possibly offering to buy the land out? Are you anticipating putting restrictions on that private land for any development purposes? And I guess the question becomes, if you don't is there not an opportunity for development to happen in there that would be counterproductive to your overall objectives?

Hon. Mr. Forbes: — Well what happens now is that this is . . . The beauty of this, it's a landscape study so you have a whole area. And this is something that the RMs [rural municipality], you know, wanted through their planning, the planning — the Great Sand Hills Planning Commission, their work. And they do that through zoning and that type of thing. And so this would be something they would have to work out. But we don't anticipate that we would be at this point considering, you know, land purchases for that kind of thing.

But we know that the folks there do have a very strong environmental interest. I mean they are in many ways the best stewards of the land. And of course the ranchers and families who have been there for a long time really do know how to look after the land, and they have been doing that.

But of course you know what I found interesting as minister — the work that has gone on since '91 actually when you go back that far, thinking about improved farming practices, ranching

practices, that type of thing. So they've come a long way as we all have in terms of environmental practices.

Mr. Elhard: — It has been my experience that the landowners in that area are among the most careful stewards of the land, and they know exactly what the land will sustain and what it won't. And I guess I don't want to see anything happen that would limit their freedom to make those decisions in their own best interests.

What if the privately held land there though was made available for oil and gas development? There might be prior leases that had been sold in the area that have not been developed as yet. Is that an issue that you're going to have to deal with?

Hon. Mr. Forbes: — I was just checking with Mr. Sherratt. They most likely wouldn't have the mineral rights. They wouldn't own the mineral rights; that would be in the province's area, and so that wouldn't most likely occur.

But of course again you know we feel that the whole work that we're doing out there allows for more of an orderly process out there. So that we'll be able to identify land that's ecologically sensitive and land that maybe could play another role in terms of economic development.

Mr. Elhard: — I missed some of your discussion with my colleague earlier this afternoon. Are the rules and regulations as envisioned by this piece of legislation going to prevent any further oil and gas development in this larger area?

Hon. Mr. Forbes: — Not in the larger area. They will in the ecological reserve.

Mr. Elhard: — Mr. Minister, I took the liberty to send the legislation out to some of the RMs in the immediate area to just ask for their comment, and the indication generally was that they weren't too concerned about this legislation. It seemed to address some of the uncertainties surrounding the area.

But there were . . . I guess those comments weren't necessarily unanimous, and you can understand why because this whole thing came about as a result of a desire to see some economic development and increased development in certain areas that have been set aside as fully protected, where the local people said that area isn't as sensitive. That land specifically is not as sensitive as its designation; therefore development ought to be proceeding there which leads me to ask about the role of local input on some of those decisions. I don't see anywhere in your legislation where that's going to be sought or acknowledged in terms of where we go from here.

So what provisions will your government make as a result of this legislation and/or regulations associated with it to give local residents some say in the implementation of this legislation?

Hon. Mr. Forbes: — Well I would answer that in a couple of ways. One is I think it would be foolish for us to do anything without effective public local participation. In fact we enunciated that in my biodiversity action plan last year, that it's very key to have good solid public participation especially at the local level. And our work that we've done through the consultations that led up to the committee's report last year —

which is really for the foundation for this work — really did capture a lot of the local desires of the direction we should go.

Mr. Elhard: — Well, Mr. Minister, I don't think, I don't think that's entirely accurate. I know you consulted, and I know there was a lot of public pressure on the ministry to preserve this entire area. But when it came right down to it, there are people who have very good local knowledge who think that some of this, some of this restrictiveness is too onerous, that their knowledge at the local level of the land would permit some further development than I'm sure you're envisioning with this particular piece of legislation.

And frankly the legislation doesn't address further public consultation or further input by locals. I don't see it anywhere in the Bill itself, and we won't know what the regulations say for some time. So how are we going to assure the local people that they are going to have their say in this?

Hon. Mr. Forbes: — Well now I assume that we're talking about the larger area. And that's a very important piece that you raise. I mean essentially I understand that they often call this term ground truthing, getting out and actually seeing what's out there. And this was the rough edges from the work that was out previous to '99 . . . is that there were questions about was . . . what was the landscape really like. And so that's why we went into the committee work.

So Intergovernmental Affairs is working with the local people. One of the recommendations talked about a stronger governance model. And so they're working at that level. And of course that's under a different department, but I know that they're doing that as well. And as well the regional ecological environmental study — and I might ask Mr. Sherratt to speak to that specifically — but we are really working to include local public participation in the process.

Mr. Sherratt: — The regional study in terms of economic capital will look at land use patterns, at commercial activity and productivity, at income employment, and as the minister mentioned, governance. It will be done at a landscape level, and at the end of it, it will speak to disturbance over the entire area but leave the details of how that disturbance might occur to the local RMs and to industry who will also be part of this.

What we hope is that there will be an opportunity actually for less regulation rather than more at the end of the day. The regional study will determine as I say ecological considerations around development, but the type of development will be left up to local government and industry. If industry can figure out a way to lessen its footprint — which they're pretty good at — then they're going to have more of an opportunity, and we want to work with them. That's the whole idea behind this study, to give that freedom.

When we went and talked to the ranchers, we told them that the species that are there, the species at risk and that land is there because of them, not in spite of them. And that's the approach the study is taking, that that local knowledge is paramount.

Mr. Elhard: — How are you going to ensure that this local participation is going to be part of the process? What is your method of ensuring that reality?

Hon. Mr. Forbes: — I'm going to ask Ms. Stonehouse to respond to that. She's been wanting to offer a few thoughts.

Ms. Stonehouse: — Each component of the regional environmental study will include consultation with the local people. So as the study is underway, that will occur. And that will give both the private owners there and the other, the community, the rest of the community, opportunity to express the concerns that they have which will then show in the study. So during the study they'll have opportunity to engage.

And then when this is finished and there's a sort of overall set of recommendations, we hope by that time — we expect by that time — Government Relations will have finished its work with the RMs in terms of an appropriate governance structure, whether it's the planning commission or some new iteration of the planning commission that will take the recommendations from the study and work from there.

Mr. Elhard: — The planning commission, in my understanding, has done a very solid job. It has a very good reputation within the local community there, the area that is affected by all of this. And if I might recommend this, if I might be so bold as to recommend this, I think it would really stand this government in good stead to employ their expertise and take full advantage of their reputation and history. Even if you have to expand the participation to some extent, I think building on what's existent there would be good advice and would be well received. The notion of disbanding them and coming in with something all new probably wouldn't fly that well frankly in that area because they . . . like they're very jealous and protective of that region.

Hon. Mr. Forbes: — I would say that those are well-made points. When the committee's report came out last year when they talked about governance, it was more how can we support the local governance, not recreate necessarily but . . . And that will be a good discussion, how can we be there to support them in the work they do, the technical knowledge, and that type of thing.

But as I said earlier, it's really important, and I think this is a unique opportunity in terms of developing capacity using local resources in doing this major study. And I understand that we've mailed out the terms of reference already which do speak to local participation, and so we've made that commitment and it's in the mail.

Mr. Elhard: — Mr. Minister, you as part of this Bill have established the fact that the changes to this piece of legislation and the regulations cannot be accomplished without bringing the entire Bill back to the legislature. Do you anticipate once you have this study commitment completed, do you anticipate writing regulations that will enshrine sort of the local input as part of the process going forward?

Hon. Mr. Forbes: — I'm keeping an open mind at this point. I think it served us well when we launched the '02 committee review of the Great Sand Hills to keep an open mind. And it's one that I'm looking forward to the results and hearing where we go with that. But we just really very much value the local participation and their views on how to look after this area. And as you've said, and I agree and I think many people have said,

the locals have a very strong sense of belonging and stewardship of this area. And so we'll wait until we see what comes out of the study.

Mr. Elhard: — Mr. Minister, my reason for pushing this particular angle is that I don't know that 58 people in this building can make a more appropriate decision about what might or might not require doing in that area than the local people in terms of their knowledge of the area, their desire to protect and preserve that area to their fullest advantage. And so I guess what I'm saying is that I don't want to be responsible to make decisions as this Bill contemplates for that area when local people would know better what would achieve the kinds of results we're looking for there.

Hon. Mr. Forbes: — I would just reiterate though . . . and it's very important to understand that it was a part of the Great Sand Hills committee's recommendations that we protect a certain amount fairly quickly, and we create a level of certainty especially for different economic development activities like the gas development. They wanted to know where they stood especially in terms of the mineral rights, the gas rights that they had bought. They wanted to know, can we go ahead with these things?

And so that was where we were a year ago. And they were saying let's move. We know some of the stuff that we have to do, but we also know we need to do this study. And so I think that we're trying to accomplish both — give some clear signals about the mineral rights, protect what we know is probably the most pristine, rugged areas that represent those land features, but yet at the same time take some time to further reflect on how we can make this the best place.

Mr. Elhard: — To your knowledge, Mr. Minister, have any of the oil or gas leaseholders said, you know, given the time that it's going to take to get this all sorted out and the rules and regulations that will be applicable here, we're not interested in really proceeding? Has anybody, to your knowledge, said they'll give up on their oil or gas leases in the area?

Hon. Mr. Forbes: — They have not spoken to me. I might ask the deputy minister. But I would say that I met with a group in . . . Last summer, I met with Anadarko in the summer just after we had finished, and they were very happy about now they knew what was on the table, and they were ready to go. And they had been fairly frustrated with delays and delays, and now they knew what was on the table.

Ms. Stonehouse: — I might just add that we have actually a couple of companies who are in process with their environmental assessment on their existing rights. So we don't really see a drop off in activity. It's increasing.

Mr. Elhard: — Thank you, I have no further questions.

The Chair: — Thank you, Mr. Elhard. Mr. Hart? If there are no further questions, is Item 1 agreed?

[Clause 1 agreed to.]

[Clauses 2 to 4 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: An Act to amend The Ecological Reserves Act and to make related amendments to The Wildlife Habitat Protection Act. And we will report that Bill without amendment.

Motion to move that Bill forward. Ms. Higgins. Is that agreed?

Some Hon. Members: — Agreed.

Bill No. 98 — The Prairie and Forest Fires Amendment Act, 2005

Clause 1

The Chair: — The next Bill for consideration is Bill No. 98, The Prairie and Forest Fires Amendment Act. Mr. Minister, do you have any opening comments on this Bill, or are you ready to proceed with debate?

Hon. Mr. Forbes: — I do and I have quite a crew with me as well. I don't know if you want me to introduce the new folks that are here.

The Chair: — Perhaps you could invite . . . or I'll invite you to introduce your officials. I see Mr. Parkinson is here. He was here before, but let's introduce him tonight.

Hon. Mr. Forbes: — Okay. Well I want to introduce Alan Parkinson, associate deputy minister, compliance and fire and forest; and Lily Stonehouse, deputy minister.

Now behind me we have quite a crew, but I don't know. Is this list . . . oh, Dave Phillips. I'll just ask them to raise their hand. Dave Phillips is assistant deputy minister, resource and environment stewardship; Donna Johnson, director of finance and administration; Ron Zukowsky, director of program support and policy development. As well from the Watershed Authority, Stuart Kramer, president; Wayne Dybvig, vice-president operations. And as well from the office of Energy Conservation, Grant McVicar, the director. And I believe that is all the folks back there.

So I do have some opening comments here. And I would start by saying in 2001 a \$40 million Forest Fire Contingency Fund was put into place as a mechanism to ensure that funding was available to fight large forest fires. Since then significant changes to our approach to forest fire management, both operational and financial, have rendered this fund unnecessary.

This new strategy uses a values-at-risk approach to ensure that our firefighting resources are being used appropriately. Under this new direction, we continue to protect what's most important to people. The new strategy also allows fire, wherever possible, to play a more natural, beneficial role in the ecology of our northern forests.

Last year we implemented an increase of \$30 million to Saskatchewan Environment's fire management and forest protection branch's base budget. As documented in this year's budget, we are continuing to fund fire management and forest protection at this higher level.

The Forest Fire Contingency Fund was depleted during the difficult 2002 fire season and has not been replenished. Based on the above and to implement the recommendation of the Provincial Auditor to improve financial accountability of the province's wildfire management program, it is necessary to repeal the section of the Act that brought the fund into existence. So with that I'd take questions about the amendments and we'll go from there.

The Chair: — Thank you, Minister. Mr. Elhard. Oh I'm sorry. Mr. Hart.

Mr. Hart: — Thank you, Mr. Chair. Minister, prior to the change in allocation of funds for forest fire operations, the Contingency Fund was there and you said that there was \$40 million in the fund. Was there any other funds allocated in as a line item in the Environment's budget prior to the change that you've made in the last year or two?

Hon. Mr. Forbes: — You know, I am not sure. Lily, do you want to answer that? I'm not sure if I understand the question though. Are you saying this year?

Mr. Hart: — Well okay. When we had the Forest Fire Contingency Fund, you put \$40 million in that fund to fight forest fires, and now I see under the current budget estimates forest fire operations has \$68.4 million in as a line item. So what my question was is, was there money allocated elsewhere besides the Contingency Fund, you know, under the old scheme of budgeting to fight forest fires? And if so what would be an average figure that was allocated?

Hon. Mr. Forbes: — I'm going to ask the deputy minister to respond.

Ms. Stonehouse: — So there was funding in our departmental budget historically, at about 37 million. The majority of that is the ongoing costs of the branch.

Mr. Hart: — So now we have 68.4 so we're about \$9 million less in total then as to what was sort of the norm prior to the change. Is that correct?

Ms. Stonehouse: — Yes. Although the Contingency Fund was just that, a contingency. And some years, I think it was the first year not used at all, the second year used about 6 million. Alan, do you know? And then in 2002 it was . . . it was exhausted at that time.

Mr. Hart: — Thank you for that, Ms. Stonehouse. Is there any . . . Do you have the ability, in case we have a bad year with forest fires, to exceed this budget? How would you finance any additional costs over and above the \$68.4 million? It was my understanding that the Contingency Fund, I believe, had some ability to exceed its budget. I may not be correct in that but could you confirm that. And also as my initial question was, if we have a bad year and you need to spend more than 68.4, how do you intend to handle that?

Hon. Mr. Forbes: — This is a case, and I'll ask the deputy minister maybe to elaborate on this. But this would be a case if we were to exceed our budget for that then we would have to go back to cabinet and ask for a special warrant for increased

funding for that specific situation.

Ms. Stonehouse: — And that was the case with the Contingency Fund as well.

Mr. Hart: — So in essence then nothing's really changed except you have all your money in one pot rather than a couple of pots of money. But other than that nothing's really changed then. Is that correct?

Hon. Mr. Forbes: — That is correct, yes.

Mr. Hart: — Okay. So I'm of the understanding that the fund has no assets in it currently. Does it have any liabilities?

Hon. Mr. Forbes: — No, it doesn't have any assets or liabilities at this point.

Mr. Hart: — Okay, fine. Okay, Mr. Chair, that would be all the questions that I have.

The Chair: — Thank you very much, Mr. Hart. Item 1, is that agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 7 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows: An Act to amend The Prairie and Forest Fires Act, 1982. And it is cited now as The Prairie and Forest Fires Amendment Act, 2005. Is that agreed?

Some Hon. Members: — Agreed.

Mr. Yates: — Thank you, Mr. Chair. I move we report the Bill without amendment.

The Chair: — Mr. Yates has moved that we report the Bill without amendment. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Thank you. Thank you for your questions on this Bill.

**General Revenue Fund
Environment
Vote 26**

Subvote (ER01)

The Chair: — The next item before the committee is the consideration of the estimates for the Department of the Environment. Mr. Minister, if I could ask you to perhaps introduce the officials that you haven't introduced before and we'll proceed.

Hon. Mr. Forbes: — I think I do have them all but I do have one thing I would like to say, if I may. At our last meeting I did

bring some copies of our *Wildfire Management Strategies* but I did not have enough for everyone. So I'd like to table that with the committee. And here we go. They are very nice. And so I'll have the Page . . .

The Chair: — Minister, I think the committee would appreciate that. If we could have a Page bring them forward. All right, the floor is open. Mr. Hart.

Mr. Hart: — Thank you, Mr. Chair. Minister, a number of my colleagues have a variety of issues that they would like to discuss with you. So I think what we will do is we will start with my colleagues and then I will touch on those areas that we perhaps haven't touched on later on in the evening. So I would turn the mike over to my colleague, the member from Biggar.

The Chair: — Mr. Weekes.

Mr. Weekes: — Welcome to the minister and your officials. I have some questions concerning the TransGas natural gas cavern development in Grandora. I would just like you to give me an update on a number of things. The first question that comes to mind is the rate of the water dropping in the source well and where that is today. And what is it compared to before the shutdown in December?

Hon. Mr. Forbes: — I'll just get my officials to come forward.

The Chair: — Minister, if I could, I know we shift between officials here on a pretty regular basis in this department as I've seen these estimates a few times before. If you would introduce your officials as they assume their place and answer questions.

Hon. Mr. Forbes: — Joining me tonight is Wayne Dybvig. He's vice-president of Saskatchewan Watershed Authority, responsible for operations. And so he'll be assisting us tonight. And the question before us is the rate of the drop in the source well and how it is now compared to what it was last fall.

Mr. Dybvig: — When the pumping started, I guess, with the project, and when the shutdown occurred last December, it was about a 20-metre drop in the source wells. Pumping has been resumed now for about a month and a half. I'm not sure exactly how much more drawdown has occurred. We are putting the results on our website. So those monitoring results are available there. It was speculated that for completion of the project that there would be about an additional 7 metres of drawdown in the source wells.

Mr. Weekes: — Thank you. So you don't have the rate right now, the last measurements on hand?

Mr. Dybvig: — As of today I do not.

Mr. Weekes: — Could possibly your department, Minister, supply that information to me?

Hon. Mr. Forbes: — Now you talked about a website that has this information on an ongoing basis. And what is the website address?

Mr. Dybvig: — The Saskatchewan Watershed Authority website, so it's swa.ca.

Mr. Weekes: — Okay. Also do you have any up-to-date numbers on the level of the water in the aquifers both the Tessier and the second aquifer?

Mr. Dybvig: — Yes. The source wells are in the Tyner Valley aquifer and there's monitoring wells. I do not have the drawdown as of today. Again we have those and they are also up to date on our website. But we can provide those.

Mr. Weekes: — Could you also provide the latest testing of water, the quality of the water in the wells in the area? I would be referring to the land, the small holdings and farmers in the area. I understand there's been a number of tests done through the past few months. And would you have that information tonight or could you supply that at a later date?

Mr. Dybvig: — Yes, that could be supplied. There was a report done on the water quality and as part of the recommendations that came out of the Research Council report, we are continuing to do selective monitoring of some private wells there and that's going to be continuing on an ongoing basis.

Mr. Weekes: — Are you referring to the water depth and the chloroform as well, as far as tests done in the area?

Mr. Dybvig: — Yes.

Mr. Weekes: — When do you expect the project to be completed?

Hon. Mr. Forbes: — I'll ask Mr. Dybvig but I understand from the media that the first two caverns are to be . . . the water part of it will be completed in the next month or so.

Mr. Dybvig: — Yes. The first two caverns are to be completed by about July 1.

Mr. Weekes: — So are the construction of the two caverns taking place simultaneously or what's the process there as far as . . .

Mr. Dybvig: — There's two caverns that have been under construction and continue to be under construction right now and they are to be completed around July 1. And my understanding is that they will then start to store natural gas in those caverns and then start development of the next two caverns.

Mr. Weekes: — What's the dates of the development of the next two caverns?

Mr. Dybvig: — For completion I believe it's for the completion ready for the fall of 2006.

Mr. Weekes: — And where will they be developed?

Mr. Dybvig: — They're in the same vicinity as these two. I'm not exactly sure of the location, but they're in close proximity to each other.

Mr. Weekes: — Well I'd just like to pass on information from the citizens in the area. And as you should know, there's an increasing number of wells that are running short of water or

out of water. I am told that the testing that's been done is showing higher rate of chloroform in the communities' wells, in the farmers' wells, small holding wells. And there is a lot of upset people. And then they don't feel that they've been adequately looked after as far as mitigating their wells and the concerns.

I'll just relate some of the stories. Ron Stevens, who is the Chair of the Grandora water committee, he says when he waters his lawn it's white. There's a white film left on his grass. He's, you know, he's drinking this water as well, that's for his own use.

I have a couple letters in front of me that this one couple here that have several hundred fruit trees, 26 cattle, their household, and their well, their well is running dry. They've talked to TransGas, the Watershed Authority and basically to use their words, they're being brushed off by your officials.

And the other thing that is happening when they come out to do tests, they're not given the results at the time. I don't know why that would be a problem — give the owner of the land the results right there.

But in this one letter, in the second letter I have, they're just don't feel that they're being treated well by the officials when they come out. There seems always to be a disagreement about timing and access and it goes on and on, and they're running out of water. And their problems aren't being looked after.

Now I know speaking to you in person, Minister, you said they've, I believe, the Watershed Authority has hired an additional person to look into these concerns. These are all very new concerns. And they have the same concerns that they had basically, you know, six months ago or eight months ago, that they are having water quality and quantity problems in their own wells. And many of these are shallow wells. And in all these cases, there's no doubt in the people's mind there's a direct link between the development of the caverns when the pumping's going on and the shallow wells. And also people that have the deeper wells have obviously had a problem as well.

We talked about this many times in the past. I just want to emphasize that it's up to the NDP [New Democratic Party] government and the Watershed Authority and TransGas to do something about their water supply. These people in this area not only . . . I mean, it's a tremendous inconvenience but in many cases a concern about their health using this water when they get tests back and are told that it's not to be used for human consumption when a year and a half ago, it was perfect.

The values of their land obviously have been impacted because of the development of these caverns. And through no fault of their own, this problem has come on to them. And yes, they've taken you to court and they've lost, but that still doesn't answer the question, what are they going to do for water and who's going to pay for it? It's still a concern, if you could comment on that, Mr. Minister.

Hon. Mr. Forbes: — Well the first thing I would say, and I just want to make sure . . . And I've met with Ron, I think, at least three times with the committee. And we take it very seriously, water quality and quantity. To that end, we had the second

report done by Harm Maathuis, and it really helped an awful lot in terms of planning. Unfortunately I can appreciate the concerns that the local people have about their wells and water. It's a number one concern right across the province, right across . . . I mean, water is of huge significance in terms of people's lives.

And so we take this very seriously, and so to that end Watershed Authority is doing as much as they can in terms of mitigation. Will things be easy? It's a difficult thing, but we're working as hard as we can.

So if there are situations like that, I'd sure appreciate if you could either make sure they direct it to the Watershed Authority, or if they're not getting satisfaction, I would like to hear about that. And I think that our officials would like to hear about that because we know that they're going through some challenging times. So I appreciate your questions around this. But we've done the report. And I might ask Mr. Dybvig to comment on it. But we were concerned about water quality, too. We wanted to get to the bottom of that. But Harm Maathuis, in the report, didn't make a connection between the two. But I appreciate the concerns that Mr. Stevens and the people out there have. And so we're going to work really hard to make sure mitigation is met, and we'll go from there.

Mr. Dybvig: — I guess I could just add that we have implemented, attempted to implement, all of the recommendations that were provided by Mr. Maathuis in his report, including the additional continuing water quality monitoring.

I just mentioned the one individual that was watering trees just today. We were following up the individual that is irrigating Saskatoon berries and cherry trees I believe. And he has a shallow aquifer well and has dropped three metres. And we are currently investigating that, looking into it. One of the problems we have there is, when we go to measure, it's hard to get a stable level when he's actively irrigating, to find out, to try to compare that to previous levels. So we're having some problems there with establishing what's the baseline. But certainly there's one that we are following up with and trying to work with that individual.

Mr. Weekes: — Thank you. I would like to table this letter, and it may be the person that you're talking to if I could just . . . if someone could give that to the minister. That e-mail was given to TransGas, and it was passed on to me, so if you could look into that particular case and get back to those people involved and also reply to me about their concerns.

Again you have two caverns that are going to be completed, and you're going to start two more soon in that same area. The people in that area are just going to have continuing water problems for months and months and possibly years. And they're just not . . . they don't feel that they're . . . I mean they need water. And that's the story. They need adequate water. There's people with businesses and agriculture and households that are lacking water and lacking quality water. And you're going to go ahead and develop two more caverns in the next year. Well their concerns, their problem's only going to get worse. And there doesn't seem to be any light at the end of the tunnel as far as mitigating their concerns.

And sure you won the court case. Sure you've got a study. But at the end of the day, there's people out there that have water problems. And they didn't cause it. Your production of those caverns caused it. And they're paying the price. Is there any way of . . . I mean, there was a three-month shutdown. How much of a space is there going to be between the completion of the first two caverns and the second two caverns, the second two group of caverns? Because I mean if three months did seem to make some difference, but I mean if you're going to go right into it and start developing caverns again, well there's going to be tremendous problems in that area for water supply.

Hon. Mr. Forbes: — When we met, myself and Mr. Dybvig and Dick Graham of TransGas met with the committee, I believe it was in mid-March, and Mr. Graham was inviting the group to meet with them to talk about the last two caverns. He's very responsive to the concerns of the people out there, and I know that sometimes that they may not feel that way, but I would really invite them to work with TransGas on this. The first two caverns had been started, but Mr. Graham made the offer at that meeting that Wayne and I were both at to have a discussion about the last two.

But that was in March, and I would encourage Mr. Stevens to pick it up and say, so where are we at with the last two? And I don't know. I can't tell you right now, but that's, you know, the discussion we were having in mid-March. So I think that it'd be worthwhile, and I would encourage the folks out in that area to talk with TransGas and say, where do we go from here? And I don't know if they have since that time, and maybe you might know more than I do.

Mr. Weekes: — So there's a definite beginning date for the second set of caverns then?

Hon. Mr. Forbes: — That I don't know.

Mr. Weekes: — Is that something you could find out?

Hon. Mr. Forbes: — We could work to that, yes.

Mr. Weekes: — And it's all fine and dandy to have a local committee talk to TransGas, but to what end? I mean, I mean obviously there's a plan in place. I mean I assume TransGas has a plan in place, and I'd appreciate if you could find what that plan is. And if it's a matter of talking to the committee and postponing it for a few months to have some recharge take place, well I would think that would help alleviate some of the concerns in the community.

Hon. Mr. Forbes: — We'll make that commitment. We'll find out what the plan is for the last two and if it's worth the committee meeting with Mr. Graham to continue the discussion that we had in mid-March.

Mr. Weekes: — Okay thank you, Mr. Minister. I'd like to move on to another topic, the Highgate Dam proposal just outside of the Battlefords. And I guess to begin with, I'd just like the minister and your department's opinion of the merit of the dam.

Hon. Mr. Forbes: — Well I have to, you know . . . As you know, we're doing a major water conservation piece right now.

And we have some interesting opportunities and challenges here in this province. We know that water can be a major economic driver in terms of irrigation, in terms of agriculture. We know there's opportunities out there. There are costs that come along with it. I mean there's the actual physical costs of building dams, irrigation, that type of thing. I think that it's worthwhile to discuss this. I think that it's the right time to have a full, frank discussion about water in this province.

We have some unique qualities that make us very different than Alberta. We have much more . . . We're often compared. For example we have 100,000 lakes. They have 10,000 lakes. We have a much stronger capacity to hold water in this province than Alberta. Alberta has a much stronger capacity in terms of irrigation. They have invested their infrastructure dollars there.

I think that it's the right time for this province to have the good discussion about where do we want to go with water here. I think that we know there are issues in terms of how we use water, in terms of conservation, in terms of efficiency, in terms of how it's . . . I know that in Manitoba they're wrestling with the quality of water in Lake Winnipeg in terms of the dropping of the lake but also the pesticides or what they're finding the lake now. So there's some challenges there.

So we have met with the folks from Highgate, and we think that we need to have that discussion further. I just want to make sure that when we do this, that when you build a major dam like that one would be and you spend that kind of money, you really have to make sure that you have the big picture in place. I think that group does. I think it's exciting to be talking about, you know, visionary type of work. But water is of value, and it's an important thing that we treat well.

Mr. Weekes: — Thank you. Our caucus also met with the Highgate group, and it was a very interesting proposal. When you talk about what needs to be done in this province, Agrivision certainly has a plan to drought proof the province. I mean we are a province that has water concerns.

My next question really is, what stage is this dam proposal at? What's the next step that needs to take place in order to move it along?

Hon. Mr. Forbes: — Well there's several stages that need to go through this, and I might ask Mr. Dybvig to fill out what I might say.

But I think we're kind of at that . . . we're not quite at the pre-feasibility stage where we need to understand what are the costs, what are the true costs because some of the costs that they're using are from the 1970s. And so you can extrapolate using today's dollars versus the dollars of the '70s, what that might cost. So we have to do a pre-feasibility study.

And then because once you go into the next level where you're doing environmental impact assessments, that type of thing, it does get very costly. I would say that we might draw some parallels to what happened with the Boundary dam. That was the idea a couple years ago with Alberta as well on the South Saskatchewan.

But I'll ask Mr. Dybvig to sort of walk us through how that

might, that process might go.

Mr. Dybvig: — I believe that was the Meridian dam on the boundary of Alberta and Saskatchewan.

Yes I guess as the minister has described, the current estimates that have been provided for costs for the Highgate dam have been based on studies that were done in the early 1970s. And we had provided some assistance to the local group in updating those costs based on construction indices over that time period. And these are really quite preliminary. The work that was done back then was really very much an office study. There wasn't much field work done to come up with those estimates.

So at this stage now, to look further at the feasibility similar to what was done with the Meridian dam a couple of years ago . . . is there would have to be a pre-feasibility study that would actually have people go out in the field and perhaps do some test drilling to determine the suitability of a site, to get a better assessment of what the costs might be to construct a dam at a particular location, to get a more firmer cost estimate, more up-to-date cost estimate, perhaps do an initial screening of what some of the environmental issues might be and how they could be addressed.

And then also look at what some of the . . . those are the costs side, then what some of the mitigation might be, and also look at what some of the benefits would be, and try to put some determination of the economic value of some of those benefits to put the project in some kind of a cost-benefit perspective similarly to what was done with Meridian dam.

So with that then I guess, with the proponents, if that is undertaken by the local steering committee, then based on that information, a decision has to be made as to whether it looks practical to go on to the next stage which would be a more detailed assessment of cost and perhaps going forward with undertaking an environmental assessment process to determine what the impacts and what the full mitigation costs might be for the project to get a fuller and more detailed assessment of the costs.

Mr. Weekes: — What role does the federal government have at this stage? I understand there's a federal strategic water initiative that's available for funding for doing some of the studies.

Mr. Dybvig: — Currently there's a Canada-Saskatchewan water supply expansion program that is jointly funded by Canada and Saskatchewan, and there is a program under that agreement that does provide money for feasibility kinds of assessments. And I believe we have advised the group that they should look into the availability of funding from that program to undertake a feasibility study.

Mr. Weekes: — At some stage I assume there's going to have to be public hearings to have the local people voice their concerns or support for it. Is that being proposed?

Mr. Forbes: — We haven't got nearly to that stage of public hearings on it. So that's still out there.

Mr. Weekes: — The actual construction, how would the

financing take place? Who would be . . . what level of government would be responsible for the funding of construction, maintenance, operations, those types of questions?

Hon. Mr. Forbes: — Well that's the \$64 million question. You know this is the whole thing that we have to talk about — how would the funding come about. And I think it would be . . . we really need to take a look at what Wayne talked about in terms of the cost-benefit ratio, and is this a project worth going forward to, and who's getting the benefits and who would be, who would be most likely to pay.

You know for example, if it's one that we're going to be able to get a lot of hydroelectricity, should SaskPower be paying for it? Is it one that there's going to be more agricultural benefit, then who should be paying? So really when we take a look at that and the group takes a look at where their benefits are going to be coming, you know, identifying the benefits, then that's probably when we'll start to take a look.

But at this point, you know, this idea is driven largely from that region of local people who are saying it's time to look at this. So we're working. We've offered to provide, you know, support in ways that we can. But really at this point, it's still a locally driven project.

Mr. Weekes: — I understand that the federal government would pay for the bulk of the construction of the dam. Would that be fair to say that?

Hon. Mr. Forbes: — Yes, for me it would be premature. I don't know, you know, why that . . . I'm not aware of that. Maybe . . .

Mr. Dybvig: — I don't think there's any particular program that would say the federal government would have money necessarily for funding a dam. They have built dams in the past and they own dams in Saskatchewan, but I'm not aware of any program that would be available right now.

Mr. Weekes: — Would this, again given the lack of the studies and the knowledge of the decision to go ahead, but would this project lend itself to a public-private partnership as far as sharing the cost of running the dam and also incurring profits?

Hon. Mr. Forbes: — I would say that again it would be premature to take a look at this because then you would have a question of some of the ownership issues that we would have and what that might mean. It gets very complicated. And so I think we would have to, you know, take one step at a time here and identify what the benefits are in this area.

I'm not ruling it out but we haven't thought that far ahead and floated that idea. I'm not sure if, you know . . . We'd have to take a good, long look at that.

Mr. Weekes: — The group that we met with talked about hiring a project manager in the near future. Is there funding from the provincial government or is there funding from the federal government to hire a project manager?

Hon. Mr. Forbes: — They haven't approached us for a request for specific funds like that. They've asked more for some

general technical assistance, some, you know, work that we've already done, just some advice that the Watershed Authority might provide but not any specific funding requests to date.

Mr. Weekes: — Well thank you very much, Minister, and your officials for the answers. I appreciate that.

The Chair: — Thank you, Mr. Weekes. Ms. Eagles.

Ms. Eagles: — Thank you, Mr. Chair. Mr. Minister, I have been contacted by someone regarding the privately owned waterslides within Moose Mountain Provincial Park. Now he's speaking on behalf of the owners and their issues are regarding the insurance. Of course safety is ours and I'm sure their paramount issue with this. But apparently they are having trouble getting insurance. They're required to have a \$2 million liability and, as I said, they're having trouble getting this.

Now the gentleman I spoke to said that they had met with officials from your office on April 28 regarding this and, according to him, someone was supposed to get back to them. But as of this morning they haven't heard from anyone. And I was just wondering if you could explain to me what is happening regarding this issue.

Hon. Mr. Forbes: — Well we have some delightful news for you tonight. And they have been able to find an insurer, we understand. Lloyd's of London has come through. In fact, actually it was a last-minute phone call on Friday afternoon about 5 to 5. And so this is very good news.

We feel very strongly that in the parks that there is appropriate insurance. When families take sometimes a holiday in the parks, they should know that regulations and the supports are there.

So I'll ask Dave here. It's within his realm of responsibility. But we were just delighted because we were deeply concerned about this too. The waterslides have become well known in Moose Mountain Park. And so Dave, if you want to give some details here.

Mr. Phillips: — Yes. There was a letter sent early on Friday afternoon to one of the directors of Kenosee Superslide confirming the province's policy requirement for a minimum of \$2 million in aggregate insurance. As that letter was delivered by our park manager to the director, the director had indicated to our manager that they had in fact been successful in securing insurance coverage from Lloyd's of London as a registered insurance company in Saskatchewan.

I understand there was a shareholders meeting on Sunday afternoon. I'm not familiar with the outcome from that meeting, but they certainly are in compliance with the insurance requirements and have what we require.

Ms. Eagles: — So thank you for that. So by the meeting on Sunday, they were all aware that they were insured then?

Mr. Phillips: — Yes. My understanding, department officials were not in attendance at the shareholders meeting. But as I mentioned, the requirement was communicated on Friday afternoon and the indication from Kenosee Superslide was that they had successfully secured the insurance that they didn't

think they were going to be able to up until then.

Ms. Eagles: — When you got this information successfully from Lloyd's of London, could you tell me — it was for a \$2 million liability — how much the premium was?

Mr. Phillips: — My information is the premium was approximately 75,000 per year and the coverage requirement is for \$1 million per incident and \$2 million in aggregate.

Ms. Eagles: — So does this relate pretty close to what they paid in previous years then?

Mr. Phillips: — My understanding is that the premium is higher than what they would have paid in past years. There's also a requirement. The insurance carrier will do an inspection of the slide, identify any required — well I wouldn't say repairs — but any upgrading that's necessary to minimize their risk. And that site visit will occur sometime in June.

Ms. Eagles: — Well I thank you very much for that. I'm sure they are extremely happy because water sliding season is almost here and they were getting pretty concerned about this. So I thank you very much for that.

The Chair: — Mr. Hart.

Mr. Hart: — Thank you, Mr. Chair. Minister, there's a couple of items that we touched on in previous estimates that I'd kind of like a bit of an update. One is the Qu'Appelle Valley lakes and the water levels. I believe at one of our earlier estimates last month I asked you if there was an agreement with any of the bands. Last year there was a one-year agreement with the bands and that agreement affected the water levels of Pasqua and Echo lakes.

When I raised this issue the last time you said there were some negotiations happening and you were hopeful there would be an agreement at least for those two lakes. Can you provide us with an update as to what the current situation is in that area?

Hon. Mr. Forbes: — The current situation is that I'm more hopeful on the upper lakes. The lower lakes . . . [inaudible interjection] . . . I know. The lower lakes is a little bit more dicey than the upper lakes and we continue to negotiate. Mr. Dybvig is quite involved.

As you know our role here is supportive of . . . It's very much a federal, First Nations bargaining issue as they work through it. But clearly we have a role there in supporting the federal government in resolving this issue. So clearly we want to see this resolved and we know the people there want to see it resolved.

But I am actually to . . . that we are more hopeful about the upper lakes and that something will be able to be put together. But until it's done, until it's done, it's not done, and so maybe we could keep talking about this. I know we'll be meeting again next week so . . . But I'll ask Mr. Dybvig if he would like to say a little more about this.

Mr. Dybvig: — Yes. I think we've continued. We've been in negotiations now since January on the . . . with the Pasqua and

Muscowpetung First Nations on Echo and Pasqua Lake. And I think it's very . . . quite promising in terms of us being able to get an agreement. That has still not been finalized yet.

On the lower lakes we have recently been advised that the federal government has now hired officially Mr. Si Halyk to initiate negotiations with the First Nations on Crooked and Round Lake. And he will be starting that process, I think, this week starting with one of the bands. So I think that holds some promise that, and he's been . . . And part of his terms of reference are to initially try to seek an interim operating agreement with the First Nations.

Mr. Hart: — So did I understand you correctly when you said that Mr. Halyk was engaged to negotiate for the lower lakes, but he's not negotiating for the upper lakes, Pasqua and Echo lakes?

Mr. Dybvig: — No, there's been a negotiator in place now for a few years that is dealing with Echo and Pasqua Lake. And process has been established there in terms of undertaking . . . Studies have been initiated that will support the negotiations for a long-term settlement, and the negotiator that has been in place is continuing there. But a different negotiator, Mr. Halyk, will be doing the lower lakes.

Mr. Hart: — So then what we have is two sets of negotiations happening, one set with the lower lakes and one with the upper lakes. Now when you, Minister, when you talked, you're hopeful to have an agreement, are you hopeful to have a one-year interim agreement as we had last year? Or where have you got the most amount of hope placed, Minister? Or are you hopeful to have a long-term solution?

I guess the residents of the valley, you know, would like some sort of assurances that, you know, perhaps we can see reasonable, you know, water levels somewhat near their traditional levels in the two lakes as we had last year. Just where are we at with those two agreements, the long-term and the one-year interim?

Hon. Mr. Forbes: — I would say that we learned a lot in the upper lakes with a one-year interim agreement last year, and the hope was that that would form a basis for a permanent solution. But clearly it didn't, and we are still working towards more of a . . . Well I'm a little reticent to give too much information at this point because we are in the process of negotiating. And I would say that we are making some movement in the upper lakes, and I think that it's a good sign that we've got the same negotiator. He's been able to develop a good working relationship there, and we'll see where that goes.

But I think everyone — the First Nations and the two levels of government, federal and provincial — really want to see this resolved as quickly as we can. There's some major issues though. And again as we deal with water, that these need to be long-term, durable solutions. Water quality and quantity are the, you know, the main pillars here. And so we want to make sure we do it right. But I am more hopeful right now. I shouldn't say more hopeful because . . . but with the upper lakes there's been some good things.

I would say — and maybe Mr. Dybvig may correct me — but I'm thinking that essentially we're looking . . . It's two

agreements in the upper lakes. And so we have moved away from one blanket agreement with the Qu'Appelle Valley because that was difficult for us to find one solution that fit all. And so we had two interim agreements that happened to be in the upper lakes. And so we're working with that and we'll proceed with that.

Mr. Hart: — If memory serves, I recall that last year's interim agreements, there was a financial aspect to the interim agreements. I still haven't got a sense from you that . . . whether there was actually discussions taking place at this time about a one-year agreement as we had last year and then had another set of discussions, a long-term agreement.

Hon. Mr. Forbes: — I should be very clear about that. And I want to make sure that we're having good discussions. Things are moving along. So that's very good; that's very promising. And so at this point though, our goal is to — and the First Nations and the federal government — is to arrive at a long-term solution to this. But I can't say what we're working at right now because we are in negotiations. And I can't say much more than that.

Mr. Hart: — Well you really don't offer much to the residents of the two lakes, you know. They, I guess, would like to know whether they should prepare to extend their docks, you know, plan their activities around whether the stop logs will be put back in the weir at Fort Qu'Appelle to maintain a reasonable level of water. I believe at this time the water is flowing freely and the lake levels will start to decline, I would think, fairly soon, you know.

And the residents are out, you know, left out in the cold as such. They don't know what's really going to happen for this coming season. And they would really appreciate to at least have some indication from you, Minister, as to whether there is a 70, 80 per cent chance of having another one-year interim agreement. And if not, you know, what are the stumbling blocks? Is it a lack of funding as we had last year from, I believe both levels of government were involved in last year's interim agreement? You know, just what can you tell the residents of the two lakes, the two upper lakes?

I mean the residents of the two lower lakes know nothing's going to happen. It's very unlikely that anything will happen this year because these things seem . . . this has been an ongoing situation and it would be very surprising. It would be a very pleasant surprise I'm sure for all parties involved if resolution could take place at the two lower lakes. But the odds are that that's probably not going to happen at least not for this summer season. But what are the odds of a short-term agreement in the two upper lakes?

Hon. Mr. Forbes: — Well as with bargaining, I can't tell you what the solution is until the contract or the agreement is public and that would be premature to do that because it would be unfair to the parties involved. All I can say and I would want to say to the people in the upper lakes is, what's really good news is that we are talking and we are making progress. And they should feel encouraged by that. And that's always good news.

And I think that to the folks who have cottages in the lower lakes, I think that's good news about Si Halyk. I think that's a

good sign that the federal government has decided to move forward with that and try a different tack. Clearly they're committed to resolving that. It's a difficult situation but as long as we keep trying different approaches, then that's a good thing. So I would say they should feel optimistic.

Mr. Hart: — Minister, I must admit I can't quite share your optimism. I guess another question, perhaps you can answer this; it's not tied to negotiations. At what point in time will the stop logs have to be placed in the weir at Fort Qu'Appelle to maintain some reasonable lake levels as per the last 10 years? Is there an approximate date when we have to shut the dam or are we . . . and after that point we're, you know, we're going to be down to the levels that were prior to the dam being in place. Like can you give us a time frame as to when we need to see those logs going in?

Hon. Mr. Forbes: — I'll ask Mr. Dybvig to talk about the logs.

Mr. Dybvig: — This year we were fortunate to have a pretty sizeable runoff in the Qu'Appelle system and so the structures have all been open as they normally would be for this kind of situation. And the levels on Echo and Pasqua were above the normal operating level and have been slowly dropping. They're now down to close to what they would be if the structure was operated.

We still have a fair bit of water in the system. We have water coming out of Last Mountain Lake which is at the upper end of its operating range. So if we were to operate any time within the next couple of weeks, we'd be able to maintain levels at their normal operating level.

Mr. Hart: — Thank you. So, Minister, are you anticipating being able to make a good news announcement within that time frame?

Hon. Mr. Forbes: — Well I'm hopeful. That's a good way of putting it.

Mr. Hart: — Well thank you for your hope there, Minister. A couple of questions dealing with . . . I noted that there was a news release; there's some work being done at the Katepwa weir. Could you just briefly explain what's being done and perhaps the approximate cost on the work that's being done and the time frame.

Hon. Mr. Forbes: — Sure. Yes, I'll ask Mr. Dybvig to answer that.

Mr. Dybvig: — Yes. The Katepwa weir is about 30 years old. And the wooden, what we call wooden cladding that covers part of the structure is in significant decay and needs to be replaced. So there will be planning to do this work this summer, and that's restoring the timber cladding across the weir and also refurbishing the gate control structure. This cost would be in the order of about \$230,000 is our estimate.

Mr. Hart: — Good. Thank you for that. Minister, last . . . It started last summer and went on through the whole, all fall. The Department of Highways were doing some repair and renovation work to a bridge at Fort Qu'Appelle that crossed the Qu'Appelle River. And there was quite a lengthy delay; in fact

the work never did get completed. And when residents asked about the delay, they were told that there was some problems with oceans and fisheries. Are your officials, are you at all familiar with the situation there, and if not, in maybe in more general terms then, can you sort of explain the role that the federal department of oceans and fisheries would play in that situation.

Hon. Mr. Forbes: — Sure. I'm not aware of that specific situation but again . . . I'm not sure if that falls under your realm or is it . . .

Mr. Dybvig: — I could comment, I guess, just in terms of what Fisheries and Oceans' responsibilities are. When Highways does work — or anybody does work, even ourselves — in a river channel, you have to look at what the impacts could be with fisheries. And if there are any impacts potential to alter the fish habitat then there's a requirement for DFO [Department of Fisheries and Oceans] to issue a permit to allow that work. So if the work that Highways was doing require . . . would have caused an impact to habitat and required a permit from DFO then that could have been a holdup because they have to assess what mitigation can be done and issue a permit to do the mitigation.

Mr. Hart: — Thank you. I can understand that if the bridge was being expanded or lengthened or I'm not . . . I don't believe any of those situations were in play. I'm hoping to perhaps ask the Minister of Highways about the situation this evening yet.

But it just seems to me that oceans and fisheries are playing an increased role — I guess I'll leave it at that — in the province whether it be in this scenario or with RMs putting, you know putting culverts in and that sort of thing. I mean in fact to most . . . a lot of people are of the opinion that they're just overstepping their bounds or their mandate is something that the citizens of this province really don't understand and don't feel there's any necessity for that. What exactly is the relationship between that federal department and your department on these matters?

Hon. Mr. Forbes: — I'll ask Dave Phillips to comment on it. But it's one that we often hear and it's one that we're often working on in terms — especially regulations. So this confusion or, you know, two sets of regulations . . . and it's pretty frustrating for people as they try to make their way through it. And no one is out to harm the environment. But as you say, when the bridge is already there and it's already in the water, what more could be there?

So this is something we're working on and Dave can give you more specifics. But we've been trying to, trying to streamline our working relationship with . . . or the regulations and therefore our relationship with these folks so that people out there aren't as frustrated as they might be. So I'll let Dave answer that a bit.

Mr. Phillips: — Maybe just situate this in history. Historically Fisheries and Oceans Canada did not have a significant presence on Prairie Canada. Their concerns were mainly coastal or marine fisheries. About five or six years ago the federal government adopted a different policy and began to exercise more active enforcement of the Canada Fisheries Act

provisions, most specifically related to fish habitat protection. We've been working with Fisheries and Oceans over the last three or four years to come to an agreement on roles and aiming for a single-window approach. I understand that we made some progress.

I am also aware that Fisheries and Oceans Canada is going through an organizational change related to budget rethinking, redesign. We've spoken with senior officials in Ottawa and been advised that the present plan would be for a reduced emphasis in Prairie Canada on particularly the enforcement, the fisheries officers, the armed fisheries enforcement officers — fewer of them and a shift to compliance assistance. So more biologists to work with project proponents to advise them on design features that would need to be accommodated to avoid a negative impact on fish habitat. But with respect to relationship, we try to coordinate but they operate under separate federal authority which, you know, they exercise.

Mr. Hart: — Thank you for that. From what you've said it sounds that perhaps we will see a little more common sense in the application and the performance of their mandate and enforcement and those sorts of things, because really putting a culvert through a road between two sides of a slough, really where there never was any fish doesn't make a whole lot of sense to many people. Certainly when you have streams and rivers and lakes with fish in, you know, people can identify and see that there is a role, perhaps a role for these people. But I think having one agency dealing with those issues, I think would probably be much more palatable to citizens of this province.

Minister, I'd like to move on to another topic that we touched on earlier in earlier sessions of estimates and I would just like to go back and that's to do with this whole area of orphaned fuel storage sites and existing sites. And I'd mentioned, I believe, in previous estimates that I was dealing with a constituent who had an assessment done on his piece of property. He's the owner of a service station in one of our smaller communities in the constituency. He's given me an update of what it would take to remedy the situation with his piece of property and frankly I guess maybe I could set the scene a bit.

The owner-operator purchased the property some 18 years ago. The fuel storage tanks were just replaced prior to this individual purchasing the property. There was an assessment done because the individual's looking at selling the property. And there was some . . . some leaked fuel was found in the soil. And an estimate was done to rectify, to deal with the situation.

And to say the least, the costs are very onerous. I have a breakdown of the various costs, but the grand total is \$96,000, which for a small — well not only a small, but I think for most operations — that would be very onerous. In fact the individual said that's . . . I didn't ask him what he's asking for his property but he said there wouldn't be much left, if anything, if he had to pay for these costs.

And we discussed this at a previous session where it seemed to me we need to have some sort of a program or policy, a program in place where individuals like this . . . I mean I don't think this individual was the one that was responsible for all the pollution. He only owned it for 18 years. The fuel tanks were

replaced just prior to him purchasing the property. This business has been in operation for 40 or 50 years or longer.

And so what's happening now is the current owner is shouldering the entire . . . is asked to shoulder the entire cleanup costs for pollution that has taken place over a period of 50 years, let's say, even though there is no evidence that the current tanks are leaking. But the owner says okay, if there is a bit of . . . he's willing to do his share but not carry the total cost.

Are you looking at . . . Is there anything, any recourse for this individual? Because he may not have any alternative but just to walk away from the property and then the small community will end up with it. And I don't think that's a desirable solution to this problem.

Hon. Mr. Forbes: — Well I appreciate the question and it's one that . . . That sounds like a very steep bill. And I know people in rural Saskatchewan in small communities, that's a . . . you know, when you're thinking about the price that you might sell your property for, that would certainly take a big chunk of it.

Now our principle is that the polluter pays. And it's interesting that he's had it for 18 years but that he had . . . there was a previous owner who had the same facilities there. In fact it sounds like he had replaced the tanks just prior to him buying it.

So I'll ask Dave to give details on it but my own thinking of course is that he may want to follow up with the previous owner because . . . Well I'll let Dave take it from here.

Mr. Phillips: — I think your question might be, could we go after the original owner who sold the property to the person that's raising the issue with you? I'll need to get advice on that question. Typically when a property is purchased, liabilities that go along with that property go with the sale. But we also operate with the policy position that the polluter pays. So if there was a misrepresentation in the sale, for example, there may be something that could be done. I don't know the correct answer to that question.

Mr. Hart: — I would suspect 18 years ago there wasn't really a whole lot of concern about whether there was pollution. I mean, this is a new environment that we are working and living in these days. I think these concerns and these environmental concerns dealing with spilled fuel, whether it be gas or diesel, I would doubt very much that the current owner would have any recourse by pursuing the former owner unless under your environmental protection regulations there may be something.

But again, it just seems to me we need to have something other than polluter pays, because the previous owner may not be living in this province any longer and in fact may not be living, period, and that sort of thing. And as I said, \$96,000 is very unlikely that the current owner would be able to shoulder such an expensive price tag to get this situation cleaned up.

And what the end result will be is that the small community will end up with an orphaned site. And, you know, you mention that there's about \$300,000 left in a fund. You know, I'm sure there are numerous instances like this around the province and \$300,000 isn't going to go very far to cleaning up some of these

sites. And I would urge you to look at a solution that's fair to all parties in a situation like this.

Hon. Mr. Forbes: — I appreciate the comments and the observations. When we do set programs like this in place, though, of course with limited resources we go after priorities and the priorities were orphaned sites where we clearly knew there was no one who could accept the responsibility. So I think though that you raise a very important point. We want to make sure rural communities are vibrant and can keep going. So point well made.

Mr. Hart: — Thank you. As a result of raising this issue, I was contacted by a concerned citizen in the city of Regina who has identified at least that he knows of in his immediate area a couple of those sites that are similar but in fact there are no longer service stations. They once were. There are buried tanks on the property. I believe he has evidence that there is still old fuel in these sites. He has raised this issue with both your department and the city of Regina and it just seems that it's not going anywhere. And he's quite concerned because I believe at least in one of the sites there is a community program involving youth taking place on one of the sites. And he's quite concerned about the whole safety and environmental aspect of this.

Do you have any statistics as far as the number of these sites as I've described that are in Regina or Saskatoon, in our major cities? I think in our smaller communities most people remember that there was a service station here, that sort of thing. But have you done any work at all in your department to quantify that type of a situation?

Hon. Mr. Forbes: — I'll ask Dave.

Mr. Phillips: — In 2000-2001 there was funding made available through the Centenary Fund to pursue orphaned petroleum sites. At that time an inventory in the municipalities was done. There were 450 sites identified to the knowledge of the people at that time, recognizing that there are other, much older sites that might not be known. Three hundred and seventy of those went through a phase 1 site assessment. The 130 highest risk and moderate risk sites were actually cleaned up under the Centenary Fund.

I know the department has been in contact with an individual in Regina concerned about a property that might potentially be made available for a, I think it's a Métis friendship centre if I'm not mistaken. There is an owner of that site. The owners presently live in Ontario and we and the city are pursuing them for the costs of cleanup.

Mr. Hart: — I understand that this situation has been going on for two or three years at least, perhaps longer. Could you provide an update as to what's happening?

Mr. Phillips: — One hundred and thirty sites have been cleaned up under the orphaned fuel site program. With respect to the city of Regina site, there is recent correspondence that the minister might provide.

Mr. Hart: — Thank you. It's warm in here. Thank you for that. I believe my colleague from Cannington has a few questions so we'll ask him to enter into our discussions.

The Chair: — Mr. D'Autremont.

Mr. D'Autremont: — Thank you. Mr. Minister, officials, just to follow up on one question about the fuel storage tanks. How is the soil that is removed from a contaminated site dealt with?

Mr. Phillips: — Typically that soil is land farmed which means that it's spread on a secure site, typically impervious clay, rotovated occasionally, and the . . . it's called volatile organic compounds, but the fuel vapours essentially evaporate into the atmosphere. Depending on the contamination it can take four to six years for land farming to clean the soil.

Mr. D'Autremont: — So because it's, the volatile material's allowed to escape into the atmosphere is there any concern there that you're simply trading land soil pollution for air pollution?

Mr. Phillips: — There's no question that those vapours contribute to contamination of the atmosphere. But it's much less significant from an environmental health or human health risk point of view than in the soil where it can migrate with groundwater movement and could show up in service connections to buildings or potentially contaminate water supplies.

Mr. D'Autremont: — Has there been any thought given to washing and reclaiming those materials?

Mr. Phillips: — My understanding is that best practices is land farming. There are also sites where special vegetation plantations can be used, for example poplar trees that speed up the removal of contaminants from those soils.

Mr. D'Autremont: — I know in the oil patch there's a place down south of Weyburn that recovers, reclaims soil that has been contaminated. And they extract . . . while it's not refined product, it's oil that has . . . oil and possibly salt water. I don't know about the salt water for sure but certainly the oil materials are recovered from the soil. The soil is washed and the material recovered. Would that not work as well for the refined oil products?

Mr. Phillips: — I think a couple parts to the answer. I think the refined oil products are generally less dense and you know migrate more quickly or much of it evaporates. Also typically with contamination of soil around an underground tank, the extent of the contamination might be less than what you would see in a, you know, a facility dedicated to petroleum production. So that the volume of available contaminant within the soil would probably be quite a bit less than in an oil well development.

Mr. D'Autremont: — Well it may be or I suspect it may not. While when you get an oil spill on the surface it does look terrible. It generally isn't very deep. It's generally just a surface application. And while not easy to recover, it certainly is possible to recover it. Whereas an underground tank, it's quite often not found for a considerable period of time and so it's migrated and it's multi-layered in various soil classes. So has any studies been done on the feasibility of washing and recovering the material versus the aerosol method of evaporation?

Mr. Phillips: — I don't know the answer to that. That would be information that we could check into it. It typically would not be research that would have been directed by our department, if any.

Mr. D'Autremont: — Okay. Thank you. I'd like to go on to another subject and that's the provincial parks. And last year there was a considerable hullabaloo across the province when the provincial government, the parks department, tried to raise the lease fees based on the assessment of the properties. Where is that at and what's happening in that particular area?

Hon. Mr. Forbes: — Okay. Well what we have this year is we're working with the cottage owners to develop a fair method. Again, Dave's been quite actively involved with this. But we have frozen the fees that they would be paying this year to last year's amount. We want to make sure that . . . We've had a pretty good working relationship with them. We want to develop a long-term solution to this so that we don't find ourselves in a situation where fees have to be increased after 11 years.

So we're working with the group. And that's where we're at right now. Dave, if you want to throw in a few more details. Dave's been working with the group specifically.

Mr. Phillips: — Since October department officials have been meeting with a group of five representatives from the Provincial Parks Cottagers Association. Recommendations from those discussions led to a government decision to reduce the maximum cap in application on the '04-05 year from 600 to \$300; most recently the decision the minister referenced to freeze fees at the level, final level of last year. Discussions continue. Letters have been sent to all of the 2,156 cottagers advising them of the freeze that's in effect for the '05-06 year, advising them that discussions will be taking place park by park with their associations over the course of the summer. And progress is being made.

Mr. D'Autremont: — You say the fees were froze at last year's number. That would be the tax assessment plus the \$300 increase, is that where it was froze at? Or a maximum of \$300 increase? Okay, thank you. I take that a yes.

As you are negotiating now with the leaseholders with the various parks, what method of assessment . . . And I think that's the area that was of great concern last year, was how was that assessment arrived at and what method of assessment was in place to determine the value assigned for lease purposes? What method of assessment are you proposing to use? I recognize it's under negotiation, but what's the province's position?

Mr. Phillips: — The group that we're working with, the Provincial Park Cottagers Association representatives, have asked us to examine alternatives different than the basis for the 2004 plan that was announced, which was fair value assessment. The department has contracted with an independent consultant to examine possible options that could be presented for discussion with the association and lead ultimately to recommendations back to government in the fall of this year. Those options are just frankly right now being developed by our consultant. We expect a product from him in the next two weeks. And he's in conversation with both the department

officials and with the five association representatives in developing these three options.

Mr. D'Autremont: — When you use the term fair market value, are you talking fair market value within the park proper or fair market value within the surrounding communities? Because it was my experience last year in discussion — Moose Mountain in particular because that was the one in my constituency — was that the leaseholders within the park didn't feel that the fair market value representation of sales within the park or the transfer of property titles was reflected within the surrounding communities. The surrounding communities had more services, that the assessments were higher there, that the real market values were higher than the leases were for the transfer in the park. So are you talking assessment then fair market value within the surrounding communities or just within the parks themselves?

Mr. Phillips: — There's two parts to the answer, I believe. The 2004 plan which has been set aside pending conclusion of the consultations was based on comparison with similar sized resort communities across the province. So not necessarily the neighbouring community to any particular park but to comparable resort villages.

In the circumstance of Moose Mountain there was an apparent . . . I don't know if I'd call it an error. There's something not right with the land values that were originally obtained from SAMA [Saskatchewan Assessment Management Agency]. They didn't seem to accurately reflect what properties were actually trading for. The department has committed to examine that, made that commitment to the Moose Mountain cottagers association. We expect to be returning to do that in the coming year. At the present time we're working to conclude the alternate fee design proposal in discussion with local cottagers.

Mr. D'Autremont: — Okay, thank you. I'd like to shift now a little bit to hunting. Has there been any significant changes over the last five years in the number of hunting permits issued? Has there been a number of . . . any changes within the individual species over the last five years, either up or down?

Mr. Phillips: — There have been changes, annual changes, in the quotas made available for the big game draw for individual species. I'd use pronghorn antelope as an example where, with the population improving, the number of licences made available each year has increased. The general hunting seasons that are not allocated under the big game draw, with the exception of which zones are open and for which periods, the number of permits is not controlled. Licence sales have remained relatively stable for most species over that period.

With respect to game birds, waterfowl populations remain well above management objectives for most species. The level of resident participation is generally declining and non-residents increasing for waterfowl. Upland bird populations have improved in recent years, particularly sharp-tailed grouse and Hungarian partridge. So the number of people buying bird licences reflects, you know, apparent levels of population and also, you know, general interest in the season.

Mr. D'Autremont: — Okay. Thank you. Have there been some major changes in any of the major big game population

numbers? And the reason I ask this is the regular moose season seems to have been shortened up. There is no late season now. And also in the areas zone 60 to 62, there is no regular season. But I do note that there is guided moose in those three zones and that they do get to run into mid-November. So what's happening there, and what's the reasons for this?

Mr. Phillips: — In recent years the bull/cow ratio in our provincial moose herd across the forest fringe has been decreasing. The adjustment in season dates which was initiated last year and expected to continue for the next two years was designed to relieve some of the pressure on bulls and enable us to rebuild populations to a level where both the early and late seasons might be re-established.

There was a survey done of moose hunters in making the choice of whether to be more restrictive on quotas or move to the bulls-only season with a different timing. It was the preference of those surveyed to set the season as it was. We did hear concern, particularly from farmers who were hunters with the timing of last year's moose season. We triggered some of that to the delay in the harvest which made it difficult for farming hunters to take advantage of the moose hunting season.

Your question was about zone 60 to 62. In the Saskatchewan River Delta, moose populations have declined ever since the road access first went into the river delta in the mid-'60s but especially in the last five to ten years. It's believed to be the combination of sport hunting as well as unregulated subsistence hunting in the area. There is a moose management committee operating in the area that is consulting with the Red Earth and Shoal Lake, Cumberland House and The Pas First Nations. So far, recovery of that population seems something that we are aiming for but the level of harvest for sport hunting has been reduced for responsible management.

With respect to outfitted hunting continuing, the traditional moose hunting — guided moose hunting — in the Saskatchewan River Delta is delivered by a small number of local outfitters and guides strictly controlled under quota, and the quotas remain the same. The timing for that guided season is quite critical that the outfitters are able to access by water the areas that they hunt in and that's the reason for the difference in seasons.

Mr. D'Autremont: — Okay. Thank you.

The Chair: — Mr. Hart.

Mr. Hart: — Thank you. Minister, just very briefly, there's a number of issues I would like to discuss with you and I see our time is moving on so we will try and do . . . touch on a number of areas quite quickly.

The whole area of waste management, we talked about that in the past. I have had some discussions with some of the parties involved in the whole area of waste management and basically I understand there is a series of discussions taking place with officials of your department and representatives from, or with people that represent that area of waste management. Could you just very briefly provide an update as to what stage those discussions are at now.

Hon. Mr. Forbes: — Well I know that the department's met with the folks and have meeting with series . . . you know, different meetings as you said, and we hope to have more fuller consultations later in the spring and into the summer and have some strategies in the fall, late fall.

This is a very important issue. We know that we've invested a lot of money — some I believe \$8 million since '92 — in this area and it's one that people take very seriously. Conditions of their landfills, enforcement around their landfills and of course when they do the recycling, reducing the waste streams, particularly with paper and packaging, we need to deal with that. And they're dealing with a very volatile marketplace. And so we want to try to develop a made-in-Saskatchewan solution to it, and the time seems right. Right now in terms of when we're talking about Kyoto, we're talking about climate change, we know that there is funding out there to deal with infrastructure landfills, that type of thing, so we're anxious to move on that.

Mr. Hart: — The individuals that I talked to they are very interested in the stewardship approach. And last time when we discussed this you were somewhat hesitant about the stewardship approach, particularly with paper fibre and that sort of thing.

Very briefly, I'm sure your officials and yourself have heard this from these individuals, what their desire is. They feel it would be the most effective and efficient way of handling waste management would be with the stewardship program that was arm's length from government, structured very similar to the scrap tire programs. Are you moving down that road to develop plans that would accommodate those types of programs?

Hon. Mr. Forbes: — Again you know we're looking at all options. But you know we've had some very good results around scrap tires and different arm's-length organizations like that. I think it's appropriate for sectors like that to take responsibility for the products that they sell. So we think it is a good model. Is it the right model? We have to figure that out. We know there is a whole host of different models out there. Nova Scotia has done some things where they've rolled it all into one. Is that the right way?

So we're taking a look at this, what is the best way. In many ways the stewardship model is a good one, but paper is a little more complicated. But we're anxious because there are different forms of paper, newsprint, that type of thing. And so if we can get that happening that would be a wonderful thing.

Mr. Hart: — I guess the bottom line in this whole discussion is that if there isn't additional revenues generated for this whole waste management programs that . . . well I guess that's the need. We need to have more revenue. Now basically it can come from one of two sources — through the private sector in a stewardship program or general revenue funds through your department or some other department.

But you know the people who are operating the waste management services in this province are . . . They cannot continue to operate in the manner they have because of the low commodity prices for plastics and papers and tins and those sorts of things. And they will need these additional sources of

revenue. And so that is the situation they find themselves in. And as I indicated, their preference would be to not be dependent on government, work something very similar to the scrap tire program.

Hon. Mr. Forbes: — Right. And other ways of looking at that is that environmental handling charges — or is it a deposit program, that type of thing — and there's pros and cons to both. And we look at them fully in terms of the kind of products you're talking about. Tin cans or beverage containers work well with the beverage . . . with a deposit because there's a quick turnaround. Others don't lend themselves as well. So there's a lot of pluses and minuses here we'll be taking a look at.

Mr. Hart: — Minister, again in some of our former discussions we talked about the SARCAN program and whether there was any fallout from the funding to the SARC [Saskatchewan Association of Rehabilitation Centres] group. And you'd indicated at that time that there wasn't. You weren't aware of any fallout as far as reduced services with SARCAN and that sort of thing.

Well since that time, I have been informed that there's a number of communities who have been dealing with Rail City Industries out of Melville for recycling, and those services to a number of small communities around Melville have been discontinued, or will be discontinued very shortly due to low staff numbers with their facilities in Melville. So I would suggest that that is a direct result of the problems that SARC is having and it's now impacting on SARCAN and the whole recycling. Are there any . . . The communities have come to me and said, well what can be done? We like the program; we want to be environmentally responsible; we had a program of recycling set up in our communities. Now they've been informed that that program will be discontinued. What remedies are available to these communities?

Hon. Mr. Forbes: — Well I understand the Rail . . . the situation you speak of, I'm a little bit familiar of that. I received some information last week about it. And largely I believe that the areas of recycling that they do is paper. And again this relates back to the issues that many of the regional waste management authorities are facing, the commodity prices around paper. And so it's a difficult situation. We haven't had the experience.

Of course SARC and SARCAN are interconnected and they bump up against each other, and so there will be some fallout. But with our department and our work with SARCAN, it's the issues around the human resource plan that SARC put forward, in that Community Resources and Employment, that's a different sphere than ours. And so while they do bump against each other and the situation . . . [inaudible] . . . with Rail recycling, I believe, that again is a situation where it's really time for us to tackle this problem about paper recycling.

Mr. Hart: — Thank you for that, Minister. So what can these communities of Abernethy, Lemberg, Neudorf, and Killaly, what would you suggest they do now seeing that, you know, they had the service, and they can't . . . it's not available any longer?

Hon. Mr. Forbes: — Well there comes a point, and we had a

somewhat, a similar situation with plastics in Humboldt. There's a choice that, unfortunately at this point the resources aren't there. And they're difficult choices. But we hope that when we come with a larger strategy, that strategy will help meet their needs. But at this particular point, there's . . . It's unfortunate but we can't meet their needs as much as we would want.

Mr. Hart: — Okay. Another topic. Kyoto and climate change and the federal government's latest version of their implementation plan. I get a sense that the province of Saskatchewan, we really don't have a strategy at this point in time. We have some piecemeal activities in various departments but we don't get a . . . I don't see any evidence of a coordinated strategy dealing with that whole issue of climate change, and in particular the impact that it can have on our province. There certainly, there could be some positive impacts, and I guess mitigating climate change would be one of those.

But of a more immediate effects, we could see some very negative impacts on some of our industries. I don't get a sense that we're really dealing with that issue. Part of the federal government's Project Green talks about east-west transmission lines and those sorts of things. And I realize a lot of this, some of this is out of your immediate jurisdiction, but it seems to me that the Department of Environment perhaps could be the lead department on this whole issue.

Could you briefly summarize some of the activities, current activities? I know there's been some things as far as making some of the SPMC [Saskatchewan Property Management Corporation] facilities more energy efficient and that sort of thing. But are you looking at dealing with some of these larger issues that are outside of the daily activities of government, and dealing with some of the economic impacts and how that piece fits with Environment? Are you and your department grappling with that issue, and if so what are you doing?

Hon. Mr. Forbes: — Well it's a very important issue. Clearly, clearly important. And it's one that the federal government is the lead. They're the signators to the Kyoto agreement and as a result we were waiting anxiously for them to come forward with a plan.

But we have actually, I think, a very solid plan, and it's a multi-departmental plan. Clearly Industry and Resources takes the lead on this, and this is very key. But Environment here, and I'll ask Ron Zukowsky to speak in a minute because he's done some very major work around this area.

Our work here in Saskatchewan is to make sure that the federal government understands what the impact is for us in Saskatchewan. Our number one concern is of course around electricity and the fact that so much of our electricity, in fact two-thirds of our electricity, is derived from coal power which is significant for us. So when the federal government announced their plan we were very anxious around the innovation part of it.

As well, the other key part that we want to highlight is around the public education aspect of it. So Climate Change Saskatchewan is out there educating people about the role that they could play in resolving this issue.

As well we've done an awful lot of work in terms of indicators. What is the true picture, if you can paint of this? And Ron will speak of that in a minute. And of course what is the unique nature of Saskatchewan? Here we have a province that's half prairie and half forests. And so the work around the forests in carbon capture there, that's very important there and especially in terms of agriculture. The work around carbon within agriculture is very, very important. And so I would say those are some of the key pieces.

I would highlight again three key parts of it. One is, what is the unique attributes of Saskatchewan? And that's the industrial aspect, especially the coal aspect of it, and some of the innovative things that we're doing: the carbon capture projects in Weyburn, and I would tip my hat to the Chair here for the work that he did in this area; the projects where we're doing CO₂ capture down in Weyburn, very innovative and internationally renowned; and as well, public education and the work that we do with our policy people in developing the indicators, what's really happening out there within the national scene. And I'll ask Ron if he would want to fill out any more of those attributes.

Mr. Zukowsky: — I don't think I can improve much on what the minister has said — a very good summary. What I would add is that this is a very significant issue. Energy is embedded — the way we use energy, the way we emit greenhouse gases — is embedded in the way all of us live. And what is perhaps some cause for optimism in the federal plan is that it is starting to recognize the scope of that challenge. Previous plans have been fairly unrealistic in terms of the amount of resources that the federal government has been willing to contemplate allocating to this issue, and that's been a major problem in trying to gather together a department across government to try and address this.

But with the latest plan they're now . . . have talking costs and arranged up to \$10 billion with significant proportions available to the provinces for cost sharing. So that is starting to get into the scale of federal commitment that will give us the ability to discuss meaningfully with them some of the things that the province can do to deal with coal and some of the other opportunities that might be around.

Mr. Hart: — Thank you for that. Just a couple questions on the carbon sequestering in the oil field, what are the sources of CO₂ that are being used and being sequestered at this time in the oil fields in the Weyburn area? I believe that's the only place, that's the only area that that's being done currently?

Mr. Zukowsky: — To some degree, yes. The carbon dioxide is coming from the United States, and it's being produced there for injection in the field. That's because within Saskatchewan, we are not able to produce the carbon dioxide in the quantity and the quality that's required to do that work.

That's one of the challenges that we need to address going forward . . . is as these sorts of projects become more feasible and more technologically easy to do, then what are the sources of CO₂ within the province that we can use to try and do our own injection? And of course the most logical source would be power generation from coal where if we can find a way to get that CO₂ out of the stacks and into the ground, then we will

have a technology that not only meets our targets, but possibly a technology that can be exported to other jurisdictions that need a similar technology.

Mr. Hart: — I'm glad you mentioned the CO₂ from our coal-fired electrical plants because that's one of the areas that I thought of immediately when, you know, I first heard of this technology or this process. How far away are we from actually being able to collect the CO₂ from the stacks? Are we two years, five years, ten years away? I mean, where are we on that piece?

Hon. Mr. Forbes: — I would say that this is actually an area that industry leads and not so much us. I'm not sure if Ron has a best guess, but I know I don't have one.

Mr. Zukowsky: — They are working on technologies to do that, but I'm not familiar enough with how far they are progressed to tell you what timeline they're looking at.

Mr. Hart: — Do you have a best guess at all? I mean, is it just in the conceptual stage, or are you aware of industry doing some actual designs as far as equipment and that sort of thing to do that? Perhaps the Chair could answer that.

Hon. Mr. Forbes: — I couldn't hazard a guess right at this point that would be meaningful.

Mr. Hart: — Thank you for that because I know when I raised these questions of carbon sequestering and so on in the House, the Minister of Industry and Resources made the statement that with what's happening here in Saskatchewan, we could meet a third of the country's commitments. I found that rather optimistic, to be kind. I mean, if we don't have it, you know, if you're not aware of any technology that's currently out there, you know, within the two or three or four years coming on stream to sequester the CO₂ coming from our coal-fired power plants, I guess maybe the Minister of Industry and Resources was being a little over-optimistic would be my conclusion on that.

Just one final point on this topic is, as I mentioned earlier, it seems to me that Environment should be the lead department in this whole area of climate change. And I would wonder if perhaps . . . I'll throw out a suggestion for you and see what your thoughts would be on it. Quite often it's been my experience within government that departments sort of operate in their own area, sort of stove piping I guess, and you know sometimes you don't have the communications across departments that we need to have on specific topics. And this seems to be one of those subjects that would be great to have that interdepartmental co-operation.

And it seems to me that perhaps a start . . . you know, maybe not a starting point but another step in this whole area would be to have an interdepartmental task force led by Environment, Industry and Resources, Agriculture, Rural Revitalization, the Research Council, SaskPower, and SaskEnergy, as an example,. Would there be merit, in your opinion, would there be merit in establishing that to deal with this whole area of climate change and the impact of the federal government's implementation plan under the Kyoto Protocol?

Hon. Mr. Forbes: — Well I would make two observations, and I'll ask Lily to talk about the department. But I would say in fairness, I would say that, you know . . . I just want to emphasize that Ottawa was the signator to the Kyoto Protocol. And as such we've been waiting a long time for signals from them about how serious they were about this and how they were going to meet the targets, which of course we know is 2012.

And so while we can work here and we quietly prepare for what we need to do, we were waiting very anxiously for signals. And of course as you know what's happening in Ottawa these days casts further questions about the future of the Kyoto Protocol which in many ways we have separate out from climate change. Climate change we need to address, so to Kyoto. But to meet the specifics of Kyoto, we have to take a look at the signator who signed the treaty, and that was Ottawa. And how are they going to make that happen? So that's very important.

The other thing is the observation you make about the role of environment vis-à-vis industry. We look at this and again, and you made the observation just a few minutes ago about stewardship. And we look at industry, and we look at the, you know, largely the industries who are causing greenhouse gas emissions, that it's their responsibility to resolve this issue. So we look to them first to resolve it themselves. And that's where our role comes in as Environment in terms of regulatory and inspecting and making sure that they follow through with their plans.

But I think that it's important that industry does take a lead in this. They know what they need to do. They're the innovators. They can make this happen. And so in a lot of ways I'm quite comfortable with industry taking a lead in this issue because really they have to take the lead. But they also have to . . . and we look to them to maintain the economy of the province. And so that's the balance that they have to do. We'll be there to support them with the resources and the know-how and that type of thing.

But I think they might be kind of on thin ice if we were to take the heavy hand of Environment and say, thou shalt. And that would be kind of a tricky ice to be on. But I'll ask Lily to talk about a government's approach in this from an interdepartmental approach.

Ms. Stonehouse: — There has in fact been a significant interdepartmental interagency network in place for several years now that has worked closely on questions such as carbon sequestration, soil sinks, and adaptation research. Industry and Resources is the lead department. We've worked very closely with them directly, and SaskPower and the Research Council have been right along with us as well as Agriculture.

I think that as the minister said earlier, we've made good progress at identifying what the challenges are for Saskatchewan and sort of readying ourselves to work with the federal government in a collaborative way once the federal government has its plan in place.

Mr. Hart: — Thank you for that. Just a couple of questions on the Office of Energy Conservation which is kind of a link to what we've just discussed.

Very briefly I was looking at the website, and I've actually . . . I've had private conversation with, let's see, the manager I guess, of your office there. If time permitted, I would have liked this evening to perhaps delve into that whole area a bit more, but we are under some time constraints, and I have a couple other issues I'd like to raise.

But one of the questions I would have — and it's a result of a discussion that I had with Mr. White — are communities, particularly they are small communities, are having a very difficult time in operating, in meeting the operational costs of their recreational facilities, whether they be curling rinks or skating rinks; to a lesser extent the town halls and those sorts of things. And I know the cities are also. It's just that they have more revenues and more resources to draw from.

It seems to me . . . And we're constantly being lobbied by constituents and people from across the province and I'm sure . . . perhaps maybe you're not, but the ministers responsible for SaskEnergy and SaskPower are lobbied for a special rate for communities, you know, on their recreational facilities and so on.

That certainly would be a short-term fix in my mind, but a long-term fix would be making these facilities as energy efficient as possible. And there are . . . I have some experience in that area in our own community where we looked at things like taking the waste heat from the refrigeration plant and recycling it through the building and using heating water and recycling that through the building to heat the building and those sorts of things.

My question is, the Office of Energy Conservation, could that or is it a one-stop shopping spot for communities who are trying to access the, you know, what's out there in that whole area as I've described? What are you doing in that area?

Hon. Mr. Forbes: — Well what I'll do right now is take a minute to introduce Grant McVicar. He's the director of the Office of Energy Conservation. And you were talking with Terry White who in working in his specialty is with working with the municipalities.

The role of the office really is to be the focal point of what we're doing for energy conservation profile, some of those things. They've been doing a lot of innovative work, particularly with municipalities, the RM offices, around light fixtures. And you've mentioned a couple of examples of innovative projects. I think Aberdeen is one that has done some neat things with energy heating sources, that type of thing. And Bengough has a pool that has something around a . . . solar energy.

But I'm not sure if . . . Grant, if you want, a few more examples?

Mr. McVicar: — Sure. I guess we divided it into three categories. We signed an agreement with the rural municipalities associations and the urban municipalities associations in December. And in signing that agreement we were offering to use the buying power of the provincial government to purchase on their behalf energy-efficient lights and ballasts for virtually all of their facilities. In so doing, we

can reduce the capital costs of acquiring those pieces of equipment by roughly 55 per cent compared to what they pay normally. So that is a standing offer that we're taking out to the municipalities and we've made that offer.

Not only did we sign the agreement. We've announced that and had seminars at both the recent meetings of the Urban Municipalities Association and the rural association of municipalities. A combination of those two seminars involved over 300 officials. So that offer exists and we're in the process of implementing it. Since we made that offer, we've actually had requests for information from 21 different municipalities to see how they could participate. So now we've provided information or we've gone out and visited a number of those municipalities and the ball, in essence, is in their court on that program.

Another initiative that was mentioned was the solar water heating initiative and that we worked on in association with SUMA [Saskatchewan Urban Municipalities Association]. Since that was also announced in the December 9 MOU [memorandum of understanding], we've had 21 communities express interest or start down that process.

We have one, Bengough, that has been highlighted in the paper. They expect to save roughly \$7,000 a year through the installation of that system and we have acted as the one-stop shop there, putting them in contact with both the federal government which is picking up 25 per cent of the cost of that program, and finding a provincial program where another 25 per cent of the cost was picked up. We also have another municipality that's just started down that, Assiniboia, and we've been able to pick up the 25 per cent for that project.

We also have, I guess, other municipal initiatives that are more on a one-off basis upon the request of municipalities. For example, you mentioned recreation facilities specifically. Right close to the end of this last fiscal year, we conducted a seminar which we hosted for 28 rural facilities looking at their ice making equipment and making recommendations that they can follow in those facilities. And we've had . . . We've also been I guess instrumental in, for example, the town of Esterhazy. They've gone through and implemented a number of those changes. They expect to save about \$5,500 a year out of a \$37,000 bill. So we're having some success in that area at the present time.

Mr. Hart: — Good. Thank you for that. So would it be fair to say that if there's small towns, a number of them all across Saskatchewan here, if they have a building whether it be a skating rink or the town hall . . . And I guess with those recreation facilities, winter recreational facilities that have ice plants in them, it seems to me there's more options and more things that can be done to reduce energy costs. If they're looking for sort of a list of things that can be done, your office could provide, at least provide some of them and point them in the right direction to get the rest of the information.

Mr. McVicar: — That's what we try to attempt with virtually anyone that calls our office and we specialize in that area.

I guess the best example we have right now is Aberdeen that has come to us and asked for advice and we were able to put

them in touch with the appropriate research laboratory, in this case was a federal laboratory that is working on a brand new piece of technology. And we've also been able to access on their behalf about \$285,000 for that facility. So that's precisely what we do if we're called.

Mr. Hart: — Thank you for that. Thank you very much. Minister, I think I've reached the last of my topics for the evening and I'm sure the Chair is interested . . . although I'm not done yet, Mr. Chair, but we're getting there.

In our estimates discussion on May 4 my colleague, the member from Batoche that's sitting beside me, talked about forestry and those sorts of things. And he talked about, and I entered the discussion right at the end where we talked about agroforestry. And since those discussions I've given that topic some thought. And it seems to me that there are some fairly, possibly some exciting potential in that area, putting the . . . And you know, all these forces that are now at play in our province.

I mean we've got our people, farm people who are looking for alternate crops and one more round of diversification. We've got, you know, the whole issue of climate change and sequestering carbon and all that sort of thing. It just seems to me that agroforestry just seems to be a fit, you know, in that whole area.

And when I reviewed the *Hansard* on our discussions, you know, there's a number of questions that came to mind. I'm looking at . . . there's one quote that . . . I believe it was Mr. Willcocks who was talking about some pilot programs in agroforestry. And I had an opportunity to discuss this a bit because you had indicated that Agriculture is the lead department, but I didn't have an opportunity to really ask the minister and perhaps you would know. How many . . . I mean to describe the pilot project program on agroforestry, where are we at exactly in terms of the number of acres, number of co-operators or farm people that would be involved? And what area of the province would they be located in?

Hon. Mr. Forbes: — Now I may ask Alan Parkinson to answer that question in a minute. But I should clarify, and I think we said that Agriculture was the lead department. And since that time we found it was Industry that is actually the lead department on that. And so just to clarify that because we thought it was Agriculture; I thought it was. And so . . . But the three of us are working actually very closely. That's when you start to get out of the stovepipes, you know. So I'll let Alan answer this.

Mr. Parkinson: — Thank you. In terms of the pilot project, I would stand to be corrected by officials from the Sask Forest Centre, but I'm not really aware of any real acreage being planted with poplars or other species for the purpose of agroforestry at the present time. It is my understanding that what the Sask Forest Centre is doing is working with Industry and Resources who in turn has forged a bit of an ad hoc committee between ourselves, the Sask Environment, and the Department of Agriculture as well. And so we're working with the Sask Forest Centre to establish a pilot project.

Now I understand that the Sask Forest Centre, in undertaking some liaison activities with potential producers in the

agriculture sector, has been working to try to come up with a critical mass of producers who may be interested in entering into a pilot project. Now some of them may have gone ahead and planted some acres within that, but it wouldn't be in direct connection with Sask Environment.

As for the areas that we're aware of that are of primary interest in terms of developing an agroforestry program, the key areas that seem to be most responsive to the work that the forest centre has been doing has been in that, sort of on the eastern side of the province around Canora and that area, as well as the Weyburn area seems to show some interest in agroforestry programs as well, presumably for the carbon sequestration benefits that you mentioned earlier.

Mr. Hart: — Thank you for that. Another comment by Mr. Willcocks that grabbed my attention was when the discussion turned towards the profitability of agroforestry and there was figures tossed about at 3,000 to 9 to \$12,000 per acre. But the comment that really, you know, sort of sparked my interest was a reference to a study being done where there's this 13 per cent return on investment over a 20-year period. KPMG did the study. Now have you . . . Like when was the study done and why was it done? How much background work has there been done in this agroforestry area?

Mr. Parkinson: — I haven't seen the study myself. I'd have to go back and get that for you.

Mr. Hart: — So you have no idea when the study was done and why it was done and that sort of thing?

Mr. Parkinson: — No.

Mr. Hart: — Has there been discussions between the federal and provincial governments on this area? Because it seems to me with establishing an agroforestry industry in our province, I mean we're talking, I believe we're talking about, there was discussion about 20 years before the trees could be harvested and that sort of thing. There'd be quite a long period of time from the initial investment to the time when revenue was generated off the land. There'd be . . . you know, I would think that the need for interim financing or some sort of revenue off the land would be fairly extensive for those individuals who are getting into this sort of thing.

And it would seem to me that perhaps maybe the federal government — as in other ag programs, you know, because we could essentially call this an agriculture program too — gets involved in those sorts of things. I was somewhat interested with this KPMG study. Like has there been discussions in the past between the two levels of government over this whole area or this whole industry?

Hon. Mr. Forbes: — I would say first that, you know, our primary role . . . And I'd be interested in what Mr. Parkinson has to say. But as Environment, you know, the forests that we manage basically are wild forests. And of course we replant them, regenerate them. But when you get into this kind of agroforestry, really this is the kind of thing that Industry in their role would do. We lend our expertise in terms of the knowledge of the different species of trees that they might be interested in, that type of thing. But in terms of the bigger economic pieces, I

think that's where Industry comes in with that kind of work.

So I'm not familiar with this. But we're definitely aware of the initiatives. And we think this is a wonderful thing in terms of the role it can play in terms of the climate change. And taking in its role that we talked earlier in terms of . . . But I think Lily wants to say a few words about this.

Ms. Stonehouse: — I think Mr. Willcocks when we were here last did describe the work that we did with NRCan [Natural Resources Canada], the federal department, to shape these pilots, and in fact there is some federal funding flowing for these pilots. In addition though, we have had discussion directly with Environment Canada around climate change and the application of their new climate change plan to agroforestry. And there is some interest there.

I think one of the things that's happened is that our province is more interested in this area than some other provinces. We have sort of a bigger forest fringe area that's been deforested and is sort of marginal farm land. And so it shows more promise for this than one might find in some of the other provinces. And so in fact it has been the subject of conversation with the federal government, and we'll continue that conversation to see what support we can engender for the forestry centre and the farming community that has an interest in the area.

Mr. Hart: — Thank you. Because Mr. Willcocks did discuss with my colleague forestry 20/20 program. Was that when these discussions took place around that forestry program? And when would have those discussions taken place? Are they fairly recent discussions? Did they take place a while ago?

Mr. Parkinson: — It was back in the 1999-2000 period is when the Forest 20/20 program was being developed and discussed by the Government of Canada.

Mr. Hart: — So what were the discussions about? I mean, agroforestry obviously, but you mentioned, you know, Saskatchewan was . . . I believe you said, Ms. Stonehouse, that was sort of the province where this was most likely to succeed, if you want to put it in those terms, is because of our marginal area along the forest, you know, just south of the forest and that sort of thing. What were you talking about in terms of area? And what were sort of the parameters of the discussion? I'd just like to get a bit of sense of what type of discussions took place at that time.

Ms. Stonehouse: — . . . a disadvantage without Mr. Willcocks being here of course because none of the three of us were present for those discussions. But my understanding is that they led to some support for the forestry centre to do some of the research that was necessary to test research feasibility and to design an appropriate approach. The forestry centre continues with that research at this time.

Mr. Hart: — Well actually I think the discussions were somewhat more extensive than that. I'm led to believe that there was some serious discussions between Saskatchewan and the federal government on developing a major agroforestry program in our province encompassing some four to five million acres that were potentially sown to fast-growing hybrid poplars. Was there any discussions on that area? Or was the

individual that brought this to my attention as a result of an article in *The Western Producer* a couple of years ago . . . Are those facts anywhere near to what actually happened or . . .

Ms. Stonehouse: — I mean, I think that that's sort of the long-term vision that people were having at the time. I think we've been trying to work out the practicalities of that — one of which you pointed to, which is the 20-year time lag to realize your revenue. So there's some issues in realizing it, and we continue to work at it.

Mr. Hart: — Well it seems . . . I've been told that there was extensive discussions at fairly senior, at very senior levels of bureaucracy between the two levels of government to establish a major industry in this province, that there was a . . . in fact it was envisioned that this whole project would lead to a substantive new industry in our province. We're talking about 2 to \$3 billion coming into this province from private industry, 60 or \$70 million initially from government just to get the very basics done, that a forestry, agroforestry centre of excellence at the University of Saskatchewan was envisioned. Is any of that true?

Hon. Mr. Forbes: — Well I can't speak to that; I'm not aware of that. But I do know that as governments change, and I think if this is the same in our . . . can Minister Goodale . . . that was this part . . . I'm not sure. I can't answer. I could get more details, but I'm not sure if the deputy minister knows more than this.

Mr. Hart: — Ms. Stonehouse, would you have any more information on this?

Ms. Stonehouse: — No, I've exhausted my recall around this area. I'm understanding that it has potential, that it's worth looking at but that there are significant, practical issues that need to be overcome before we can move ahead.

Mr. Hart: — What type of practical issues need to be . . .

Ms. Stonehouse: — A lot of the research is around what's the best, what's the best tree. The issue about how do you get investment, and when you are waiting 20 years for a return on that investment, I mean those are issues that need some work.

Mr. Hart: — Was not the federal government, under Mr. Goodale, was he not very interested in entering into an agreement with Saskatchewan? First of all it's a diversification project in this province. Secondly there's a natural fit with climate change which was Canada in 2002 signed on to the Kyoto Protocol.

Ms. Stonehouse: — The outcome of those discussions was the 20/20 pilot that was here, and it was a very small amount of funding and a very limited, very restricted pilot.

Mr. Hart: — Is that not because the province walked away from the deal for whatever reason — and I don't know what that reasons is, and I can't actually think of a reason why the province would walk away from the federal proposal — and then we ended up with, instead of having our start on planting 5 million acres to trees, we haven't got any acres planted?

Hon. Mr. Forbes: — Well my only observations I would make on . . . From that period of time, and we know that over the course of the last three or four years, things have changed dramatically in agriculture in terms of the BSE [bovine spongiform encephalopathy] issue that was, you know . . . I'm only thinking about some of the things that have happened since that time and some of our priorities that we've had to make, some of the choices that we've had to make to support agriculture. And so, you know, when we make those decisions, that's a major thing.

And we're still working through some of the issues from that period of time when Mr. Goodale was the NRCan [Natural Resources Canada] minister. You know, I'm thinking of the northern mines cleanup. We are still working that through. So I can't speculate why the reasons for the federal government, why they would act on that, and I don't know the history of that period of time.

Mr. Hart: — So as far as you know, you're concerned, Minister, you're not at all — and none of the officials you have here tonight — were not part of this discussion, aren't knowledgeable about this discussion. Who within your department would have been part of these discussions then that perhaps could provide some of the answers to the questions that I've asked?

Hon. Mr. Forbes: — Allan Willcocks would be the person who would know the nature of these discussions. He's been here, he was here during that period of time.

Mr. Hart: — So, Minister, then if none of your officials that you have with you here tonight . . . and it's unfortunate that Mr. Willcocks isn't with us because, you know, I certainly would like answers to those questions. Could Mr. Willcocks provide a brief on what happened and the extent of the discussions and where they are and where they went and why they went? Would he be prepared to . . . would you be prepared to have Mr. Willcocks provide a brief on that whole issue?

Hon. Mr. Forbes: — I want to be clear in terms of what issue, when you're talking about the history of the 20/20.

Mr. Hart: — Well I've been told that there was, as I said earlier, extensive discussions between Saskatchewan and the federal government, Mr. Goodale's department, to establish an agroforestry industry in the province of Saskatchewan — as for a number of reasons, the whole area of climate change, developing a new industry in the province as far as rural revitalization, economic development, all those reasons.

And the plan was to plant 2 million hectares of fast-growing trees that would be used . . . I believe there was some discussion in the last series of estimates about hardwood, poplar trees being used in OSB [oriented strand board]. I believe the mill in Meadow Lake is using some of that now. That would be to develop that whole industry as far as OSB providing a long-term reliable supply of trees and any other spinoff industries that might arise from that, and that the federal government was very eager to see this go ahead and was prepared to make significant investments in our province and would I guess broker and work with industry that would see an additional 2 or \$3 billion coming into our province over a

period of three or four or five years to get this industry growing. And then I was told that the province walked away from the deal.

Now if in fact that is true, I mean, I think that is, you know, there's some very serious questions around that. But you're telling me tonight that you haven't got anybody with you that can answer these questions, except for Mr. Willcocks. And so what I would ask you then is, could Mr. Willcocks provide answers to the questions that I've asked that you've been unable to answer?

Hon. Mr. Forbes: — What we're thinking is that, you know, we're assuming that he was part of that. He's not here to say whether he was or not. And so we'll get him to take a look at *Hansard* here. What he can give for information, we'll get that, and we'll go from there.

It is difficult because as we know . . . and how the different branches connect in terms of whether this is more of an Industry issue or what, but we will see what we can do in terms of his recollections. And we'll review *Hansard* and we'll go from there.

Mr. Hart: — Well thank you, Minister, because it just seems to me when I looked at Mr. Willcocks' responses, he seemed to be quite familiar with . . . when he talked about the Council of Canadian Forest Ministers which initiated the 20/20 project and those sorts of things, he made a number of comments that would lead me to believe that perhaps he was involved in that whole area of discussions and so on. And you know, and like I said, I would like to, I would like you to give me an undertaking that you will provide me with as much information as Mr. Willcocks has on this area. I would find it very helpful if you would do that.

Hon. Mr. Forbes: — Yes.

Mr. Hart: — Good. Thank you for that. Well, Mr. Chair, I would think, unless any of my colleagues — and I don't see anyone with their hands up here — I would think that we have pretty well exhausted our time here and that we perhaps need a break from discussions. Although I know you found it very interesting and entertaining, we will break. As far as I'm concerned, we can break now, and perhaps we can do this again at another time.

The Chair: — Thank you very much, Mr. Hart. And I must admit that I was very intrigued by carbon sequestration as it relates to Weyburn-Midale oil field. I also have to admit that I was very interested in your line of questioning as it relates to agroforestry, and I can share some thoughts with you later if you'd like.

If the conversation then with the department officials is complete, Mr. Minister, would you thank your officials on our behalf.

Hon. Mr. Forbes: — Yes I'd be delighted to thank the officials, and I appreciate them coming out tonight and answering the questions. They've been wide ranging, and hopefully they've provided some information for our work. Thank you.

The Chair: — Mr. Hart.

Mr. Hart: — Thank you, Mr. Chair. I'd like to join with the minister in thanking them for their participation here tonight and the answer . . . the questions they had knowledge of. And so I would again like to thank them for that.

The Chair: — Thank you very much, members. This committee stands adjourned.

[The committee adjourned at 21:42.]