

HALIFAX, WEDNESDAY, JULY 18, 2001
SELECT COMMITTEE ON FIRE SAFETY

2:00 P.M.

CHAIRMAN

Mr. Jon Carey

MR. JON CAREY (Chairman): Ladies and gentlemen, if we could come to order. This is the first meeting of our Select Committee on Fire Safety. Perhaps we can just quickly go around. I think everybody knows everyone in the MLA aspect; perhaps staff, we could have introductions in that direction. There are several issues, certainly your input for today, we would like to get in, but the two major issues I would like for you to consider and to try to help us get a consensus on today are the timing of going out to collect the information, and the locations. If we could work, keeping those two points as the objective, specifically, for today, along with other things, keeping in mind the staffing and so on, who we have here to help guide us through today. Perhaps if we could just start with you, Ron, and we could go around and the staff could introduce themselves, then we can go from there.

[The committee members and staff introduced themselves.]

MR. CHAIRMAN: Thank you very much. Just for the record, Cecil Clarke is also part of this committee but was unable to be with us today. I think at this time, perhaps, it might be appropriate, if we could open it to the members of the committee to indicate what they feel we should be striving for in this and to have some input in the area that we should be looking at, the information, and again striving for the objectives of where and when we will get this done. Would anyone like to go first? Frank Corbett.

MR. FRANK CORBETT: Mr. Chairman, I guess I am probably looking at you for that direction. This is an initiative coming from the government and it certainly was set out in their Speech from the Throne. The fact that there have been studies about fire safety and revision, that there was a committee, although it was not a Select Committee of the House but there was a committee struck and there were recommendations made from that committee. I guess I am looking for direction from the people on the government side to see why we are here today, I guess is probably my position on it.

MR. CHAIRMAN: Does any other member have any comments? Barry Barnet.

MR. BARRY BARNET: I am not a member of the committee, I am filling in for Kerry Morash, but I have a couple of quick questions. Where did this come from, this particular (Interruptions)

MS. MORA STEVENS (Legislative Committee Clerk): This was a document that is a standard one for an organizational meeting, just to give MLAs information concerning the committee.

MR. BARNET: Okay, I guess what I am referring to, what we have before us, a list of possible locations for the committee to visit to receive public input. I guess we have two lists actually, one that was submitted by Kerry Morash, and I think that has been circulated. Has it been? (Interruptions) Yes, and we have a second list, pretty much similar. Kerry's is a condensed version of the first list. I was just curious. That was just something the staff prepared?

MS. STEVENS: These are all the locations select committees and standing committees have travelled to before.

MR. BARNET: Oh, okay.

MS. STEVENS: We have proven documentation on this, how many people come before committees, just to give the committee members an idea as to where committees have been in the past and then it is up to them to determine where they want to go.

MR. BARNET: The reason I raise it, obviously, if one of the objectives today is to establish a list of where this committee is going to travel, I would point out that Kerry's three week tour, actually, geographically, although it isn't perfect, it hits most of the province in terms of being within a reasonable driving distance for people who want to appear before the committee. I certainly don't have a problem with what he has put forward. He indicates one in Sydney, one in Port Hawkesbury, one in New Glasgow; the following week is Truro, Amherst, Halifax; then Yarmouth, Bridgewater, Wolfville. It groups them together quite well actually.

MR. CHAIRMAN: I had some discussion with Kerry Morash on this, and I think we want to do a job where we gather input from as many as we can, keeping in mind that each day is relatively expensive. It is about \$10,000 a day, I am told, to be on the road. Keeping in mind, do the proper job but not be too extravagant, I guess, is what we are looking for. I don't think anyone would object to that. I think we need to, if there aren't other people who have comments, maybe we could, I would suggest, try to answer Frank's question.

Those of you who are familiar with this probably know that the fire service has had questionnaires and had a lot of input over the last five years, it started in 1995. The Fire Officers Association of Nova Scotia, along with other groups, spent a lot of time at this, and I think if you ask any of the Fire Officers Association's members or their spokespeople, they would tell you that this document is okay the way it is.

The questions that might come out of it - as an MLA, when I looked at it, I had questions as to what municipalities would say, because some municipalities do not have fire inspectors. It will mean an outlay of cash for certain municipalities. I think we need to find out what their response is going to be and have their input. Also, in the Act, as it is now, it indicated that, perhaps, the fire marshal could provide assistance or expertise to help out in that area but there would be a cost involved.

I think it is important that we find out what these communities, these municipalities who are going to be footing the bill may have to say about it. The other is that I think we have to be very careful in what we do with the volunteer aspect of the fire service in Nova Scotia. It's an excellent service and I don't think we would want any legislation that would be detrimental and upset something good that we have. I think we have to keep those things in mind.

Dale, would you like to give us an idea of budgeting and where we go, how this will work, and costs?

MR. DALE ROBBINS: Sure, I can answer what I can on that. I guess I can point out that at this time we don't have an existing allocation of funds anywhere. The Select Committee on Fire Safety was not budgeted. I was not aware of this taking place at the time when we prepared our budget. Therefore, there has been no provision of funding anywhere to cover this. It will mean that there will be a requirement for additional funding made available to cover the costs. Based on that, it is something that I would hope that we could work up what a proposal would mean in terms of the financial impact and, traditionally, at least, they are usually reviewed by the Legislature Internal Economy Board for their concurrence.

I think in terms of putting it in perspective, there is no money funded now. I would like to be able to have a budget that could go to the Speaker for presentation to the Legislature Internal Economy Board for their approval. In the course of that, your intentions, where you want to visit, how many meetings, what you anticipate the duration might be, other costs, printing, whatever, from whatever you are proposing here, we can prepare a budget based on those type things and hopefully get the concurrence for that budget.

I would suggest that from the meeting, based on what you intend or want to do, we can prepare a budget based on whatever your parameters are here and take it to the Speaker for his approval through the Internal Economy Board. That would be the normal process.

MR. CHAIRMAN: Thank you. Perhaps if it would be in order to try to arrive at the timing - could we work in that direction? - that would be acceptable for the majority to actually hit the road.

MR. CORBETT: Timing in the perspective of when we hit the road?

MR. CHAIRMAN: Yes. You have in front of you a suggestion from Kerry Morash, but we need to arrive at the number of locations we want to stop at. Do we want to go in September or October, November . . .

MR. GRAHAM STEELE: Mr. Chairman, if I may, maybe I could answer your question with a question. I was wondering if the members of the committee have some idea about when we would like to submit our final report. We don't have a hard and fast deadline, is that correct?

MR. CHAIRMAN: No, not yet.

MR. STEELE: I am just wondering if members of the committee have some idea about when they think our work should be completed, and we can work backwards from there.

MR. CHAIRMAN: I guess I would turn it over to Mora from the standpoint of compiling the information and so on, the time frame.

MS. STEVENS: Once the committee has been on a road show, usually what happens is - in the last couple, like National Unity and Workers' Compensation - staff have gone with them. There has been a communications officer and sometimes a writer, or they are both the same person, so they have been on the road and they are compiling the report as they have been there. Once the road show stops, it usually takes a couple of weeks to get some sort of draft together. There will be a few basic meetings after that in Halifax to say, okay, what have we heard, what changes do you want made and then, depending on how many meetings - Frank was involved in the last set with Workers' Compensation. There was quite a condensed period there, and that committee had to report by a certain time. I don't think this one has that constraint, so it can be condensed into a very short period of time or it can be stretched out. That would depend on what changes the committee actually wants to make.

MR. CORBETT: If I may say, Mora, I think there is a constraint if the government by virtue of putting it in its Speech from the Throne, one would assume then that they would want it answered by the next time they have a Speech from the Throne. That is certainly at the will of government. I don't know if we are looking then at - are we working back from the spring of 2002? I am just bringing that out there.

MR. CHAIRMAN: We haven't been advised by Executive Council, but my personal feeling would be that it will be in the spring session that it would be introduced.

MR. CORBETT: I think you brought up another point that I was going to bring up Mora, and that was the support staff that would be travelling - I know we are off the topic here a bit about time frame - has support staff been talked about? We talked about the WCB Select Committee, we had much more outside expertise than we would probably need for this one. Are communications people going to travel with us, are Hansard people going to travel with us, and committee people travelling with us? Has that been decided yet? Perhaps it goes more to Dale's budget.

MS. STEVENS: Precisely. It depends on what budget has been set. What we have done - and we find what works - depending on when you are travelling, depends on what actual standing committees are meeting, we put a calendar on the board just so you are aware of what we have scheduled for September and October for standing committee meetings. But what has traditionally happened the last two times committees have been on the road, there have always been two people from Legislative Television who go. There has been someone from this office go as well as someone from Communications Nova Scotia who has been assigned to the committee. Sometimes it has been just the Communications person, other times a Communications writer.

So there is sort of a core staff that do travel and sometimes there's even another person who will come from this office depending on how large the meeting is. When they had to go back out on the road for Workers' Compensation or when they were in Halifax, when there were so many people, there's always been staff to sort of fill in, and because of the budgeting back then we were able to hire someone to just go on the road who coordinated out of this office because there were other meetings going on like there will be this fall. So, again, it depends on the budget and where people want to go and what other meetings are going on.

MR. CORBETT: I was looking at the calendar up there, I think at some point, maybe government has a better insight when the House is going to be recalled, but I mean that certainly is a fact that has to be taken into consideration but, obviously, I think at some point in mid to late September we should hit the road. I am just throwing that out there . . .

MR. CHAIRMAN: Sure, yes.

MR. CORBETT: Someone can start arguing about a start date or an end date. (Interruption) I know the week of September 18th our caucus won't be available. There will be nobody available from our caucus.

MR. CHAIRMAN: I think ours is September 13th and 14th.

MR. STEELE: If I could make a suggestion, just picking up on that, normally the House would go back mid to late October. So I guess we can assume maybe that it would be the same this year. I am a bit reluctant to do anything the first week of September with everybody going back to school and whatnot. Then your caucus is busy the following week and our caucus is busy the week after that. What if we aim to have our hearings the last week of September and the first three weeks of October, somewhere in there, and we should be able then to get our hearings in before the House sits and then perhaps we could aim, you know, with a little bit of back and forth about the writing of the report, maybe aim to have a report by early to mid-December.

MR. CHAIRMAN: Dale, did you have any comment?

MR. ROBBINS: I was just going to make a comment regarding support that you need while on the road and what I would think that you should do is wrestle among yourselves what you think that you feel while you are out there in terms of - we made mention of Legislative TV, if you're having audio service. If that's a requirement, then you will need staff from Legislative TV to set that up if that's the way we go. There was mention made, I believe, of whether there was Hansard. I am not sure if we have done that in the past. I don't think. I think it was taped and then Hansard would use those tapes. I don't see a requirement there. In terms of the Committee's Office, I know in the past, I believe, there has been a provision whereby a person has gone to do administrative acts of setting up and making sure that people are in line for their presentations and so on. I am not sure about Communications Nova Scotia, whether there is a need for that and what purpose that would serve in a function like this.

I think those are issues that you need to, as a committee, determine do we feel that these are vital. If so, we can attempt to cost out what you are suggesting and we take that proposal forward. If somebody tailors it and says, no, we haven't got enough money, we can cut back here, there, or something, then that's another decision that is made outside of this room right at the moment, but that's what I would just like to throw in maybe for your consideration.

MR. CHAIRMAN: Graham has indicated a time frame. Maybe we could start with getting a motion of a time frame and try to fit in and get started with that.

MR. STEELE: I am really just putting this out for discussion for anybody's reaction. I would move, for the reasons I stated, that we aim to start the public hearing schedule the last week of September and complete it by the third week of October, which would be October 19th, and that we aim to have a completed report by December 15th of this year. Then that would be in the nature of a self-imposed deadline, which, of course, the committee could extend if for any reason over the hearings we felt we needed more time. So I put that on the floor for discussion.

MR. CHAIRMAN: We have a motion, do we have a seconder?

MR. CORBETT: I second it. (Interruptions)

MR. CHAIRMAN: We don't need seconders, all right, my inexperience.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

[The motion is carried.]

MR. CHAIRMAN: How did this happen? It's great to see.

MR. STEELE: Since I was so successful with that one, maybe I could move that we adopt the hearing schedule suggested by Kerry Morash, although I do have one suggestion for change. Perhaps we could just put a motion on the floor to adopt this schedule and then have some debate about whether to amend it.

MR. CHAIRMAN: Graham has made the motion, is there agreement?

It is agreed.

MR. STEELE: Ron, do you want to go ahead?

MR. RONALD CHISHOLM: This pretty well covers all the problems with the exception, as I see it, of the Eastern Shore. There is absolutely nothing from Halifax-Bedford down to Antigonish-Port Hawkesbury. I know from my own area, from Sherbrooke through to Ecum Secum, the Halifax County line, they have three volunteer fire departments in that area. I know up the Shore there are quite a number of volunteer fire departments as well. It would cover probably the Musquodoboit Valley area as well, if there was one, possibly, in the Sheet Harbour area. I don't know how we would do that.

MR. STEELE: Ron, do you think Sheet Harbour would take care of that concern?

MR. RONALD CHISHOLM: That would be my suggestion, that that would be the centre of the Eastern Shore, from Dartmouth down through to Sherbrooke at least, and probably further.

MR. CORBETT: I don't disagree with it wholeheartedly, Ron, but if that geographic area is considered, then there are large spots of Inverness County and Victoria County that don't even - Victoria County isn't even touched, their closest one is Sydney and sections of Inverness County certainly could go towards Port Hawkesbury but anything probably north of Inverness, there would be the same travel problems. I am thinking in the area you are

talking about, the Ecum Secum area, could they travel to Truro and the other area, St. Marys and that, could they travel to . . .

MR. RONALD CHISHOLM: There is no difference to them if they travelled just as far, I should say from Ecum Secum through to Truro as it would be to Port Hawkesbury, it would be very much different, and it's a long drive; from Ecum Secum to Port Hawkesbury is an hour and a half drive one way.

MR. CORBETT: I am not fighting you on it, there are areas where everyone is always going to have a problem, whether it is Parrsboro, because they are in the middle, they are not really close to either one of the areas.

MR. BARNET: It's an hour from everywhere.

MR. CORBETT: Yes. There are volunteer departments in Ingonish Beach, where do they go? I hear what you are saying, and if the committee wants - we are saying \$10,000 a day for a meeting. I realize one committee I had been on before, WCB, we made arrangements and we are looking at \$10,000, and two people show up. So we get into the argument, is that just the cost of being fair and so on. If it is the will of the committee I will certainly make my best attempt to be there, but I am sure if we get a letter from Ingonish saying that there are people up there having problems in Neils Harbour that's all I am saying, but if we can do it, it is a beautiful spot, and I would love to go, Ron.

MR. RONALD CHISHOLM: I know what you are saying too, Frank, about Victoria County. I mean maybe Baddeck would be an ideal spot to have one in that area. So there are other areas I guess as well.

MR. CORBETT: I don't want to belabour this, but maybe there should be a whole rethinking, maybe we should look at doing these in more rural areas than the more - if you want to take the risk of calling Sydney and Truro urban - urban areas because these are the folks, as you talked about before, Mr. Chairman, the fact that we really want the input of a lot of these municipalities that do not have fire inspectors, certainly where we have large volunteer contingents we don't want to lose sight of. I have no problem with it, I am not arguing from that basis. My only argument is from the logistics of \$10,000 a day.

MR. RONALD CHISHOLM: There are a lot of volunteer fire departments in Inverness, Richmond, the rural areas. They are all volunteer fire departments. Like I say, from Ecum Secum there is probably, in a 40-mile distance to Sherbrooke there are three volunteer fire departments that I know of.

MR. CHAIRMAN: Perhaps we could have a little more discussion and try to arrive at a consensus.

MR. BARNET: I don't know if it is possible or even something that you would consider. Obviously, there are four or five or six geographic areas in the province that when you look at this list and the other list that are a half hour or 45 minutes or an hour from any major parks, so it would be difficult for people to get there, but what about the possibility of doing some target advertising for presenters in those areas to try to maybe have one meeting that you hold by conference call, where people are lined up to present by conference call? And that could be anywhere at that point in time, it could be here in Halifax and the committee would meet and you would target those areas that are geographically away from where you are going to go in terms of trying to provide an opportunity for them to get on a list to make a phone call and present it by telephone. Would that be something that the committee would consider? Could that resolve the issue of Sheet Harbour, Ingonish, and Parrsboro, and the list goes on? There are all kinds of others as well.

MR. CHAIRMAN: I guess the question would also come up, if they felt that they were unable to attend, whether written submissions would be accepted to give everybody an opportunity to have input that wanted to do it? Russell MacKinnon.

MR. RUSSELL MACKINNON: Just a housekeeping matter, Mr. Chairman, and I do apologize for being a little late, coming from another meeting. Just to address the point that my colleague, the member for Cape Breton Centre has raised in terms of being a little sensitive to make sure we get the maximum bang for our buck in terms of location. I think your point is very well taken. The Grand Lake Road area is the geographic centre of industrial Cape Breton and perhaps that might be a better location at the local fire department there than downtown Sydney.

Sometimes people have problems coming from North Sydney and Sydney Mines, the Northside or from Cape Breton The Lakes, and that is the geographic centre of industrial Cape Breton. It is not in my constituency mind you; I did have it one time, sorry to lose it, but it is attached to the Trans Canada Highway and it would be a good location. If that's not a major difficulty with anybody here, I would suggest that might be a little better and even more user-friendly for the good folks out in New Waterford and Glace Bay.

MR. CORBETT: With that in mind, too - again with the mutual admiration society going here - what we should probably strive to do is to access as many of these community fire halls as we can in doing this in these areas, because if we are going to pay money to rent facilities in a hotel, if that was possible, certainly if we are going to do it, I think we will be showing the right colours by doing that.

[2:30 p.m.]

MR. STEELE: I was going to make a suggestion about the schedule and that was that my preference would be to see more than one hearing in the HRM area. Now Sheet Harbour being HRM, but I mean the old Halifax-Bedford-Dartmouth, perhaps one on each side of the

harbour. But I do quite like Russell's idea of doing it in slightly non-traditional places. For example, on the Halifax side, rather than doing it here in downtown Halifax, we could do it out by the Bicentennial Highway, which is relatively accessible by people from Bedford, Sackville, and also from the Halifax area. A place like the Holiday Inn Express out beside the BiHi, or Russell's suggestion about where to do it in industrial Cape Breton.

I also like the idea of a conference call, if it is technically feasible. For example, what we could do is in the fourth week we could have a day that was simply a conference call day, where people could call in from wherever they were if they hadn't been able to attend a public hearing but still wanted to make a verbal presentation. We could be here in this room and people could call in from all over Nova Scotia, if need be. So if it is technically feasible and doesn't cost an arm and a leg, it is something that I think really could be considered as an integral part of the hearing schedule.

MR. CHAIRMAN: Yes, we do have e-mail and written submissions by letter and I guess we probably should get a feeling of the committee on whether the conference call would be, we would have to find out the costs involved - as in all things.

MR. STEELE: I wonder if Dale or anybody else in the room has an idea of whether it is technically feasible to do that.

MR. ROBBINS: Probably would, if you have the facilities, that might be possible. Mora might know whether it has been done here before, but it is probably possible to do it.

MS. STEVENS: What we have done is conference called in a number of MLAs for the Human Resources Committee, and I do have the cost of our original one which I can certainly bring forward. What we have is a 1-800 line for people to call in; unfortunately you cannot conference on a 1-800 line, I have been told. But, depending on how many people, if we knew ahead of time it is easy to set up with a conference call operator for as many parties, or you could do it individually, if you were meeting, and then just have one of the staff here call and conference it over and just put it on hands-free. That is a possibility if you are doing it one at a time, or a call can be set up. We just have to know ahead of time the names and the numbers of the people. That can be orchestrated.

MR. STEELE: I was thinking more of the latter option which would be a little more technically simple. So, my suggestion would be when we get to amending the motion on the floor that there be a second hearing for the Halifax-Dartmouth region and that we add in week four - since the hearing schedule that we have adopted does have four weeks in it, in week four we have an open-ended conference call session. Those would be the suggestions I put forward for discussion.

MR. CHAIRMAN: Thank you, Graham. Would it be appropriate to look at the list that we do have that we are discussing and perhaps try to pinpoint more specifically the

locations that we do want to meet in? That will help us arrive at the number of meetings that we will have. We have suggested, in Kerry Morash's submission, the Sydney area and, Russell, you have indicated, is that something that we have any disagreement on?

MR. MACKINNON: Mr. Chairman, just to enlighten members who aren't familiar with the area, it is attached to the Trans Canada. It is very easy to find; it is the geographic centre of industrial Cape Breton. It is near a lot of the amenities such as if you were to break for lunch or whatever, you are across from the mall. There are restaurant facilities there, it is easy access for downtown. It is in the Welton Street area there, which is predominately restaurants and fast food outlets and easy access for the members who are staying from out of town. If they are staying in hotels and motels downtown, it is the main thoroughfare right to their location. It is in a volunteer fire department facility and it makes it easier to appreciate the environment; it reflects the intent of what the committee is all about. I believe it might be a little bit more cost-effective than renting some of the more high-priced facilities.

MR. CHAIRMAN: We are very interested in cost-effective.

MR. MACKINNON: I somehow suspect that in certain areas. We are trying to help that new facilitator in health care, make her job easier. (Laughter) A little levity there.

MR. CHAIRMAN: Perhaps we could choose the locations, if that is agreed with. Are there objections or any further discussion on the Sydney area?

MR. RONALD CHISHOLM: I know exactly where that fire department is, it would be an ideal location. I would also suggest, Mr. Chairman, that in the Port Hawkesbury area, the fire department there, as well, has an excellent facility that they rent out, and they would no doubt be glad to accommodate us for the day or whatever.

MR. CHAIRMAN: Mora, would you like to . . .

MS. STEVENS: There is just one concern that just popped into my head. Is going to a voluntary fire department or a fire department something that would get other fire departments upset - why are you not coming to mine? We have always had to try to keep neutral places, and that might be something that people would want to consider. You have to be very careful of the area that you would choose. You certainly would know the areas a lot better than we would, but we don't want to have it look like the committee would be for one side or the other. We have always tried for very neutral places. So when you are going through this, if we can just keep that in mind. It is difficult enough out on the road, but you don't want to get into something that we couldn't foresee. I would just put that cautionary note out there.

MR. MACKINNON: Mr. Chairman, if that were the case I certainly would have picked one in my own constituency, which is also attached to the Trans Canada, the Mira Road one, which is only about two or three miles away. I looked at what I thought was the best option. I think the volunteer fire departments in the CBRM are very intellectual and very fair-minded individuals, and they appreciate the value of that. I might be wrong, and some people may look at it a little differently. I think anyone who knows the geography of the area knows it is very easy to find, and it is a good facility. That was my only thought.

MR. CHAIRMAN: My experience with the fire service in Nova Scotia has been that there would not be a problem of sharing a facility. The fire services get along extremely well.

MS. STEVENS: They must all be wheelchair accessible. I am assuming they all are, and they are all (Interruptions) Excellent.

MR. RONALD CHISHOLM: I am almost positive they have an elevator; it is an upstairs facility and they have an elevator there, and it is wheelchair accessible. If something happened that it wasn't, Port Hastings is about five, six kilometres from Port Hawkesbury, so either one, it wouldn't make a difference.

MR. STEELE: Mr. Chairman, I wonder, could I try to summarize the discussion in the form of an amendment to the motion that is on the floor?

MR. CHAIRMAN: Certainly.

MR. STEELE: The motion that is on the floor is that we adopt the schedule proposed by Kerry Morash, and I would like to move an amendment to that based on the discussion. The amendment would be that a week four be added, and that in week four there be a hearing scheduled for Sheet Harbour, and also in week four that there be a conference call available for people who choose to make their presentation that way. The amendment would also state that it is the desire of the committee, as much as possible, to hold the hearings in local fire halls or similar facilities, with reference in particular to the suggestions from Russell MacKinnon about the Grand Lake facility for the Sydney area and the Port Hawkesbury-Port Hastings facility, with due regard to disabled access. I would move that amendment to the main motion.

MR. CHAIRMAN: Any discussion on the amendment?

MR. BARNET: You didn't mention anything about a second meeting . . .

MR. STEELE: Oh, I am sorry, thanks very much. That was my own suggestion, which I forgot. The amendment would also include a second meeting to take place some time in week two in the Halifax-Bedford-Dartmouth area.

MR. CHAIRMAN: May I just get some clarification? The days that we can do these are basically Tuesday, Wednesday and Thursday, is that not correct, from a staffing standpoint?

MR. MACKINNON: Mr. Chairman, I have to be a little sensitive and I believe there are other members here on the committee who have to be sensitive too, the Public Accounts.

MR. CHAIRMAN: That sort of eliminates Wednesdays.

MR. MACKINNON: Well, we could do some alternating, but I know there are at least one, two members here. Who else is on Public Accounts?

MR. BARNET: I am, but I am not on this committee.

MR. MACKINNON: Okay, so it is just me. Rather than hold up the committee, I will just find a replacement for the Public Accounts Committee. I know that will be disappointing to some government members, certainly in the Premier's Office they will be disappointed.

MS. STEVENS: Usually what we do is Monday is a travel day for staff to set up, because Legislative Television certainly goes early and sets up and depending on where it is going, like if you are going to Sydney you have to leave the day before and then you're ripping down at night and going the next day. So we have usually chosen Tuesday, Wednesday and Thursday, and sometimes there is a spillover to Fridays.

If you need more than one meeting, what happens is we put the 1-800 number out there and the ads go out. We book the time and we start 7:00 p.m. through until 10:00 p.m. and then if we need more time, sometimes depending on the location, you can go into the early afternoon so that sort of extends the hearing a little longer and then we have kept sort of the dates if you need to go back; I know we did with Workers' Compensation. There was so much demand in Sydney that they had to put another day and they travelled back up there at the end of their hearing schedule and sometimes that has happened as well, that it is just sort of a fallback day that you can always re-book. So that might be something the committee wants to keep in mind.

MR. CHAIRMAN: In the amendment that Graham indicated for the Halifax-Bedford area, or Dartmouth area, would there be a possibility of doing two meetings in one day?

MR. BARNET: Mr. Chairman, could I just make a suggestion with respect to the Halifax one? I know that with other initiatives that the province went through that there have been occasions where they have brought information out to the public and they have had six people show up and they have had a meeting in Halifax, a meeting in Sackville and a meeting in Dartmouth within a day period after heavily advertising; in other cases where they have packed the place and then not had, you know you just never can tell. The issues are different.

I wonder would it be wise to put a gap between your first meeting and your second meeting for Halifax, so that you put it as tentative in the event that it is necessary, rather than scheduling it as a permanent meeting that you assess the attendance of your first one to determine whether or not you need a second one? That way you're not spending \$10,000 for two people.

MR. CORBETT: I agree with that, too. I would like to put forth that, to be on the safe side, our first meeting in the HRM area should be outside of these confines, not exactly the committee rooms, it could be somewhere out in Bedford, Dartmouth, or some place else, and then if the second one is needed, for the purposes of cost come back here and do them here because there is no setup.

MR. CHAIRMAN: Is there further discussion?

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

[The motion is carried.]

MR. CHAIRMAN: So we pretty well have our locations, and on our list there is the Amherst area. What would the feeling be, for example, of Springhill or something like that, that would bring Oxford and the other . . .

MR. STEELE: For myself, I took that to mean generally the Cumberland County area. To me it doesn't have to be Amherst. It depends what Ernie thinks, I guess.

Mr. Chairman, I wonder if I could raise a different topic and that is what recording services, if any, the committee feels that it needs?

MR. CHAIRMAN: I had one meeting with Mora and she just indicated that Hansard might be available, but I will leave that . . .

MS. STEVENS: Standardly what happens is we have transcripts of the meetings for the members and for all the witnesses who attend. It has been that way since I have been here, because it gives you a good record of what is actually said and what happens. You do have two Legislative TV people out on the road, and then you have Hansard typing the transcripts. It would just be like a transcript of a regular standing committee meeting. That gets distributed to all the witnesses, as well as giving you a record of what was said, that people can fall back on, to say yes this is what I said or this is what the committee heard. It has always been, certainly, very helpful for the committee, as well as going back in the past. It was only a couple of weeks ago we had calls for the Workers' Compensation transcripts that happened a couple of years ago.

I know they certainly seem to be valuable. Again, it does cost a lot of money to have transcripts. That is a major cost, because you have two Legislative Television staff going on the road, all of their expenses, all of their overtime, the van that it takes to rent to go there as well. I know a lot of the costs for Hansard is in-house because they are a service that is available, but there is still, obviously, a cost there. So it is certainly up to the committee, what they would like to do.

MR. CHAIRMAN: What is the feeling of the members, in that area what is necessary to do an adequate job?

MR. CORBETT: It is always good to have transcripts. Again, I think, as most people said, sometimes we may go and they get it transcribed, six hours we are at the meetings, and the next time it is six minutes, and that is the craziness when you do this type of committee work. You don't know until you get out there what is facing you, until we start advertising. While it is a worthwhile piece of support to have, I guess it has to be weighed out.

MR. ROBBINS: Just let me ask a question. Do you always get written submissions from each of the presenters? If you get that, are they logical or do they alter in the course of their discussion or presentation, or is that sufficient to fall back on? The taping provides, I suppose, direct communications back and forth between the members, chairs and so on. Is that important to you? Are the written submissions enough for you to work on as a committee to make your final determination? I guess those are some of the considerations you would want to consider in that.

MR. CHAIRMAN: I will ask some of the members, of course, to have input. I haven't had a great deal of experience. The only other one I have been on, written submissions were given and they seemed to be adequate.

MR. CORBETT: Well, yes. Except Mora's shaking her head.

MR. CHAIRMAN: Some are; some aren't, are they?

MR. CORBETT: I think you have some that are written, and some people are very good, they will make copies right there for the committee to pass around. We just saw it at the Law Amendments Committee, where someone will come in and have copies made for everybody; others will come in with a brief and then go right off it. What you also have there is the questioning from the committee members which can take on a life of its own too, but I don't see that as a problem because we have such an excellent chairman.

MR. GORDON HEBB: Mr. Corbett referred to the Law Amendments Committee, and the practice in the Law Amendments Committee has never been to transcribe, because I guess most of the presentations there have been written briefs, but they are recorded and can always be referred to. There certainly can be a saving by not transcribing unless you need to.

The other thing we have done sometimes in the Law Amendments Committee is merely transcribed those people who have not presented written briefs, and not routinely but where there has been a specific request by the committee that they would like to have a written record of what a particular witness said, we have then transcribed that. Certainly it is less onerous.

MR. MACKINNON: Mr. Chairman, just to follow up on that point. It wasn't until last year when I made an official request to the Speaker that the tapes from the Law Amendments Committee be maintained, the past practice has been that after five years all transcripts of the Law Amendments Committee would be destroyed. Now we have those records being safeguarded. Mr. Kinsman, am I correct in that? Yes.

But one of the good points about having Hansard is that perhaps, when we get into a "question and answer" after a presentation, sometimes we are able to elicit more clarity on exactly what a particular individual or interest group has in mind in terms of a particular aspect of improving the Fire Prevention Act, as we are proposing in that regard.

To be able to help to ensure conciseness and clarity we should have some form of a transcript/record, whether we would need it on a daily basis or perhaps at the end of the every week, or something like that at least so members, particularly the members for the respective caucuses will be able to refer when they are making recommendations back to the committee or the Liberal, NDP or Conservative caucuses, you will have something there that you could refer to, to make sure you are not second-guessing or that you may not have transcribed something using the number two instead of the number three, for lack of a better example.

It is just to ensure that concise, clear reflection of what happened at that particular point in time and what the position is of a particular individual or a group of individuals. I would think it would be important to have transcripts, not necessarily at the end of every day, but at the end of the hearings we should have a transcript that we can refer to.

MR. CHAIRMAN: Mora, you have had experience in this field, would you like to . . .

MS. STEVENS: I think . . .

MR. STEELE: I have a question about costs, if I might. I don't know who the best person is to ask the question of, but it seems like there are roughly four options here: one is to have no recording or transcript at all; the other extreme is to have recording, virtually an immediate transcript, within 24 hours; and in between those options are recording but no transcript unless requested; and then recording and, as Russell has suggested, you have it not immediately but available by the end of the week. I wonder if anybody could give us even a ballpark about the relative cost of those various options.

MR. ROBBINS: Right on the spot it would probably be difficult to do. Bob, I am not sure if you can comment on the costs. We have a fixed staff, we have some staff. We often would have to bring in possibly additional staff, if you were on a time-frame crunch, to get things out. It depends on how long the hearings are. If you had hearings that lasted a couple of hours, well that is not a major thing, but if you have hearings that last all day, 9 days, 10 days, 11 days, then it is a lot of transcription. Those options, I know on the Legislative TV, the recording component, that is probably more costly because you have people on the road, and your travelling costs, overtime costs and the set-ups and so on, that can be costly. It could be done, it could be factored out what that would cost per day, we could do that, but I can't tell you right on the spot, and I am not sure whether anyone here would be able to do that right now.

MR. STEELE: I just have a follow-up question. If I am understanding correctly you are saying the major part of the cost is actually sending people on the road and recording, that the actual transcription by Hansard staff, probably here in this building, would not be so much a major component compared to that. Am I understanding that right?

MR. ROBBINS: I can ask for Bob's comments, but I would think that in terms of it is a small amount of transcription we could accommodate that with existing staff, without adding an additional cost factor, depending on whether you get into a lot of hours. Then, given the fact that we are backlogged a bit anyhow because of the recent sitting of the House and the transcription of the Supply debate and so on, when we add more to that, it can give a crunch. I can let Bob comment on that; he would be knowledgeable.

MR. ROBERT KINSMAN: I am not used to being on this side of the mike. (Laughter)

The main problem for us would be the deadline. If you wanted it within 24 hours it would be much more costly because we would have to hire casual staff. If you were doing it, say a week or two lag, then that is really not a big problem. The cost that has usually been given by Hansard is \$30 a page, that is how we figure out what it costs. That works about to, every five minute tape, which is a page, page and a half, so you are talking \$350 to \$375 an hour, but if we have regular staff then it is not nearly as expensive, of course.

MR. CHAIRMAN: Mora, would you have any suggestions or guidance?

MS. STEVENS: I know, certainly, that Hansard transcripts seem to be very important to the public because they are the ones who are giving you their input and for them to get something back, to say yes, this is what I said, it is a record for them. I know we have had that contact with the public, and they are very pleased. Not only do the ones who present get it, but I can pretty much assure that basically every volunteer fire department would ask and receive copies of those transcripts. We had that with Workers' Compensation, one group would say I want not just the transcript from our area, we would like copies of every

transcript. Now they are available on the Web, so that makes it much easier for those types of costs. We can send them a copy and they can get the rest on the Web.

I know that for the public, those transcripts are very good. Also for that permanent record, it is very nice. With Workers' Compensation, we went back to some of the things that had happened in other Select Committees on Workers' Compensation. They seem to be a very useful tool. We have never had a 24 hour turnover with a select committee out on the road or even a standing committee out on the road, like the House has. It has always been a couple of weeks, because what happens is you come back from a week on the road, then you give Hansard the tapes. Then they are working on those tapes while you are out for another week on the road.

I know some have actually been couriered to make it faster but, of course, you are doing 5 minute, 10 minute tapes, so even the cost of the tapes alone can get extreme if you are not able to reuse them. There was also the talk about keeping those tapes, especially if you don't transcribe them, because people really like to know what they have said. The committee certainly might want to have a section - if they don't have it typed - at least to say remember John Smith who said this in Port Hawkesbury, we would really like to use that, it was a great idea. That is the sort of thing that only comes out when you are dealing with your reports and afterwards.

Having the transcript also enables the members to relax, because they know it is being recorded and they can think, oh, I will catch that later. Instead of writing notes furiously, you can really concentrate on what people are saying. Those would be my comments.

MR. STEELE: Mr. Chairman, I would like to move, to give us something to vote on if need be, that Legislative TV be asked to record the proceedings of the committee, and that Hansard be asked to transcribe the proceedings, with the understanding that as far as possible it would be within normal staffing and scheduling. Is that an appropriate way of putting it?

MR. CHAIRMAN: We have a motion. Discussion? The question is being called for.

Is it agreed?

It is agreed.

[The motion is carried.]

MR. CHAIRMAN: I am sure this committee won't operate this well, but it is wonderful today. It is wonderful today, Frank. (Interruptions) We do have locations; we do have time frames.

MR. MACKINNON: Mr. Chairman, one slightly different issue I think may be very helpful to committee members is the fact, as you may or may not be aware, that there was a Fire Prevention Act prepared after a two year consultative process which kind of died of natural causes after July 1999. But there are rather substantive records within the Department of Labour, a list of all the briefs and the presentations that were made by various stakeholders that would be affected by any Fire Prevention Act. That file is there, with a list of a lot of those briefs and presentations that were made by volunteer fire departments, paid fire service, municipalities, fire chiefs, and on and on and on.

[3:00 p.m.]

I think it would be helpful if the Department of Labour would be willing to provide a copy of those briefs. I think it would be very helpful for all members to at least read them and prepare for when the hearings come up. Not that we are not capable, but certainly we would be able to ask better informed questions, we would have a better understanding of some of the issues. There are some issues that become quite technical, particularly with the sprinkler systems, fire alarms and the relationships of the various lines of responsibility within the technical aspects, particularly with decisions of the fire chief delegating responsibilities and occupational health and safety and so on.

There is a lot of very good and interesting material that is available. I have had the good fortune of reading some of them when I was minister, and I think it would be very helpful to members. I don't see there would be any difficulty with the Department of Labour. I am sure the minister and the deputy minister would be quite supportive in providing whatever they can, copies of those briefs. It would be very helpful. There is a Fire Prevention Advisory Council that is made up of a cross-representation of all stakeholders in the province; they oversaw that as well. It would be very helpful.

MR. CHAIRMAN: I am sure that this information would be readily available to us. I think maybe just prior to your getting here, I have had some consultation, over the five years since 1995 when they started working on this, that this document that is there now, the Nova Scotia Firefighters Association and the officers association are very supportive of and actually think it is just about it the way it is, I could be wrong, but I think most of our input will come from the municipalities and other stakeholders that it is going to affect, from finances and so on. I think the fire service is relatively, in general, pretty happy with this legislation.

MR. MACKINNON: Mr. Chairman, if I may, I believe you are absolutely correct, that will be one of the more contentious issues, as well as the concern that there are certain stakeholders in Nova Scotia who would much prefer a decision of the fire marshal be appealed to the political level rather than through the judicial form. I think that's something that I would alert all members to be very cautious of, because any attempt to politicize fire

safety in Nova Scotia will be to the detriment of everyone sitting in this room and well beyond. I agree with you, Mr. Chairman, there are two major issues.

Most of the issues, I feel, have already been covered, but this is a process that has been decided and I think we owe due respect. I think that information would be very helpful to all committee members and I think we would be remiss if it wasn't provided. Perhaps, maybe in the form of a motion or a general consensus, we would ask you, as chairman, to request that the department provide it.

MR. STEELE: I have two questions for Russell, if I might. The first one was, in that previous process were there public hearings (Interruptions) Or was it written submissions? So, there were public hearings?

MR. MACKINNON: There were invitations for people through the stakeholders. It took place over a two and a half year period, if my memory serves me correctly.

MR. STEELE: But in the form of written submissions?

MR. MACKINNON: Written and oral submissions.

MR. STEELE: The oral submissions were submitted to who?

MR. MACKINNON: To the Department of Labour, to this Fire Prevention Advisory Council.

MR. STEELE: Are there transcripts of those meetings?

MR. MACKINNON: I would be incorrect to say yes or no.

MS. MARGARET MURPHY: There was a final report, and there was a discussion paper that was put out by the Fire Prevention Advisory Council. That, unfortunately, is not on the Internet anymore, but we have copies. I am sure they would be able to supply copies.

MR. MACKINNON: There is a rather large file of all the presentations that were submitted from municipalities, the paid fire service, the volunteer service, you can go on and on. I believe once we see those reports and once presenters start coming, there will be a lot of repetition.

MR. STEELE: Perhaps the best way to deal with it then would be to ask the Legislative Library to coordinate with the Department of Labour and make sure that those are available to any member of the committee who wants to view them, or are you suggesting that every member of the committee should get a copy of everything in that file?

MR. MACKINNON: Well, it should be made available. If committee members don't want to bother to read all the material or to have it, I think it should be available so that . . .

MR. CHAIRMAN: Perhaps we could request Mora to check on it and see if it could be made available, and anyone who wants it could contact Mora.

MS. STEVENS: Precisely. Standardly what we do is we don't just throw you out in the road unprepared. We usually, about a week before a road show, have people in like the fire marshal or the Department of Labour or groups that have been there. Especially where there is a bill, like we did with the Workers' Compensation Select Committee, we sort of went through all of these things a week or two before so you had a really good background before you were put out on the road.

That is one of the reasons why Gordon was asked here today. Since there already was a previous piece of legislation and there is previous work done, what Workers' Compensation did is actually have someone from Gordon's office - it was Gordon Johnson - travel with the committee because they would be the ones or he was the one working on the Workers' Compensation Act that would go in that report. That might be something you would want to consider for this road show. It was very important to know the legal aspects; of course we have a lawyer on the committee which is always good. (Interruptions)

MR. STEELE: As long as everybody would just listen to my opinions. (Laughter)

MS. STEVENS: But what happens is the witnesses, Bill No. 58 was out there or they have the Act in front of them, and they say okay, what are you doing with this and this and this, and then the committee is like, hmm, how do we answer? That happened a number of times at the beginning of the Workers' Compensation hearings. That might be something you consider as well.

We never throw you there without having a series of meetings beforehand. That could be something, we could bring in people and certainly get all that background and put together a binder for you.

MR. CHAIRMAN: If you look at Kerry Morash's recommendation, at the bottom he did suggest that time be spent with the fire marshal or his people, the appropriate people, prior to our hitting the road.

MR. MACKINNON: Perhaps, Mr. Chairman, if I may, just to summarize. Maybe you as chairman of the committee would make a request to the minister and/or the deputy minister and/or the fire marshal asking for any and all available presentations or reports, submissions that have been made in the past that they are able to release, it would certainly be appreciated by the members of the committee.

MR. CHAIRMAN: I will do that. Mora, we can . . .

MR. MACKINNON: Would that be agreed?

MR. CHAIRMAN: That is agreed. I will check on that.

MR. STEELE: Mr. Chairman, now that we are halfway into the topic of staffing, maybe we could just talk about staffing. I am sure that Carla and Nicole are just dying to know what the committee's desires are in terms of staffing, and also the Legislative Counsel's office. I am not sure that it is the best use of Legislative Counsel's time to have somebody on the road with us - others may not agree - although I do like the idea of having somebody from Communications Nova Scotia given the task of doing the actual writing of the report. Then, if they are going to do the actual writing, I think it wouldn't be a bad idea at all for them to accompany the committee on its travels.

My suggestion, which I can put in the form of a motion if you like, is that Communications Nova Scotia be requested to send a staff member with the committee, but that Legislative Counsel's office not be asked to send a member on the road with the committee. I would put that forward for discussion.

MR. CHAIRMAN: Graham has brought forth the motion. Any discussion on that?

Is it agreed?

It is agreed.

The motion is carried.

MR. STEELE: We will let Carla and Nicole fight over which one gets to go on the road.

MR. CHAIRMAN: At this point, is there other staffing that we should be looking at, Mora?

MS. STEVENS: Usually what we've done with the last couple is we have been lucky enough to have been able to hire someone who actually goes on the road with the committee. It was Kim Sheppard the last couple of times but, of course, it all depends on budget restraints and what is happening. The one thing, Kim having been on the road with a couple of committees already and familiar with the system, she also works at Hansard. So it sort of goes back and forth and it is only if there is money to do that because, as you can see, depending on the weeks that you're travelling, we have got Public Accounts and all the other committees that we have to staff as well and be here. So that has happened the last couple of times but, again, it is budget restraints.

MR. CHAIRMAN: Dale, how would you say we're doing?

MR. ROBBINS: I was just wondering about that, just a comment, I don't know, the administrative aspects. The person who goes more or less, I think, handles the administrative, I am just commenting to myself here, whether if somebody was attending from Communications, whether they would be able to make a linkage there just to look after anything like that or if that is out of the question, or if there is any other provision, or if any of the existing staff, as opposed to hiring somebody, dedicated during that period.

It is only a comment that I will just throw out and while I am talking maybe a couple of other aspects before you finish, I would just like to get your feedback on, and that will be the advertising, what you feel are requirements there. That is an expensive item and it depends on how widely you do that, whether it is just the dailies, a couple of dailies, or whether it goes into other forms and the other aspect, I think I hear you saying they were going to attempt to use fire halls for hearings possibly, where possible, so I want to keep the costs - they probably will do this free of charge to us and I assume that's the direction I am hearing here. We will try to eliminate rented facilities per se in building up our costs here, what this might lead to.

MR. MACKINNON: Mr. Chairman, on Dale's point, I think it would be remiss if the committee didn't offer at least a nominal fee to cover their overhead expenses, something like that. I mean you're . . .

MR. ROBBINS: Yes, it would certainly be cheaper than using . . .

MR. MACKINNON: Well, yes, I mean, it is just common courtesy I think. Although I appreciate our money man over there in the corner, he is vigilant in all corners I can assure you.

MR. CHAIRMAN: I do know that the red tape committee advertised quite extensively, yet we heard some criticism that no one ever - and we would have a whole page, like a side of a page with a red line down it and yet people said they never saw it. So I don't know what you do to make sure people are aware that you're coming to town, but . . .

MR. CORBETT: That is what happens when you have a partisan committee.

MR. CHAIRMAN: We did use red.

MR. STEELE: Let's finish this question about staffing if we can before we get into advertising which is obviously an important issue too, but let's . . .

MR. CHAIRMAN: Let's clear up the staffing.

MR. STEELE: I mean I quite like the idea of one staff person kind of looking after everything, but how does Communications Nova Scotia feel about that?

MS. CARLA BURNS: We are not familiar with select committee meetings and the set-up and the administrative side of it. Mora, I don't know if you have anything to add to that. I mean most certainly we will help where possible and with past select committees and public hearings, if we did not have a staff person available, then depending on the budget, you know, we may have hired somebody to do that, but in this case we more than likely would have somebody to go. I don't want to commit to handling the whole meeting. I am not sure if we could.

MR. CORBETT: I would just like to go back and I know it doesn't make you a veteran because you're on one committee, but the way it worked before, there was a contract person from CNS.

MS. BURNS: Yes.

MR. CORBETT: And there was a contract person, I think, from your office, Mora, and there were two people from LTV and that was the staff. There were other people with the committee which we wouldn't encumber - I shouldn't say encumber because they were very helpful - that I don't perceive to be on this committee, but people stemming out from that. That's what I found were four people because especially with the constant recording, the LTV people spelled each other off and the person from the Committees Office acted as basically the person who welcomed you and helped the flow and so on. The CNS person helped us, actually helped a lot, they worked in conjunction with the person from the Committees Office, plus were working on the file and, as you say, shortened up the writing aspect. That is what we found, four people.

MS. STEVENS: Precisely. We have done it with one, and it doesn't really work well. If someone is going there from Communications who is also doing the writing, they need to have that time to be able to concentrate on the meeting. When you are running a meeting, you have a list of people who are going to appear but the changes that happen, even from the running around to do the photocopying, especially if you are not in facilities that have photocopying facilities, then you are running after people, you are getting names, spellings, there is a lot in the coordination of that meeting, and not just at the meeting time, it is all the things that happen beforehand.

I really would suggest, even in some meetings, that we had extra staff go down because it was just too much to do. At the big meetings in Halifax, we had two committee people plus another Communications person because it was so big. If you have a lot of names then you sub in people because you want to have a meeting that runs smoothly. If you don't, you may find that it may be recorded but then you have all the problems that would take

place in Hansard, there were no correct names, and that just adds to the cost because you are calling, you are finding out names, spellings.

If you have something, you are really eliminating other costs that could happen because the Communications person, the last time, also set up interviews. They were working on different aspects of communications that when you are coordinating a committee meeting you are not really working on. That is sort of the aspect, I know with Workers' Compensation, Doug handled. He was dealing with the reporters who were there who wanted to line up stories and interviews and dealing with getting the chairman and some of the Opposition members on the radio, doing interviews, and he was writing the report as he was there. Then somebody was coordinating.

I would suggest that there would be somebody that comes from this office, whether it is Darlene or myself. We have to also keep in mind what is happening with the committees that traditionally meet, because they will still be meeting.

MR. CHAIRMAN: Are you suggesting possibly four people?

MS. STEVENS: That would be my suggestion. Legislative TV will not go with less than two. The labour laws, things like that, and the equipment they are lugging, they just cannot do it with less than two. They are lugging more equipment in and out - you have seen it - and the set-up, there is at least two from there. I would suggest that four go.

MR. CHAIRMAN: Would someone like to move that?

MR. BARNET: So moved.

MR. CHAIRMAN: Is it agreed?

It is agreed.

[The motion is carried.]

MR. STEELE: Could we move on to the question of advertising.

Mora, perhaps you could lead us down the advertising road here.

MS. STEVENS: Standardly, an ad goes in the paper. This was the Workers' Compensation ad. Standardly, we put it in every daily and weekly paper, plus it is faxed to the various interest groups so they know when we are going. There are very many complaints that we didn't see the ad, we didn't see this, we didn't see that. It's really difficult to sort of determine where you want to put those ads, if second advertisements are required. I have a costing from Communications on what it costs to insert ads, one insert versus two inserts,

and I would think it would be putting it out to them, because they talked about possible radio ads might be a less expensive way to go. If you wanted to do the daily papers and then radio ads or doing select things on the cable stations, they have all those costings.

Depending on where the committee wants to go and what their budget is, they can mock up something. I have what would be the largest budget, they just based it on the figures they had for Workers' Compensation. They said just for the committee to get back to them on where they are going and give them a budget, and they can work something out for that. This budget, for total coverage, I think we have been budgeting at least \$30,000 to \$35,000 the last couple of times. Then we have added on top of that when we have had extra hearings and things. It is a very big expense, and you will still hear, I didn't know about it.

MR. BARNET: I just want to suggest that it is my opinion that the vast majority of the presenters who are going to come and want to present are the people who have an interest in the fire service, or the municipalities. I wonder if it might be wise to use some of your advertising money to send direct invitations, somehow, to those people, to circulate through the UNSM, through the fire services, the different variety of volunteer fire services and those interest groups, notification of all the meetings and then simply do an ad in the big three or the big four, whatever, a substantial ad in the big four. You are going to find that the people are going to come because they heard about it through the network, you just have to make sure the network is aware of it.

MR. CORBETT: My only disagreement with that, Barry, is going back to an earlier conversation Ron and I were having, is the rural areas and the weekly newspapers for the rural areas. I think you mentioned it earlier too, Mr. Chairman, about some of the changes and how it will affect some of these rural people. Politics being politics maybe certain groups will tell some people about the meetings and won't tell others. If we say, look, I gave that information to Frank Corbett, if he didn't dispense it as it was supposed to be, then it is his fault, and then we get back, that is not right.

It is one of those costs that when you get into it you have to do it. It seems reasonable, and I agree with it, but if one person comes to us and says I was Chief of the Ecum Secum Fire Department and I didn't get information, and the reason I didn't get it was because I am on the outs with these five guys and they kept it from me. We can go back and say look, here it is, here is the ad from the Herald, here is the ad from whatever weekly may reach in there. We have done it, and other than going up and knocking on your door - or go see Ron Chisholm, it is his fault. (Interruptions)

But that is what I am saying, there is a responsibility on us too to get our own people. I wish it could be done by word of mouth and trust, but I don't know.

MR. BARNET: That is what I was saying, provide notice to however many volunteer fire departments, 700 or whatever there are.

MR. MACKINNON: It's 350.

MR. BARNET: Well, 300-something and the 50-some municipalities, direct notice, and then instead of having a whole bunch of small ads in the local or weekly papers, you have one larger ad that is going to get the attention of all of Nova Scotia or at least as many people as possible, in the Mail-Star or The Daily News, the Cape Breton Post, and I guess that would be . . .

MR. CHAIRMAN: We can get most of the fire service through the Atlantic Firefighter, every fire department gets a copy of that and almost every member gets it. Certainly to get it to the fire people themselves, I think that would be a good method and it is very inexpensive.

MR. STEELE: Is that a monthly?

MR. CHAIRMAN: Yes. (Interruptions)

MR. STEELE: So we would have to get our ad in pretty fast.

MR. BARNET: The other thing you can do too is contact the various departments where you are going to appear, often they have bulletin boards out front, where they stick the letters in, and maybe you can ask them, as part of the booking package to book their hall, that they put it on their illuminated sign at the same time. That might help as well. I just think that \$35,000 seems to be an awful lot of money to spend when you can go out there and directly approach the people who are going to come anyway and notify them directly. If you spend the \$35,000, you may only end up with a dozen or so ordinary citizens who weren't approachable by that method of directly getting to the members of the fire departments and the municipalities.

MR. CORBETT: Not to belabour it but I think the cost differences in advertising in those weeklies, I don't think are prohibitive. I bet you if we went from a quarter page ad to a half page in the Cape Breton Post, The Daily News and the Chronicle-Herald, you would see a substantive piece of change there that would probably equal what it would cost you in those small weekly newspapers.

I am a fan of those. I think people read them and, you know, Barry, if we only get 12 "ordinary citizens" then at least they have their say. That's part of why, I guess, again, I will go back to the opening remarks by the chairman, the piece of legislation seems to be fire-department friendly and maybe there are municipalities and other people that see that this isn't the most efficient way of spending tax dollars. I agree with you, but there would be a comfort level with me that would just as soon go with that same type of blanket advertising. And not to eliminate one . . .

MR. BARNET: One more comment. I see what you're saying, but having spent thousands of my own dollars advertising and marketing my own products and stuff in the past, I just know that the best way to approach people, your customers, is you go direct to them, and often what you have to do is evaluate whether or not you're getting good value for the dollar, whether or not that ad is going to actually attract people, customers, in this case constituents to a meeting. I am just wondering if it would be good use of the \$35,000 to blanket the province in every single newspaper and whether or not you'll actually attract more people to those meetings by doing that, or by simply some form of direct access, be it through associations like the fire departments and different groups and maybe at the same time on a smaller degree so that you at least provide the opportunity for people to see it who otherwise wouldn't have an opportunity, you know, provide an ad in each of the major papers.

MR. MACKINNON: Mr. Chairman, I have to disagree with my colleague, the member for Sackville-Beaver Bank . . .

MR. BARNET: Why would that not surprise me?

MR. MACKINNON: . . . for the simple reason if we were to take the approach that he is suggesting then we don't have to continue with these hearings. All those reports are now on file with the Department of Labour from the interest groups he has just suggested. We went through a two-and-a-half-year consultative process and the stakeholders he is referring to are the exact same ones that have already made submission on the same issue. So if we're going to broaden the net and broaden the scope so as to reflect the intent of what the government is trying to do, then I think what our colleague, the member for Cape Breton Centre, has suggested is fair and reasonable. You reach out to those outreaches of the province, otherwise this is an exercise in futility because what you've suggested is already on file I can assure you.

MR. STEELE: I have a question. The 350 or so volunteer fire departments, is there a mailing list for them readily available to us?

MR. MACKINNON: Yes, there is.

MR. STEELE: With the Office of the Fire Marshal?

MR. MACKINNON: About 325 volunteers and then when you take in the paid service, it brings it to between 350 and 355.

MR. STEELE: So, Mr. Chairman, I would like to move that for the purposes of advertising that an ad be placed in each provincial newspaper as per the outline here of the standard procedure, and that an ad also be placed in the Atlantic Firefighter as soon as possible - given it is a monthly, I assume we want to get it in sooner rather than later - and

that a letter be sent directly to each of the 55 municipalities and to each of the other firefighting bodies, the volunteer fire departments, and that that be the advertising for the purposes of this committee.

MR. RONALD CHISHOLM: I say the municipality should be included. I am not sure, did you say that?

MR. STEELE: I said that.

MR. RONALD CHISHOLM: Okay, I didn't pick that up.

MR. STEELE: One to each of the 55 municipal units, yes.

MR. RONALD CHISHOLM: Each member.

MR. STEELE: Each member and the units then as well, if need be.

MR. RONALD CHISHOLM: Maybe the chambers of commerce in each area too; if you have a list of those, it wouldn't hurt to notify them as well.

MR. MACKINNON: Mr. Chairman, on that point, you see the focus I am trying to reflect is if it is the government's intent to kind of expand out and kind of reach beyond the scope of what has already been achieved with the articulation of the legislation, it was ready for the Legislature back in 1999, then we're dealing with average everyday Nova Scotians who are now required under the National Building Code to meet certain fire safety standards and specs when they build a home or construct a commercial building or any type of a complex, let's say it is a warehouse for the storage of dry goods, or whatever, and these individuals should be given an opportunity as well, just everyday Nova Scotians.

[3:30 p.m.]

The additional costs to the everyday Nova Scotian, when constructing their own home, has increased quite substantially because of these increased demands that have been imposed through the National Building Code, i.e. in conjunction with fire safety standards. So just limiting it to what we would generally perceive as the traditional stakeholders, I think we would be remiss and I think the government would miss its target on what it's trying to achieve.

MR. CHAIRMAN: I think the fire service is pretty well aware of what they want, and are familiar. I believe most municipalities are, but we want to make sure of that. It is the so-called everyday person, that's contractors and that type of thing, who may want to have input in this, and I think we need to try to reach them.

MR. STEELE: I just want to make sure I understand what you're saying, Russell. So what follows from that in terms of advertising, are you agreeing with what I have proposed or are you suggesting something different?

MR. MACKINNON: I guess I am not clear. It seemed like you were suggesting limited advertising scope. So I think what your colleague, the member for Cape Breton Centre, has suggested there are some weekly newspapers out there, whether it be in Port Hawkesbury, or wherever, up in Cumberland County, I am not sure of all the weeklies, but certainly an opportunity to reach out to every Nova Scotian you can possibly reach out to because I emphasize from experience in my other life as a surveyor, and I am dealing with individuals who have a lot of concerns about the costs of home construction, and the issue of fire safety and the additional requirements for certain fire safety initiatives in the construction of a home are paramount.

Also, like in the insurance industry if you live in an area that's serviced by central water services, then that will be reflected on a certain insurance premium on your home and it goes on and on and on. I can go on but, without belabouring it, I think your colleague, the member for Cape Breton Centre, has kind of focused that we really should make sure that we meet the mandate of what the government is trying to say, and that is to reach out to as many Nova Scotians as possible. Whether you have done that, and I apologize if I haven't listened attentively on what you have suggested, but . . .

MR. STEELE: I know you hang on my every word.

MR. MACKINNON: Well, I know I could be hung on every word, but I don't know about hanging.

MR. STEELE: I think I must have mumbled because I know Frank asked me the same question. What I was proposing was exactly what he was proposing. Just to be clear, in this item that has been handed to us, the first sentence under Advertisements says, "Standard procedure dictates that advertisements of all public hearings are placed in every provincial newspaper." So what I am suggesting is, in this case we follow that standard procedure, that an ad be placed in every provincial newspaper and, in addition to that, an ad be placed in the Atlantic Firefighter and, in addition to that, a direct mailing be sent to each municipality and the UNSM, and to each of the volunteer fire departments. So that's the motion that I have put on the floor. So I think you and I agree. It sounds like it.

MR. MACKINNON: Essentially. Are there any weekly newspapers out . . .

MR. STEELE: I am including weekly newspapers.

MR. MACKINNON: Is that covered under (Interruptions)

MS. STEVENS: Under provincial newspapers we have the dailies, the weeklies, sometimes there's even the monthlies, depending on what the deadlines are. There's also the matter since there is such a large network, and we usually do two inserts, we could just do the one in the weeklies because, again, there is a large network and that would cut a lot of that in half. If you have two inserts in some papers, you're not getting a deal because you're putting in two. You're getting just double the cost. So there is that factor which could cut quite a substantial amount out of that budget and be used in other areas.

MR. STEELE: Do you have any costs there, Mora, between two versus one?

MS. STEVENS: I do actually but, again, this was tentatively put together . . .

MR. STEELE: Even roughly.

MS. STEVENS: The Kentville Advertiser has one here. One insert is \$616; two are \$1,232. So I mean, that is double the cost. If you are doing it in a weekly, and depending on - usually what happens, it is the two weeks preceding the meeting that that would happen, depending on where we are going. The Bridgewater Bulletin and The Progress Enterprise, you have got \$728 for one insert and \$1,456 for two.

MR. STEELE: That is a lot of money.

MR. MACKINNON: On the other hand, Mr. Chairman, at the risk of sounding a bit too verbose, these weeklies are sometimes very effective and have a greater readership at the community level because they are generally considered to be of local community interest and they generate a lot more discussion around the kitchen table and down at the coffee shop and fire halls and so on. Although it may seem like a lot of money - we don't have one in my constituency, but I know there are certain outreaches of the province, like down in the Kentville area. It may seem like a lot of money, that second ad, not that I am doing some advertising for Cameron, for the former Premier or anything, that is promotionalist, but I would think that it would be good value for dollar. You make a value judgment and see what type of feedback you get after the first ad. It is discussionary. I am open. I am making the pitch for the rural.

MR. CHAIRMAN: So how do we want to leave this ?

MR. STEELE: I would be interested in hearing from the other people in areas that actually have weeklies because, of course, in my constituency, there are no weeklies, so I would just be interested in hearing.

MR. RONALD CHISHOLM: I have a couple of weeklies in mine, I guess maybe three. The Inverness Oran is one of the more popular ones in the Port Hawkesbury area and the Mulgrave area of Guysborough County, but I didn't think they were that expensive to advertise in - the Guysborough Journal or the Inverness Oran or The Reporter.

MS. STEVENS: It depends on the size of the ad. Now ads can be tailored for each of the newspapers. This one has the whole hearing schedule and it is quite large because they wanted it to be seen, but it can be redone. We don't have to have the names of the committee members in. You can tailor them so they are smaller. This just happened to be the last one that was used. So this was based on this size. Again, there are ways and Communications knows the subscription rates, I think it is, for the advertising for the papers so they know what area is being covered. So you might not consider all three weeklies in one area, you might just consider the one. But, then again, they don't like to get - well, why did you advertise in my paper and not in Johnny's paper?

So they have to be careful of that. But they are very good at giving advice on that and what to cover and if you do one insert, you might consider a radio ad campaign for the local advertisement, which is less expensive - just sort of a few radio ads at rush hour in the morning because people listen to their local radio. What you might want to consider is sending it back to Communications and say, could you come in and do a mock-up for us, because I will tell you, they are fabulous at it and they can certainly give you a better idea. I just know what I have talked to with David, and Carla might have a better idea than what I have.

MS. BURNS: What we could do is do a cost estimate for various size ads and placements throughout the province. As you mentioned, Mora, the one that you had is quite large, so we could do that. I wanted to mention, as well, in addition to the ad campaign, we send out a news release announcing where all of the public hearings will be held and then up to the date of the hearing, we send out a media advisory so that the local media know that the hearing is going to be held in their area. We do that in addition to the ad campaign. We post it on our news release site and it can also be placed on the Web under Legislative Committees Office.

MR. STEELE: I would like to withdraw my motion.

MR. CHAIRMAN: Would you like to withdraw your motion? Okay.

MR. STEELE: I would like to make a different motion. My new motion goes like this: that the committee advertises hearings in the Atlantic Firefighter and that there be a direct mailing to each municipality and the UNSM and each volunteer fire department; that Communications Nova Scotia be asked to make a recommendation to the committee on other advertising as quickly as reasonably possible; and that a subcommittee on advertising be formed to deal as quickly as possible with the question of advertising. There might be one

member from each Party or, if that makes the government nervous, four members with two from the government Party. The idea being that I don't think we really need to reconvene, all of us, just to deal with this issue of advertising. My idea is that this subcommittee could then receive Communications Nova Scotia's recommendation, tweak it however they want and then just make a final decision and do it. That is my motion.

MR. MACKINNON: A friendly amendment. Would you support including the Insurance Bureau as well? I understand they don't rely on the Fire Marshal's Office any further for investigations, they provide their own service.

MR. STEELE: Direct communication to the Insurance Bureau as well, and the Insurance Crime Prevention Bureau. Maybe they are all related.

MR. CHAIRMAN: I think they are connected.

MR. MACKINNON: They are all interrelated.

MR. CHAIRMAN: Discussion? Would all those in favour of the motion please say Aye. Contrary minded, Nay.

[The motion is carried.]

MR. STEELE: Unless you have a burning desire to be on the subcommittee, I will do it for the NDP.

MR. MACKINNON: I have to hang on his every word.

MR. CHAIRMAN: Well, we wouldn't want you to miss it. I think we can go with just one of us. If we can venture that far.

MR. STEELE: We are all reasonable people here.

MR. CHAIRMAN: We will let Mora decide.

MR. STEELE: A question for Dale. Do you have enough information based on the discussion so far to put together a budget, or are there still some outstanding questions?

MR. ROBBINS: I think so. The only question I would comment on, is there any general feeling of a dollar figure that we might just look at as approximate for advertising? Because there is a wide range - depending on what you do - they are suggesting to come back with, but are we looking at \$20,000, \$40,000, \$60,000 or what? Do we want to give them a target figure to work with? That is what I am suggesting, I guess. Could we give them a

target figure, say if you had this much money, can you blanket the province? We have already talked about some of this on the provincial . . .

MR. CHAIRMAN: Mora, this was the Workers' Compensation that was \$35,000?

MS. STEVENS: It was around \$35,000 for that size ad. Just looking at these figures, if it is one insert and things like that, the weeklies would be about \$10,000 for one insert. The dailies would be \$5,000. If you did a radio campaign or something like that that would add a little more, if you did it \$20,000 versus \$30,000 or \$35,000.

MR. CHAIRMAN: Could we see what we could get for \$20,000?

MR. ROBBINS: Use that as a target figure. If there are problems that you foresee that were missed - you can tailor it by the size of the ad, too, which certainly has an impact on the cost.

MR. STEELE: Just one more thing. We have a lot of staff brainpower around the room, and I just wanted to ask anybody around the room whether there are outstanding issues, things that you think need to be resolved before we break up?

MR. MACKINNON: Mr. Chairman, I move adjournment.

MR. CHAIRMAN: Mora has one more thing.

MS. STEVENS: Can you, depending on the availability, it is always left up to the Committees Office where we will go, depending on if all the hotels are booked in one area and they are free in another, we might put the Truro-Amherst-Halifax first versus last or in the middle. If that is all right, we will have to look at, first of all, all of these locations and the availability of hotels and things.

MR. CHAIRMAN: I don't think that should matter.

MS. STEVENS: So that is okay?

MR. CHAIRMAN: Any other comments?

We stand adjourned. Thank you very much.

[The committee adjourned at 3:45 p.m.]

HALIFAX, THURSDAY, SEPTEMBER 6, 2001
SELECT COMMITTEE ON FIRE SAFETY

1:30 P.M.

CHAIRMAN

Mr. Jon Carey

MR. CHAIRMAN: Good afternoon and welcome everyone to our meeting of the Select Committee on Fire Safety. We are pleased today to have Fire Marshal Bob Cormier here and the Nova Scotia Fire Prevention Advisory Council represented by various members. I believe today there will be a presentation from the fire marshal and then the other members of the advisory council will have an opportunity to share whatever views and perhaps if the committee has questions after the presentation, they will ask those questions.

For the information of the committee, Muriel Baillie, who is unable to be with us today, will be replacing Cecil Clarke on a permanent basis. Cecil, due to personal reasons, is unable to serve so Muriel will be replacing him and Ron Chisholm has notified us he is at a meeting and will be approximately 45 minutes late. Perhaps we could just have introductions around the table of the group that is here so we can at least get some names and faces together and then we can proceed with the presentation.

[The committee members and witnesses introduced themselves.]

MR. CHAIRMAN: Perhaps when there is discussion or questioning of any of the people who are not at a microphone, if they would make their way to one so that Hansard can get the recorded information. Perhaps, Bob, if you are ready, we could start with your presentation.

MR. CORMIER: Thank you, Mr. Chairman. Honourable members of the House, honoured guests, I thought I would start off today by perhaps just giving an overview and preparing the committee for what the actual consultation process that we carried out over the last four years was really all about and what we were attempting to do. I do have handouts on the slides available. John, if you wouldn't mind spreading those around.

The first thing I would like to do is perhaps start out by stating that there is a tremendous amount of myth as to who and what the fire marshal of this province is. If you go into the Town of Bridgewater, just outside there is the Wandlyn Hotel and in the parking lot there is a big sign up that says No Parking By Order of the Fire Marshal. Well, the fire marshal has never posted no parking signs in his career and doesn't plan on starting now. It is contained in the Building Code that you do have to provide fire lanes for fire vehicles but it is certainly not an order of the fire marshal.

When the large apartment building burnt in Spryfield, the owner was quick to fall back and state that he had to keep the tenants out of the building because the fire marshal had ordered all the aluminum wire changed in the building. The fire marshal had never been near the building and we had never taken any stance in regard to aluminum wiring. As a matter of fact our fear was that people who own houses with aluminum wiring in them would suddenly be terror stricken by these statements and we had to go out to the public and try to quell that rumour.

My brother-in-law bought a building in a small town and when he went to register it with the town the clerk asked him if he was going to make any changes and he said, no, he wasn't thinking of it. The clerk said, well if you are, you better notify the fire marshal because that man is God. There are some times that I think my name is used in vain even more than what God's is at times. I hope to be forgiven for that.

Anyway, one of the things we tried to do when we put this whole thing together was to consult with as many people as we humanly could and for those of you who have copies of the final report of the Fire Prevention Advisory Council, there is a list of the major contributors to that consultation process. We did meet on at least four occasions with the Union of Nova Scotia Municipalities and I did meet on a one-to-one basis with various municipalities, fire departments and building inspectors throughout the province.

What I would like to do is just give you an overview today of some of the things that we were considering as this whole thing came together. The first thing is is that fire is a reality. It is not something that we are imagining, it is not something that might occur, it is not something that we might be thinking about, it does happen and it happens every day. Just over the last four weeks - and I realize these aren't in Nova Scotia but they are the sort of things where if you don't have a good fire prevention program, including inspections, these things do happen - these came off the Net:

Safety officials in Japan are carrying out an inspection of all buildings after 44 people were killed in a nightclub last week. A court has jailed 23 people in China for 390 deaths. Police are cracking down on a hotel where 70 people died. At least 25 have been killed by an explosion in a government-run dynamite factory. District authorities here have banned the practice of chaining mentally ill patients. Scores of shoppers fled for their lives in England when a superstore was badly damaged by a major fire. A blaze at a residential home killed three elderly residents and injured 22 others. Prosecutors say a man used a blow torch to set fire to his 85 year old mother's hair.

These might all seem remote from Nova Scotia, but let's see, over the last little while, some of the things that occurred. We had the fire at Sunrise Manor retirement home, two deaths and I don't know how many injuries because some of them were certainly caused by the fact that we had 97 year old people travelling from the tenth floor down to try to get out. We have had fires in a nursing home in Springhill; however, because we have just done procedures with that building, because we have done evacuation procedures with the staff, there were no injuries to any of the patients who were in that nursing home.

In Colchester County we had a small options, that is where there are three or fewer people staying. The use of that place was for people who were non-ambulatory, in other words they couldn't self-escape, they couldn't get out. We had the owner change the classification of the people, they had to take those individuals and put them into a nursing home where they were properly protected and they brought in other individuals who were capable of self-escape. Two weeks later the building burned to the ground.

We do know that we have it here in Nova Scotia. As late as last night we lost one person with at least three or four in very serious condition and perhaps will die some time today. That is not a statement of fact, just a reality of life that we live with. So, with the reality that fire is there, it is something we have to deal with, we went out on a consultation process. The first thing we tried to do is decide what it is we are trying to do with fire safety, and our vision is the acceptance by all Nova Scotians of their personal responsibility for preventing fires, fuels and electrical incidents, remembering that the Fire Prevention Act is also responsible for fuel safety as well as electrical. With the new amalgamation of resources the Public Safety section now also has responsibility for the Elevators, Boilers, Amusement Regulations, et cetera.

The mission we wanted to accomplish was to coordinate. We cannot guarantee public safety, no one in government can guarantee public safety. The best we can do is try to coordinate a system that facilitates the fire, fuels and electrical safety system of Nova Scotia and that is our mandate.

First of all the present Acts and regulations that we have: the Fire Prevention Act, which of course is the one we are attempting to replace; the Fuel Safety Regulations; the Electrical Act and Regulations; the Fire Prevention Advisory Council, which is the legislation

allowing for the makeup of the individuals gathered here today; and the Volunteer Services Act, which is an Act written for the protection of the volunteer fire service of this province.

Besides those we have a number of different Acts and regulations that we are required to enforce. The first is: the Fire Works Act and the Fire Work Designation Regulations. We would like to get rid of both of these, mainly because they are unenforceable. This Act and regulation is in regard to the small fireworks that are sold at the corner store. The federal government Act required that anyone who buys those must be 18 years of age. We would like to fall back and rely on the federal government and on the Fire Code for controlling those. At the present time it requires the signature of the fire chief to be allowed to set those fireworks off. The fire chief puts himself under tremendous liability and, of course, nobody is going to go to them. People are very mobile today and if they can't bring them in from a store in Nova Scotia, they can bring them in from stores outside, or on the native reserves where we have no control.

The Flammable Liquid Regulation is another one that was a stop-gap measure put in the Act a number of years ago. Flammable containers, which are the containers used to pick up gasoline or kerosene at the service station.

Your Fire Insurance Regulations which is an insurance tax paid for by the insurance industry on all fire insurance policies in the Province of Nova Scotia, which is used to pay for the expenses incurred by the Office of the Fire Marshal or used for fire safety.

The Egress Regulations were put in place again, as a stop-gap measure. All of these on this page, outside the Fire Insurance Regulations, can be replaced by the Fire Code, that is where they are contained in most jurisdictions.

We also have the Portable Fire Extinguisher Regulations; the Automatic Sprinkler Maintenance Regulations, this is not the installation of sprinklers. The installation of sprinklers are contained in the Building Code and in the Building Code Regulations; the Lightning Rod Act which governs the installation of lightening rods on buildings. We haven't done an inspection of lightening rods for so long, I don't even know if I would have anybody I could send out. Again, something to get rid of. We have the ability to cover it to make sure it is done right, but we don't need an entire regime in order to do so.

The Standard Hose Coupling Act could be covered in a general regulation, but the reason it was put there was to ensure that fire departments, during mutual aid activities, could join their trucks together so they could pump from one pumper to another and we are pretty much covered by that. We have to keep it in place so builders are putting the right connections on buildings, so the pumpers can join to the building to pump into the sprinkler system or into a standpipe system. Besides those there are a few government Acts and regulations that call us up and inform us we have certain activities to do.

The Amusement Regulations, including the Liquor Licensing Act, places of amusement and gaming where the Fire Marshal's Office has requirements for inspections.

The Adult and Child Protection Act. When Adult and Child Protective Services reaches a situation such as the one we had in Shelburne, they need advice on whether the building those individuals are being housed in is a fire hazard or not, we are called upon to assist them and that is for both child and adult.

The Day Care Act requires the fire marshal or his designate to carry out inspections at all daycares.

Tourism, overnight accommodations, everything from hotels to bed and breakfasts. Courthouses and lock-ups, all the courthouses and lock-ups are inspected by the Fire Marshal's Office or staff.

The Emergency Measures Act. In the time of a proclaimed emergency, the fire marshal is the senior official of all fire services in the province, he is also responsible for the quality of training for the fire service of the province. The fire marshal is, by an MOU, also an emergency measures coordinator and all the deputy fire marshals are assigned to EMO under a state of emergency to augment their staff.

The Building Code Act. We sit on the advisory committee, also the appeal committee and there are a couple of places within the Act where the fire marshal or his designate provides advice or assistance.

The Environment Act for fuel storage, both large and small volumes, in service stations. The Act basically says that the fire marshal is the interpreter of the Fire Code.

Homes for Special Care, which are residential care and nursing homes, we are required to carry out inspections on all those facilities.

The Hospitals Act requires an inspection every three years as part of the accreditation process.

Existing fire safety legislation has been developed in piecemeal fashion often as a response to particular tragic fires in which a large number of lives were lost. This includes our codes as well. It is sometimes inconsistent and can be difficult even for fire safety professionals to understand. For the layperson who has to comply with the legislation it can be bewildering. That did not come from the Province of Nova Scotia, that came from England as they underwrote their own fire safety legislation at the same time as we were doing ours. There are a lot of parallels between us and I will show you a couple of more as we go.

MR. GRAHAM STEELE: I am sorry, can I interrupt for a second. Just to make sure I understand properly, are you saying that that quotation is taken from some report in England?

MR. CORMIER: From the Report of the Committee on the Investigation into England's Fire Safety Act.

MR. STEELE: So that is a quote from England and you are just saying that applies?

MR. CORMIER: Here as well. That's correct.

The three e's of fire safety. Fire safety is not building inspections. Building inspections are for the perusal and the property of a building inspector. There are three places where we have to put our efforts in order to prevent fire. The first is education, the second is enforcement and the third is engineering.

Under education, there is, of course, a general public - and everybody thinks about children when we think about that but it is not just children - that is adults who use deep fat cooking, the number one killer in this province, and attempting not to combine cooking and alcohol, one of our greatest problems that we have out there. If you go out and you drive your car and you are drinking and driving and you kill someone, they will have you in jail in very short order.

I would like to welcome Greg Clark, the Chairperson of the Fire Advisory Council. You can come right up here, Greg. (Laughter)

MR. GREG CLARK: Sorry I am late. Between work and road construction. But the Highway No. 102 twinning is great, so I am not going to complain.

MR. CORMIER: You can go home after a night of binging, put a pot of fat on the stove and wipe out your family and tomorrow we will have a fundraiser for you. So, our acceptance of what is safe and what is not is not necessarily conducive to good fire safety.

The second part is trade skills. I see that New Brunswick within the last week has made a compulsory trade of sprinkler installers. It is our desire under this legislation that people who install sprinklers, fire alarm systems and fire extinguisher work, including fixed systems, will also have to be certified. The industry wants it because it levels the playing field and provides for a more conducive environment for the corporations who want to do the right job and the right work out there.

MR. KERRY MORASH: Excuse me, currently what is the level of certification needed to install sprinklers in Nova Scotia?

MR. CORMIER: As long as you own a pipe wrench.

MR. MORASH: So you don't have to be a pipefitter?

MR. CORMIER: You don't have to be a pipefitter. On union jobs they will enforce that. But you could on non-union jobs just go out, for instance if you are putting a sprinkler system in a house, an individual with no training whatsoever could put that system in. It does not normally occur but it could very well.

The staff of institutions. The training for the people who look after our individuals who are physically or mentally challenged, our individuals who are locked up in correctional facilities, the training for those people is critical, so that they know just exactly what to do in a situation when an incident occurs. We have minimum staffing in our institutions today, even more critical. The biggest waste of money is hose stations in a hospital or in a nursing home. Who is going to use it? It is an absolute waste. The only thing we want to do is get patients away from the fire conditions.

Fire inspectors. We are twinning with Manitoba to bring in a fire inspector's program for all the inspectors in the province, to try to bring the quality up. It is just as bad to have an undertrained inspector as it is to have no inspector at all because they end up requiring what I call a comfort level. In other words, if a little bit makes it safer, well, let's get a whole lot and I will feel even better and all we did was cost the owner a whole of money we didn't need to. So we have to have properly trained inspectors out there.

Fire investigators. We have to know what is happening and why fires are being started, what causes them and where do we put our resources. If we don't know what our fires are and what is causing them, we can't do anything to stop them. Besides the fact that we have a very serious arson problem in this province and we have to deal with it. In the last year, we have had three volunteer firefighters under investigation, two of them have been charged and have been found guilty.

MR. STEELE: May I ask a question about that, Chief? You say we have a very serious arson problem, are you saying that Nova Scotia's arson problem is worse than other provinces on a per capita basis?

MR. CORMIER: On a per capita basis we are probably staying level but we are noticing it going up everywhere. It is more severe in our more economic difficult areas. It is also being used more today as a weapon than ever before, as we saw last week in one area of the province.

MR. RUSSELL MACKINNON: Mr. Chairman, on a point of clarification. Do you have statistics to back that up?

MR. CORMIER: Yes.

MR. MACKINNON: Could you table them for the committee?

MR. CORMIER: Yes, I will.

MR. MACKINNON: That will support that in economically depressed areas arson is higher?

MR. CORMIER: Yes, we will do that.

The fire service - I want to be very cautious about the fire service - is a voluntary activity. We are going to develop training levels and this is what every volunteer firefighter is going to have to reach. Those standards are reached with co-operation from the volunteer fire service, especially the Fire Officers Association.

Engineering, plans reviewed for safety. When we don't review plans, we end up with real problems on our hands. When we go back in we can't put the proper fire safety measures in place because we don't always have the building to work with the way that we would like to have it. Things are not perfect. As an advisory position on fire safety, again, not on building construction, not on building approval, but on fire safety.

Research, people who have the skills and ability to do so. In 2003, we will be changing our codes to objective base codes. In other words, it will say that you have to have individuals able to evacuate the property within two minutes. How you do that will be up to someone to design. So instead of going to what we call prescriptive codes where it says your

stairs have to be so wide, they have to be a certain length, there have to be doors every so many locations, broken up into so many sections and compartments, this will be designed according to what is known as fire modelling and scientific calculations. If we don't have the proper people to interpret those we are liable to end up with most anything on our hands, and we are already seeing it, where they are using fire modelling to try to reach the conclusion as to whether safety is being met or not.

With the old saying that garbage into the computer is garbage out, we have to be vigilant for it and it requires a higher training and a higher skill to be able to do so. The people who review those fire safety measures also have to follow up by inspecting to make sure that they are working.

[2:00 p.m.]

Enforcement. Government buildings are our first and foremost priority. That is our number one. We are the fire loss control officers for the Government of Nova Scotia, and whether it is government buildings or licensed property of the government that is our first

responsibility, government licensed facilities. Auditing the other features to see whether it is working or not, whether the other people who are supposed to be doing what they are doing are in actual fact doing it. Reacting to complaints, and carrying out fire investigations only when the fire investigation is not carried out by the local fire officials.

Now, when we do fire safety, what are we looking for? What is the fire official's role? What we are looking for is a measure of risk, and the first is attitude of occupants. For instance, the requirements in a bed and breakfast and in a boarding house are supposed to be identical, but we know the attitude of the occupants of a bed and breakfast are completely different from those of a boarding house. We don't require nearly as stringent requirements for the bed and breakfast as we do for the boarding house. If we did we would destroy the aesthetics of every bed and breakfast in this province. The other side of the coin is that there are other people who want to take advantage of that and, of course, instead of the maximum of 10 - including the family - living in that dwelling, they want to put 14, 16, 18 in there, and we have to make sure that is not done. Attitude of the occupants is critical.

The ability of the occupants to escape. If we look at the requirements of a nursing home versus the requirements of a residential care facility, they are completely different, and we have to create different regulations or different concerns for that. For instance, right now - it has already been announced in the press - we are moving residents out of the residential care facility in Cole Harbour and into Sunrise Manor. Sunrise Manor was built and created for people who were retiring and needed low to medium cost income housing. We have to make special considerations in putting those people in there. They are non-ambulatory, they are not capable of self-escape.

Staff's ability to intervene. If Canadian Tire says that they wish to use their staff to assist in firefighting and therefore decrease some of the fire requirements, I don't buy that - by the way, I have discussed this with them, so I am not afraid to say it - mainly because they use a tremendous number of high school individuals. But when we look at a hospital or a nursing home, we have very highly-trained and skilled individuals there, individuals who have a responsibility for their patients.

The conditions of the electrical and heating equipment in the building; what is the condition of it? Built-in fire safety, and the fire department resources. That is one of the critical ones. Our Building Code was designed for downtown Halifax; our Building Code was designed to state that this is how you should build a building where the fire department has a four-minute response. We had a fire in a high school in Shag Harbour last year in which an hour after the sprinklers put the fire out the fire department was still not on the scene. When we build a nursing home in a rural area that is protected by volunteers, we have to put extra measures in place because we have to protect those patients. These things arise; they happen; we deal with them.

The concept, the risk assessment and consequent fire safety measures in high risk premises should be subject to the fire authority validation. This is, again, from the British research on their fire service. Enforcement of the new legislation should be the responsibility of the fire authorities; again, from the review of the British Fire Act.

Fire safety measures that are incorporated into buildings at the construction stage and that are covered by building regulations should continue to be the concern of the building control authorities subject to proper arrangements for consultation with the fire authorities. In 1988, we adopted the National Building Code of Canada as the Nova Scotia Building Code. Up until that time, every municipality adopted whatever it felt they needed for a building code. In the Halifax region, we used the 1965 with 1967 revisions. We are over 20 years behind. Halifax and Dartmouth were using a 1965. Other areas of the province, I couldn't tell you, they could range back to the 1942 edition.

The concept for one building code was that no single municipality should have an advantage over another municipality by requiring a lesser standard on building construction. So we have one provincial code that ranges across the province. The fire marshal does not have any other standards above and beyond that national Building Code. We have to follow it.

We have been found at fault for sprinkler regulations. Yes, originally the sprinkler regulations were in the Office of the Fire Marshal. They are now part of the Building Code regulations. If we, in fact, do require an owner to install a sprinkler, it is not because we figure that that is the best thing to do, it is because the Building Code requires it and somebody else missed it. There are a number of reasons why. We have a number of buildings in this province which are not inspected. When we deal with companies like Michelin Tire, Stora, Bowater, Kimberly-Clark, they come to us. We are working with Michelin Tire right now because their plants cannot meet the Building Code so we have to do the best we can to meet what the Building Code expects of them. The buildings are just too large. It requires 150 feet to the nearest exit. In some of the buildings Michelin has, you couldn't find an exit within 150 feet so we have to find other measures to do it. They come to us for assistance in meeting that.

Our goals. The first was an awareness through education. We really were not putting any resources into education whatsoever and this includes our Juvenile Firesetter Intervention Program. When we started that out, we thought we might be dealing with three or four kids at a time. We are now dealing with 15 kids at a time. These are kids who are continuous fire setters. They are causing problems for their parents, for their community, for the fire department. We either help them or we put up with the fires that they are going to continue to light. Our measure of how well we are doing with that is the recidivism, or the number of times they repeat.

The decreased frequency. The Union of Nova Scotia Municipalities came to us and asked us to remove the requirement for four inspections a year on public assemblies. It was just too onerous. So under the new legislation, we cut that back. That also turned around to allow us to request increased inspections on other properties.

Self-inspections. The municipalities had expressed a very strong opinion that they did not want to inspect schools. Now some municipalities do, others do not. That is up to the school board. So it is a self-inspection program, and in Nova Scotia part of that inspection process is carried out by their insured and the adoption of the Fire Code. Now I have to say right off the bat, this is the Building Code that the Province of Nova Scotia adopts. This is the standard that we build buildings to. This is what we tried. This is under Municipal Affairs.

The Fire Code does not build buildings. The Fire Code is there to maintain the buildings. You build it by that book and for the rest of its life, you maintain it by this. It is adopted in Halifax Regional Municipality and has been adopted by policy in the Fire Marshal's Office since 1993. It is not new. It is just a request to adopt it formally. There are no new requirements. Nobody else is going to have to go out and sprinkler buildings any more than what they already have to without any adoption of any new codes.

Clear delegation of responsibilities and enforcement powers. Who does what and when do they do it? Summary enforcement. At the present time, we have problems with being able to ticket people for immediate infractions, things such as chains on doors. Ensure timely and neutral fire investigations. An awful lot of what is in the Act is a result of rulings on the Supreme Court for the Canada Evidence Act, for the Charter of Rights and Freedoms. For instance, at one time we just went into people's private dwellings during a fire and when the fire was out, we continued investigating. We can no longer do that. The Charter of Rights and Freedoms says we do not have the right to trespass. We are - in fact, even the fire chief is - at that time considered a peace officer.

The right to audit. If we give the municipalities the responsibility to do certain activities, we need to know that they are doing it. Alberta decided approximately six years ago that they would do away with all the activities carried out by the province in relation to inspections and that included the Fire Marshal's Office. They now have one-third of their municipalities - which is 100 in Alberta - not receiving fire or building inspections. The Fire Marshal's Office has just requested my job descriptions because they are going to have to start hiring those people back on again. The process is not working.

The authority to take immediate action. There are times when fire departments respond to scenes where they have to take immediate action on evacuation. For instance, when the gasoline tanker upset in Halifax and they needed to evacuate the homes in the immediate area, there wasn't clear definition as to whether they could do it or not. There was not a fire nor an explosion so the Municipal Government Act did not kick in to give them the

powers, but there was the opportunity for a fire or explosion. So we want to make sure that they have the authority to take action.

Proper and timely reporting of fires. We need to know what our fire situation is in Canada. You ask for stats on arson. We have atrocious stats, to be quite truthful. Most of the information is coming from the fires that my people are investigating, a lot of fires that we should not be investigating. Court may order fines at the completion of the order to remedy. At the present time all the court can do is find you guilty of failing to comply. They cannot require you to finish the work. We would like to see that in the Act.

Appeal process that meets the accepted quasi-judicial process. There has been a lot of argument as to whether the activities under the Fire Code should be appealable to the Building Code or not. I would not have a problem with that if the two were in one location but with them in two different locations, with the fact that numerous activities under the Fire Code - and I will go through those in a little while - have nothing to do with building construction whatsoever, they have to do with hazardous materials, oil storage, the manner in which you carry out activities such as painting vehicles or what have you.

Fire service representation to government. We do not have a good representation body for the fire service to come to government on a formal or informal manner and we would like to see a council formed for that purpose. The Fire Prevention Advisory Council is strapped at times with issues that are related to fire service and those who do not belong to fire service sit there yawning and wondering what they are doing at the meetings while we are trying to handle fire service issues, and we need to find a way to deal with that.

Building and fire safety. Sprinklers, fire alarms, construction, et cetera; the Nova Scotia Building Code defines it, not the Fire Marshal's Office. The building inspector is required to ensure compliance. For whatever reason, there are times when that does not occur. We do receive complaints from building inspectors that they have been told not to follow up and we have had to go in and follow up on it.

MR. STEELE: Mr. Cormier, they would be told by whom not to follow up?

MR. CORMIER: I am not going to proceed with that outside to say that they have informed us that they are not proceeding with it. I will say that we do have a real problem in that we have a real fear with larger buildings and inexperienced building inspectors for the liability issues of approving those constructions and being involved with them. That one I will state quite openly.

If the building is in disrepair or not used as intended, the fire inspector has a responsibility to either require an immediate evacuation, and it has to be very serious. Court cases have shown there has to be an immediate problem and that would be something similar to a leaking propane tank or electrical that is so severe that it is ready to ignite. They may

write out an order to remedy with 30 days of compliance. They could require a change in the occupancy permit, in which case they would go to the building inspector and say that building is not being occupied for what it was originally designed. We want to do something about it.

We had a building in one of our larger communities in this province. My deputy was asked to go in and do an inspection for a licence. He went in, asked for the occupancy permit, there hadn't even been a development permit taken out. The simple fact was, you go back to the building inspector when you have your occupancy permit, come back and see us and then we will talk about your licence. It is an activity that is a mutual working activity.

Of course, the strongest thing we have is a recommendation for the cancellation of a licence. "We must not make a scarecrow of the law, setting it up to fear the birds of prey, and let it keep one shape, till custom make it their perch, and not their terror." Right now what is happening is the fire marshal is wearing the blame for going in after situations and ordering building owners to comply with the Building Code that they were supposed to comply with in the first place.

We do not have any legislation that is different or new. There have been complaints that many of the government departments have fire safety aspects built into some of their laws and regulations which is not true. Tourism does, for instance, have a requirement for lighting standards for tourist homes that you have to have a certain amount of light, because we don't want to be putting our tourists in the basement with a two-by-one window in it. So there are certain requirements for aesthetic purposes.

The Fire Code. The Fire Code is a companion to the Building Code, as I explained. Building features represent about 10 per cent. What the Fire Code says is that the building must be maintained as it was built under the Building Code. A vast majority of our building stock was built previous to the adoption of the provincial Building Code, that is previous to 1988. When we get called in to do an inspection, they may have never met a code before and that, at times, includes our schools of which we just do not have the staff to do the 525 schools on an ongoing basis. We try to work as close with the Department of Education as we can which is part of how outmoded our Act is. Our present Act states that the responsibility for the inspections of schools lies with the inspector of schools. I would have to check with Education to see if there is any inspector of schools even left in the province anymore.

Only under special conditions can a building which meets the Building Code be forced to upgrade. Now the sort of things that you would run into would be a situation where the Building Code missed something. A number of years ago, the Building Code permitted the use of Styrofoam insulation open in a building and they used to spray all of the Quonset huts or those metal buildings with it. Well, having fought fires in it, I am here to tell you, you don't stand much of a chance. So the Building Code rectified it in the next edition, but under the Fire Code it allowed the fire official to force the building owner to have it covered on both

sides with non-combustible material. So sometimes the Building Code does make mistakes. They are not perfect by any means.

Local issues. We have a number of local issues, people who have a fear of taking action for fear of litigation. The economic situation of if they force an owner into carrying out certain activities, they are going to lose them, they will move somewhere else. The ability for the local fire department to respond on an emergency; because the situations that we run into where in the past businesses have allowed individuals to respond to fires during working time, that is no longer true. Many businesses can no longer afford to allow their staff to respond to every call that comes in, especially when medical calls may represent as much as 75 per cent of the calls of a local fire department today.

Firefighter competency. How competent are the firefighters to be able to handle the situation? Many of our firefighters are very capable of handling residential fires but put a large structure in their community and ask them to handle that situation. There are times when the best thing to do is to stand back and allow it to burn.

Firefighter occupational health and safety. We are extremely concerned about firefighters' safety. I have buried two firefighters and on average we have 19 firefighter injuries per year. I would like to have a count of all the fire trucks that are damaged in a year but I am having difficulty getting that number. We have extreme concerns with it.

Residential sprinklers. I threw this one in here because there is a movement by a lot of municipalities in western and central Canada to go for residential sprinklers. Automatically they come back to the fire officials and they say, well, they are being put in there for life safety. No, if you want life safety, go out and buy a \$6.00 smoke alarm and put it on your ceiling and make sure it is constantly working. If you want to protect property, then you buy a sprinkler system. Sprinkler systems are being used to allow fire departments in expanding communities to provide protection without having a four minute response. It decreases the number of personnel and the number of stations they have to build but it is not something that the chief fire officials in each province are attempting to push. Sprinklers have a place but they are not for everywhere.

Equipment advice. We have tremendous issues in regard to equipment advice because fire departments want to buy pumpers, they want to buy equipment and we really don't have people to turn to. We would like to see a committee set up to advise those fire departments who require assistance in purchasing equipment.

I put tire storage and recycling in because it is one of our faster growing fire problems. When we don't take action, we do end up with environmental disasters. When the tire recycling plant went into Cornwallis, we made them follow the guidelines that came out after the Hagersville fire in Ontario and the Quebec fires which created disaster for the environment both in the water table and the air. When the fire started down there from an arson problem

and that fire grew, there was an expert there from Texas who told us we would be there for two weeks. The fire was out in two days because of the training the firefighters had, the equipment we had prepared on hand and the requirements that the owner had to go through in dividing their piles and making sure that they had adequate water for firefighting purposes. We have to have control on it. So far this year, we have lost three recycling facilities, the largest and latest being the paper storage in Dartmouth. This is a growing phenomenon.

We have to prevent the plasmon situation that occurred in Hamilton and created such a disastrous environmental situation. The pesticide/herbicide fire that we had in Canning a number of years ago is another example of the sort of thing we have to be ready for. And, yes, owners are faced with all kinds of inspectors. We have building, fire, boiler, electrical, elevator, fuels, environment, health, occupational health and safety, and no wonder owners at times throw up their arms. So we have to find a way to sort of try to complete our safety system the best we can and not be onerous on the businesses of this province. The hope would be and the normal division is about 85/15. That is 85 per cent of businesses will attempt to comply while 15 per cent will try to cheat the system for every dollar that they can make. We have to make sure that we don't lose sight of the 15 per cent but we can't hold the 85 per cent to ransom while we do it. So it is a balancing act and we have to find a way of doing it.

Rationalizing services. Fire prevention, building protection, fire department and fire investigation. Those are the major aspects that are involved. The municipalities' responsibilities are building inspections. The Act is quite clear on that. That is the municipalities' responsibility. They are also, under the present Act, responsible for fire inspections and a system of fire inspections.

Condemned properties. The only reason I put that up there is because of the vandalism problems we face with condemned properties, the health hazards faced by firefighters who have to fight fires in those buildings. Firefighting itself is a municipal responsibility.

The Office of the Fire Marshal's responsibilities at the present time are plan approval. We should not be approving plans. That is not our role. We review them for fire safety features only.

Fire inspections. Right now I have an inspector who is out inspecting apartment buildings on behalf of three different building inspectors. They are substandard apartments. We had one burn last night. We know that they are a hazard. We know they are a problem and we are working with the building inspector to try to rectify it. Apartment buildings are not part of our mandate but at the present time, that is where I have to put my resources and I don't have those resources to ensure people who have licences are getting their inspections done in a timely manner so that they can continue to get their licence on the day that they are due. So I either pass some of these responsibilities on to the municipalities or I have to increase my staff.

Fire investigations. There is hardly a weekend goes by that I don't have half of my staff out on fire investigations. Some of them are very critical and very important. People have died in the fires. I have had to send a letter off to the Department of Indian and Northern Affairs. We can no longer carry out fire investigations for the band councils. We had been doing that as a goodwill gesture for a number of years. We just don't have the ability to do that any longer without some compensation. I met with the RCMP last week and they are in a very serious situation of trying to investigate these fires without our assistance. So we have tremendous pressures on us on fire investigations in regard to assisting fire departments in carrying out their activities.

We send out information or try to help the fire departments meet different fire safety or aspects of government activities whether it is the new radio system, the 911 system, the medical first responder and recently we sent out a bulletin in regard to the Department of Motor Vehicles requirements for vehicles and a few individuals out there thought they were part of our new fire safety regulations, which they are not. They have been the laws of the province for years and they have been requirements on fire departments.

The concepts. A building permit is required and if it meets the building permit, then my job is three-quarters done and I don't have to worry about it. What is the government responsibility for life safety and especially for buildings where the government is responsible for placing those individuals, whether it is a correctional institution, a nursing home or residential care facility or school?

Advice and assistance. High level advice and assistance to those who do not have the expertise or the experience to carry out certain functions in certain areas of the province.

The builders' rights. The builders' rights to be able to complete their activities without undue interference and the occupants' rights to know that they are safe in the buildings or the facilities, that whether they be indoors or outdoors, that are built in this province.

Qualifications and Standards Board. A certification system for our firefighters so that they know that the competency level is of the best and we have already started a pre-employment training program.

Occupational health and safety for firefighters. Access to information. Right now our Act is confusing in that we have the FOIPOP requirements under the province but my Act says that the information is accessible to anybody who wants to come to the office and read it. So we are really in conflict with government legislation.

Fees for service. There are certain activities that we do for which we should be able to charge. If we do, in fact, carry out fire investigations for the Department of Indian and Northern Affairs, we should be able to charge fees for that and liability protection for fire inspectors. The electrical installation and inspections, the fuel safety regs have been passed,

both of them have been passed and approved by Cabinet. Now we have a new one - and I see we are climbing closer to it in this morning's paper - and that is electrical deregulation for which we do not have a system of inspections that will meet the requirements under that. So that, as part of my responsibility, is something I am bringing to your attention at this time.

Fire safety is a multi-billion dollar business. We know that there are socio-economic issues. The balance of people's right to safety versus the ability for the community to pay, the ability of business to pay. Where that balance is is not easy. It is not an easy guideline. I am working with an international committee, we met this year in Berlin. We will be meeting later this year in Italy and these are the issues we are trying to address. The environmental impact of some of the fire safety measures. For instance, if we were to cut out smoking, we would decrease fire deaths by 29 per cent. About 29 per cent of fire deaths are directly related to smoking, that's people with careless handling of cigarettes. We have come up with a safe cigarette. There are two different ways of doing it. So we can save 29 per cent of our lives. The only problem is, we increase the carcinogenic by about 75 per cent so we kill everybody in another way. (Laughter) So there are balances that we have to look at and we are the first to note that.

[2:30 p.m.]

The owners, of course, are very concerned and what the owners' perception is of fire safety and what is the true perception of fire safety can be two different things.

The fire service is a delicate balance, especially our volunteer fire service. It relies on community support, it relies on the goodwill of the community to carry out their activities. Where else do you find people who will get out of bed at 4:00 a.m., go off, and try to do something to rectify their neighbour's stupidity, come back, not even get any more sleep, go to work for the day and then decide that night they had better go down to the fire hall and do some training? I don't know of any other volunteer organization in the world that even operates close to that. We have to nurture that. It saves us tremendous dollars but the industries who take advantage of our communities where volunteer fire departments are have to realize that there is a price to that. The price is the fire protection they have to build in their buildings when the fire service cannot handle those fires in those buildings.

We also have to have an economic consideration. In the study of the economic cost of fire protection, most buildings it is economically cost-effective when the building is sprinklered at 6,000 square feet. In this province we start at 10,000 square feet. That's only for the most critical buildings.

In the United States, sprinklering is seen as a very important aspect of fire safety. There are tax breaks from both the federal and state governments for the installation of sprinklers. Sprinklers are an effective thing and in most cases it is paid for by the insurance savings. When the Sackville Arena was forced to sprinkler - and I was only a fire inspector

then, so I had the community up against me - they thanked me because they paid for that sprinkler system in five years and then pocketed the savings from then on in. We have to look at the protection of our firefighters and the protection of our communities' assets.

The insurance industry. At one time IAO inspected just about every sprinkler system in every industry in this province. They still do a bit of that, but not to the aspect we had in the past. We have to find new ways of carrying those things out. Insurance industries range all of the way from offshore companies who do nothing more than provide the protection for the company to companies such as - I am going to forget, the one in the Valley - Kings Mutual, who have an extraordinary program of inspections and can be very proud of that organization for the work they do in the preservation of property and the removal of fire hazards.

The general public's expectation of what they should expect when they walk into a nightclub, when they walk into an arena, when they walk into a school, when they walk into a building, the expectation that no matter how much it costs they are safe in that building, they are safe because the staff knows what to do, the fire department is capable of responding, the building will maintain itself and that somebody has ensured that the doors aren't chained, the fire alarm is working and that the fire department will be notified.

The way that we see the organization, or at that time, is now changed because, of course, it is the Director of Public Safety, the fire marshal, but we just covered it for the Act that we presently have before you, we would have an advisory council, an appeal board, and that is for fire safety and electrical as well. That is flexible, that can be changed. We can look at that in relation to the Building Code, remembering that we have to have an appeal process for those things that have nothing to do with buildings, the storage of hazardous materials, farm tanks for oil storage, process issues, et cetera.

Critical incident stress debriefing. We provide an assistance to the fire service for critical incident stress for firefighters and fire departments where there are serious incidents. The Fire Service Council, which would be advisory to the fire departments, the Fire Prevention Advisory Council, as it exists now, perhaps with a few other members, you will note that we do not have representations from the Union of Nova Scotia Municipalities nor from the Fire Officers Association. With that, I will invite any questions in regard to the items we have brought forward.

MR. CHAIRMAN: Thank you, Mr. Cormier. Welcome, Greg Clark, President of the Fire Officers Association of Nova Scotia. Does Greg have a presentation as well today?

MR. GREG CLARK: I don't have a presentation, Jon, but I do have a few comments from our Fire Officers Association directed at the committee. Some of you may or may not know that the Fire Officers Association is frustrated with the delay in this Act being put through. We have an annual meeting coming up at the end of this month. What I am looking

for is some answers today so that we can go back to our membership then with some understanding of what your committee is all about; what is its mandate; what is its time frame? One of the things that does concern me is that this Fire Prevention Advisory Council presented the revised Fire Prevention Act. This committee was formed with no consultation back to us. That gives me a bit of an insult, and our membership is very frustrated. Some of you may or may not know that.

I think it is my duty and obligation to get some answers today so that I can go back to our membership on September 30th and give them an update as to what your committee's mandate is, where it is going, what the time frame is, and will you come back to the Fire Prevention Advisory Council before it is presented to Cabinet.

MR. CHAIRMAN: Thank you, Greg. With that agenda, perhaps what we should do is go to Mr. Cormier and get the question aspect of it done, then deal with the other part of it. Graham, would you like to start?

MR. STEELE: Sure, thanks very much. Again, I am Graham Steele, the MLA for Halifax Fairview. I think those are very important questions, Mr. Clark. I do want to make sure that we don't end the session today without some very direct answers to those questions that have been raised, because they are good questions. On this committee I think you will find people with widely varying levels of knowledge about what you have just talked about. I think our chairman would be at the high end, I am certainly at the low end. I don't think I know any more or any less than an ordinary citizen.

I have some questions, really just directed at getting some information or advice from either of you or both of you. The first thing I would like to ask is, if you were giving advice to this committee about how to do a thorough job of the task we have been given, leaving aside for the moment the question about why we are here in the first place when a lot of this work has already been done - we will leave that aside for now - if you were giving advice to us that if we are going to do a thorough job, who should we speak to, or to put it another way, who is it that we shouldn't miss if we are going to say at the end of this that we have done a thorough job?

MR. CORMIER: I would suggest that some of the government departments that I mentioned, that we carry out services for, would certainly be an aspect of what role we play and what we provide; the municipalities, a very critical component; the fire departments themselves, for that part of it; the building inspectors. I certainly am not going to sit here and try to steer you towards groups who are going to be totally pro for this Act, it is only right that you hear both sides, the same as we did, and we played that balancing act. Building owners, we have not had a large number of building owners who participated or who took part. Their major concern was that they be treated fairly and equitably, wherever they happened to be. Certainly APENS and the design industry are individuals who should come forward. I would state that probably one of the more important government departments

would be the Department of Transportation and Public Works. Those are the ones that immediately come forward.

MR. GREG CLARK: And again, I am not quite sure of the mandate of your committee. One of the things that perhaps I would caution you on is that within the fire service the Fire Prevention Act is one issue. There are other issues involving government, the licence plate issue, some assistance in that regard. To me, those are two different issues. I am not sure your committee is mandated with them.

MR. CHAIRMAN: No, that is not part of this.

MR. GREG CLARK: Therefore, I think I would caution you that when you are meeting with fire service people that you make that loud and clear and not allow that to happen, because there are frustrations there as well. They may not intentionally but they may try to blend them all together. I think from our association standpoint and the membership, we want to keep those separate and deal with them separately. I would just warn you of that, because that may come at you without your knowing it.

As far as the Act goes itself, I think the fire service is comfortable with it. We did a lot of talking and research with the fire service people insofar as those parts of the Act that particularly relate directly to fire departments and let me say that in our consultations on going through that Act and the revisions of it, it was not only geared for volunteers, it represented paid and volunteer fire services both. So those considerations were taken on both sides and not just one.

MR. CHAIRMAN: We will come back and try to give everyone equal time.

Mr. MacKinnon.

MR. MACKINNON: Mr. Chairman, going back to identify the sense of frustration Mr. Clark has identified, I focus on the Fire Marshal's Office, as we know, Mr. Cormier, there was a 20 month consultative period and a report prepared back in 1997. After extensive consultation and with the support of the Fire Marshal's Office, Bill No. 58 was constructed. From what you have presented here today, what substantive additional elements do you foresee that were not included in this recommended piece of legislation that was introduced back in 1999?

MR. CORMIER: At this point in time I would recommend that the Act, as delivered at that time or read into the House at that time, would continue to go through, that there not be changes.

MR. MACKINNON: Are you suggesting that when the policy decision was made by government that there was no recommendation from the Fire Marshal's Office other than to proceed with Bill No. 58?

MR. CORMIER: That is correct.

MR. MACKINNON: I guess I am a little concerned, as well, it seems like many of the points you raised here were more at the administrative level, things that would be dealt with without having to make changes to the legislation. I recognize some of the points that you made, the issue about the level of training and I believe you indicated your office was understaffed as well. Am I to understand that correctly?

MR. CORMIER: What I would state is that at the present time we are in a holding pattern. If the Act were to go through, as is, we would be able to carry on with the present staff we have. If there is an expectation that we will fulfill a larger role, then we certainly would require more staff. I guess the issue I would put forward to you is that I step forward today without any idea what the mandate was of the committee, whether it was to come up with a totally new Act, to review the Act to come up with substantial changes or whatever and all I wanted the committee to be aware of was the reasons we made the decisions for the things that we did decide and put in the Act in the manner in which we did.

MR. MACKINNON: So just to be clear, what you are saying is that there was no consultation with the Fire Marshal's Office when the decision was made to proceed with the select committee and put Bill No. 58 in abeyance? Yes or no?

MR. CORMIER: That is correct. Bill No. 58 . . .

MR. MACKINNON: One final question if I could . . .

MR. CORMIER: If I could finish . . .

MR. MACKINNON: I'm sorry, yes.

MR. CORMIER: Bill No. 58 did not proceed into the fall session of the House and therefore died on the floor because the House itself was not sitting.

MR. MACKINNON: We are aware of that. That would only have been simply a matter of dusting it off and putting it back in the following session. That is a procedural thing rather than a substantive issue. One final question if I could, Mr. Chairman, is that back in August 1999, you prepared a report in your department, you are familiar with that, that is an issue I raised in the House on Wednesday, October 13, 1999. There were two issues and one was the fact that the Fire Marshal's Office would like to have volunteer firefighters take over the responsibility of fire investigations in the province and the other issue is your concern with

the fact that the deputy fire marshals' reports are decreasing in quality and you go on to say that the workload of your office is being compounded by the total lack of training and planning in the Fire Marshal's Office. Would you care to comment on both those issues?

MR. CORMIER: Yes and without any difficulty at all. Over the last year we have worked with Manitoba which probably has the best training program in the country. We have already had three individuals certified to their fire investigators program and are presently preparing for other individuals to go out there to be certified in their fire inspectors program. One of our individuals has been to Ontario and just completed their public education certification. We are attempting to catch up to that activity at this time and bring our individuals up to a higher quality standard.

The reason for the decreased quality in reports was directly related to the amount of time people had available to develop those reports and the fact that between trying to keep up with our planned and scheduled activities, fire investigations were also a big problem. We are there to help the volunteer fire service but when we are called out to carry out fire investigations and we are taken by an ATV three miles into the woods and all that is left is a piece of ground with some ashes, that is a waste of our time and effort and we just don't have it. We have to attempt to work with the volunteer fire service to have them draw the proper conclusion as to when to call us in and when not to.

MR. CHAIRMAN: Mr. Morash.

MR. MORASH: I represent Queens County and there are at least five volunteer fire services there. You said there was extensive consultation so should I assume that if I talk to the chief of each of these that they will be aware of the new legislation proposed and that they have had some input into that?

MR. CORMIER: Every one of them would have received a copy of the legislation, a copy of the final report and a copy of the consultation as it went on. Outside departments such as Brooklyn, Liverpool, Greenfield, some of the larger departments, they may not have personally participated in it. They certainly have been aware, I certainly have met with the South Shore Mutual Aid Association, which Queens County is a part of.

MR. MORASH: One of my concerns is that this is very extensive and I certainly want to make sure it is well communicated prior to it becoming law.

MR. CORMIER: What we tried to do was split out those parts that directly affected the fire departments. There are a couple of things there - just to bring you up to some understanding of them - the first is the immediate investigation of fires. There was a desire to try to have somebody on site. Now for instance, with those five fire departments, maybe they would only have one trained person among the five, who could go in and do the investigation or the initial. There is also the protection of the property. At the present time fire departments have to maintain the integrity of the property for evidence gathering, so they put a watch on. If they put a watch on there is the hope they will be able to get that money back from the insurance company. The insurance company will normally pay for that or has on many occasions. However, if that does not occur what we wanted to create was the ability for the fire departments to bill so they could collect it against the owner or against the property.

MR. CHAIRMAN: Mr. O'Donnell.

MR. CECIL O'DONNELL: Just a couple of quick questions. You mentioned a home in Shelburne that was inspected. Normally are private dwellings inspected only when there is a complaint lodged or asked?

MR. CORMIER: Absolutely. For instance, in our municipal Act - and we have requested that that be moved over to fire safety so we keep the separation between emergency activities and non-emergency activities - that allows for fire departments to carry out inspections on private dwellings with the owner's permission. That is the only way it can be done, unless you have a search warrant. We receive complaints about certain property and basically what it is is the next door neighbour doesn't like the car that is stored there, so we have to go. If we do not have a justifiable reason to go to a Justice of the Peace and swear out for a search warrant or an entry, then we have no justification to be there.

MR. O'DONNELL: Did I understand you when you said the fire at the Shag Harbour School, an hour later and the fire department still hadn't . . .

MR. CORMIER: No. The only person available at that particular fire situation was a volunteer who was new and didn't know how to drive the truck. They had to bring in one of the other departments eventually to handle the situation. It is just that sort of thing that happens when those individuals are out lobster fishing, when they happen to be away, we are reliant. The 911 system in our new radio communication has provided us with a much better mutual aid system than we had in the past and that was the purpose of working closely with the departments on that. It is just that we have to have a realization. Two minutes and 30 seconds after the initial fire starts, the area where that fire started is untenable. When we say, well, the fire department will get there, with the fire last night, when the fire department arrived the fire was coming out of all the windows and doors, there was no way the fire department was doing anything there.

MR. CHAIRMAN: Mr. Chisholm.

MR. RONALD CHISHOLM: I don't have any questions right now, Mr. Chairman. I would like to apologize for being late, I had a previous commitment.

MR. CHAIRMAN: Mr. Steele.

MR. STEELE: I do have another question. While Mr. MacKinnon was actually speaking, I gave Mr. Clark a copy of the resolution that contains the mandate of the committee and it is very short. In case any of our other guests have the same question about what exactly this committee is for, it is very brief and I just wanted to read it. This resolution was approved unanimously in the Legislature on April 12th . . .

MR. MACKINNON: No.

MR. STEELE: Oh wasn't it? It was approved, at any rate, by the Legislature and after setting up the committee it goes on to say this:

"the mandate of the select committee is to

(i) review proposed changes to the Fire Prevention Act, as reflected by Bill No. 58, entitled an Act to Promote and Encourage Fire Safety, which was introduced in this House on June 6, 2000, and relevant reports of the Fire Prevention Advisory Council,

(ii) seek input from municipalities, local fire departments and others who are involved in addressing or who are affected by fire safety concerns, and

(iii) make recommendations respecting an Act to Promote and Encourage Fire Safety to ensure that Nova Scotians are protected by effective fire prevention laws;"

So in a nutshell, the mandate of this committee is to look at Bill No. 58 and receive input from the public and make sure that at the end of the day we have the best possible legislation.

Part of the question or concern people have is that Bill No. 58 itself was the end of a fairly extensive process, which started under the Liberal Government and before Mr. MacKinnon says it, he either started it or presided over it when he was minister.

MR. MACKINNON: It was started in 1996.

MR. STEELE: It started in 1996 and so it was itself the end of a several year process and I think some people are scratching their heads and saying that was supposed to be the end of the process, not the start of a new process with a new committee to hear more public input. At any rate, that is the mandate of the committee and perhaps later on the chairman or someone from the government side could explain exactly why we are here.

MR. CHAIRMAN: Perhaps I could explain that at this time. When I was asked to chair this committee my response was - being a little bit aware of what had gone on the previous five years with the fire service - I felt the fire service was basically comfortable with the Act. The information I received from Cabinet was that they understood that but they wanted to be sure because, as Mr. Cormier said, legislation is slow to change - we go back to the 1960's, sometimes the 1940's - so we would like to do it the very best we could. We don't want to drag it out, this is not going to be a long process. The public hearings will be completed before the end of October and I expect it will be written by November - I shouldn't speak for the writer - but some time in that time frame. My understanding is that at the spring session we will introduce this bill.

The municipalities may - we have had some calls and comments because there is a cost factor that could affect them. When you are downloading, as we will be accused of, we are going to hear about it from the municipalities, so we want their input. If there is anything in the bill that does not jeopardize fire safety and does not put people at risk, then we would certainly want to listen to what they have to say and what they have for solutions and recommendations. Also, we feel there may be contractors and that type of thing, who would like some input, as well as the general public. This is only my opinion, but the municipalities will probably be the greatest participants in what we are doing, but I may be wrong in that.

[3:00 p.m.]

MR. STEELE: If I may resume, Mr. Chairman, this was all leading up to my question which I will get to now. Really the essential mandate of the committee is to review Bill No. 58 and to see if there are any tweaks that it needs, to see if there are any changes that it needs. It is my understanding, Mr. Cormier, that you, by and large, support Bill No. 58 as it stands?

MR. CORMIER: Yes, I do.

MR. STEELE: And, Mr. Clark, that you, by and large, support Bill No. 58 as it stands?

MR. GREG CLARK: Yes.

MR. STEELE: I am going to put you on the spot and ask you this question. For a layperson like myself who is new to considering this issue, can you identify for the committee which parts of Bill No. 58 you think are controversial or potentially might be controversial,

even though I do understand that you, after due consideration with your background and experience agree with the way Bill No. 58 resolves those issues, what do you think those issues are?

MR. CORMIER: The first issue is certainly - as Mr. Carey has brought up - the issue in regard to what appears to be downloading to the municipalities, even though it has been their requirement since 1976. We have approximately 8 of the 55 municipalities who actually have fire inspectors hired and operating in their communities. Many of the municipalities are ready to pursue this and it is not as much the cost factor as the issues related to liability issues, they are going into a whole new requirement where they are going to be expected to give permission and advice on situations that they are not sure they will have staff who are properly trained to do so. That is my responsibility, to ensure that training is in place and that they have that opportunity and when in doubt, that they have the personnel to allow them to question someone else to try to eliminate that.

Number two for the municipalities is the fact that there are very few municipalities who can support a single fire inspector for a single area. In meeting with the Valley regional municipal units, they would like to turn it over to their fire departments but there was an issue related to which fire department would they turn it over to; they don't want to have the appearance of favouritism. Do they take a neutral way and hire the Fire Marshal's Office to do it for them, in which case he would hire someone to do it, but they certainly accept the concept.

I believe 11 municipalities were going to band together for a single inspector because no one community needed an inspector on a full-time basis. Other municipalities, such as Cape Breton Regional Municipality, are going to use building inspectors in downturn times in the economy, which happens at least every year between October and March, as a normal function of our weather. So the municipalities have various issues that range with this and where they perceive it is really going to be the conflict.

The second one we operate under is the fact we are trying to build a close relationship with the building inspectors. We do share a very close working relationship with the vast majority of building inspectors in this province. However, there is a who's-in-charge question, which we don't need from either side, but basically if you go in and order some work to be done - and I will give you an example of where it worked well.

We went into a lodge that had been around for a number of years. They applied for status as an inn. We went in to do the inspection and they had people on the third floor of the inn who only had one narrow stairwell to go down to get outside and they wanted to use that as sleeping accommodations. We required them to put an outside exit on the building, another stairwell. Our job was to say, you need another stairwell. It was the building inspector's job to ensure the stairwell went in in accordance to proper construction procedures, the right run and rise, the right number of steps before you get onto a platform, the railing height, et cetera.

Now we can go into the code and find that, but really it is the building inspector and they have to take out a permit for that.

The building inspectors and Municipal Affairs also had some concerns, although they conceded to us eventually that, yes, the municipalities should have the right to the benefits of the permit for the work that is being carried out. But if there is an appeal, should the appeal be to the fire marshal or should it be to the Building Code? The Building Code covers the 1995 Building Code, it may not cover that building, what we have come up with, as a solution for a building that was built in 1895. So there has been some concern with who has the proper authority there. But once the fire official writes out an order, that fire official is responsible to see that the work is done but that is a second area.

The third area is, as Greg says, the fire service will have feelings that the Act is going to be used to put more legislation in place for the fire service will have to meet. That is not true at all. It is solely an advisory capacity. As a matter of fact, we have no mandate even in our legislation to allow us to regulate the fire service. Now Ontario and Quebec have both gone into that direction where they dictate to municipalities what the level of fire protection will be. We do not feel this province is ready for that and the balance of our fire service, we want to work with them, not try to destroy it.

MR. STEELE: Mr. Clark, is there anything you want to add to that? What would you identify as the potential points of controversy in Bill No. 58?

MR. GREG CLARK: Well, thinking over the process that we went through and the final draft that we presented, I am not convinced that you are going to run into a lot of opposition as to what the changes are or what that Act says. I believe, and I think our membership believes, that the issue here is between the provincial government and municipal government units. If that is the case, then why go through the exercise that we spent three and four years going through, very extensive. We talked to fire departments. We gave everyone an opportunity. We went out to municipalities. They all had opportunities to feed back information to our committee. Once that was done, and I have binders in my office, three or four of them, full of all kinds of information that we went through.

After we went through that process, we then came to the Fire Advisory Council and we went through it again. To me, and I am speaking on behalf of our association, we feel that that has been exhausted. The public was given the opportunity, fire departments were given the opportunity. We don't have control over if they respond or they don't. We kept sending, mailing stuff out, having meetings at all the association meetings across this province. This topic was discussed. It was open for input from any and all.

Now it is the feeling of our association that this is an issue, call it downloading or whatever you want to call it and it is not an issue whether it is the present day government or the past. It is an issue of provincial government and municipal government. Therefore, that

is something we feel you should be able to address at that government level and go with it. As far as the Act itself goes, I won't guarantee but I would say I am very comfortable on behalf of everybody who went through that with us that what is in there is what will be accepted and is what is comfortable with everybody that we talked to. We made revisions, we juggled it around to fit as best we could all of those factors.

I think that is my reply, that we see it as an issue between two levels of government and what you are going to come up with to change the structure of that Act is going to be very little, if any.

MR. CHAIRMAN: Mr. MacKinnon.

MR. MACKINNON: Mr. Chairman, I guess I have to compliment Mr. Clark because we are on the same wavelength on that point. Perhaps even at worst, it is an issue that could be dealt with through the roles and responsibilities committee of the UNSM and the province.

Back to the issue of training, Mr. Cormier, you indicated that your office should have the full responsibility for the training to make sure that we have the fire inspectors properly trained. Is that correct?

MR. CORMIER: There are a number of things that my office has got involved with and if there is anybody to be held accountable, I am the only one to hold accountable but there are a number of areas that we have ventured into, knowing there was a necessity for it in the province even though the legislation does not strictly provide ability for me to do it. One of the areas is the quality of fire service training. We have training in Cape Breton region, we have training at the fire school in Waverley and we have training in the Halifax Regional Municipality that are high level training. The only thing we wanted to do was ensure that when those individuals were tested they were tested to the accepted standards and the accepted standards are North American standards. So there is an accreditation process through Oklahoma State University called IFSAC. It is a certification for a body in a province to be responsible to ensure that testing is done on firefighters to ensure they were trained properly.

That accreditation has been completed up to the stage where the site visit team has been here. They will be going back and issuing their report at the end of this month. The chairman of that is the Fire Commissioner of Manitoba, so I can pretty much guarantee that we will have certification in this province by the end of the month. I am the holder of that certification because I am the only provincial fire service person in the province. Even though the Act doesn't permit me to do so, what we did was hide under the EMO Act which says that I have the responsibility for the quality of training. So I used that to hide under and create it.

The new Act allows us to do things like that and all we are doing is bringing the fire service together. There are five different groups that sat on that; my office, the Fire Officers Association of Nova Scotia, the Halifax region, the Cape Breton region and the fire school all formed a committee to bring that about. That is what we are trying to do. That is just to ensure our firefighters are receiving the correct training.

MR. MACKINNON: Thank you very kindly, that is very helpful because the suggestion was made before about building inspectors now being able to do fire inspections or act as fire inspectors or deputy fire marshals at the municipal level in CBRM. My understanding is some of these building inspectors are doing inspections under the fire marshal service but don't have the training.

MR. CORMIER: No. My deputy fire marshal is working with them on a one-on-one basis. For instance, when we did one of the large facilities down there - and I had to go down to help them do it because I have been through those types of inspections before - we had one of the building inspectors with us as a building inspector, also one with us as a fire inspector and my deputy to go over the aspects. That is not a problem. It is not who is smarter than who, it is which hat you have on while you are doing that aspect of the job. That is what is critical.

MR. MACKINNON: As long as you have the training.

MR. CORMIER: As long as you have the training, but you have to be careful. Generic inspectors are not a reality of life. It has been tried in other provinces and yes, a jack of all trades and master of none is the best way for me to put it and you end up giving improper advice and the litigation activities go 10 times higher. The only winners are the lawyers. (Laughter)

MR. MACKINNON: One final question. I am not a lawyer.

MR. CORMIER: I got the reaction. If they didn't say it so much themselves, I perhaps wouldn't have commented.

MR. MACKINNON: Thank you, Mr. Cormier. Just with regard to the schools in the province. It is an issue I have raised with yourself on a previous day, wearing different hats myself. In terms of the number of students per classroom, are you aware of any schools in the province that have excess number of students as per your allowable limit?

MR. CORMIER: On our investigations - and the Halifax region has done quite a number on these - we have not as yet found classrooms that have contained numbers beyond that which is permitted by the codes.

MR. MACKINNON: Even at Sir John A. Macdonald?

MR. CORMIER: Even at Sir John A. Macdonald. I am trying to remember that particular school, the particular classrooms. We do have schools for the first time under the P3 program where because of the construction of stairwells we now have limits on the classroom sizes, because they are on the upper floors and when the contractors built the schools they built the school stairwells to the exact size for the number of students who were going to be there. When the Department of Transportation and Public Works builds them, they overbuild the stairwells so we have extra space. Yes, we do have a situation where we could reach, but we have not yet.

MR. MACKINNON: Mr. Chairman, I know I digressed just a bit on that, but it is a personal interest of mine.

MR. CORMIER: One thing that you mentioned was the committee. In the emergency services committee for the roles and responsibility of the province and the municipalities, it was a unanimous decision of those committees that fire inspections should be the responsibility of the municipality. It is my understanding that that also became a part of the central committee's recommendations.

MR. MACKINNON: Recommendations, going into Bill No. 58?

MR. CORMIER: No, not going into Bill No. 58, but it is part of the roles and responsibility committee meetings which were held about two years ago.

MR. MACKINNON: And that is the point that Mr. Clark is alluding to; am I correct?

MR. CORMIER: Yes.

MR. CHAIRMAN: Mr. Morash.

MR. MORASH: A question on inspections. If I am a business operator in Queens County, I guess an example would be a hardware store or something like that, and I have my insurance inspector in, would that fire safety inspection be suitable to your office to prove that I have done everything that is acceptable?

MR. CORMIER: As far as the hardware store goes that should be a municipal issue. People who go into hardware stores should be able to get back out again, so we don't view it as a life safety situation. Now, if you are selling dynamite off your shelves, that is a different matter, and then we have the federal government to get after. The chances, first of all, of an inspection, unless they are done by a municipal inspector, are pretty rare, unless it is under a complaint.

MR. MORASH: But now under the proposed regulations . . .

MR. CORMIER: Under the proposed, the municipality would have to have a system of inspections which would include somebody going into your store at some stage. It may be once every 10 years, might be once every 15 years.

MR. MORASH: And that would be the municipal unit's call as to whether they would take the insurance company's inspection or not?

MR. CORMIER: That is correct. In most cases, I would dare say, I have not seen an insurance company inspection as such for fire safety, in the 28 years that I have been in this business, outside of what has been carried out by Kings Mutual.

MR. MORASH: That might be a question for the person beside you, as to whether they do fire inspections or not.

MR. CHAIRMAN: Dr. Smith.

DR. JAMES SMITH: Mr. Chairman, I will be brief. Mr. Cormier, you mentioned Sunset Manor, and that has been an interest here in metro the last few days, or the last while, the transfer of people from the Cole Harbour Rehabilitation Centre. In a building like that, and I know you distinguish between the building inspector and the responsibilities there, but would the Fire Marshal's Office have been consulted in that?

MR. CORMIER: Absolutely. We are working with Sunrise. All I am saying is that at the present time part of our responsibility is to see that those people are going to be safe. They are on the first floor, the design allows for adequate exits. We just want to ensure that the staffing, et cetera, is going to be correct. That building was not specifically designed, but it does not mean it is unsafe, we just have to put extra precautions in because of it.

DR. SMITH: Yes, and the safety of the others who are in the building . . .

MR. CORMIER: That's correct and remember, that building has now been sprinklered since the fire.

DR. SMITH: You mentioned sprinklers impacted on property. Would a building like that have smoke detectors as well, for the safety of people?

MR. CORMIER: Yes, there was a full fire alarm in that building.

DR. SMITH: Just one final, on residential care throughout the province. Do you have any knowledge, is there any restriction on numbers of persons per beds or per room in a small facility?

MR. CORMIER: No, but there are compartment sizes, on residential care, I can't say, I do know in nursing homes it is 10,000 square feet, and whatever number of beds you would put in that particular area. It depends on the age of the residential care facility, it depends on the structure of the residential care facility. We have been working very closely with both Health and Community Services on recognizing which of these units should be closed. It has been a long process, and it is not an easy process.

I remember meeting with one owner when we made our first decision to close one of the nursing homes, and she called me the next day and told me, when I left that meeting I called you every name in the book. Like I said, my name is taken in vain a few times a day. Anyway, she said, I went down and took a look around the facility and when I read your letter and took a look at what you were talking about, I burst into tears realizing what kind of threat I had put these people under all this time, and the faster you get us out of here the better.

Lots of times there is not a realization, so we have to do a real analysis. We don't do that lightheartedly. We have just developed a program with Underwriter Laboratories of Canada that we worked for three years on to come up with the fire safety analysis for buildings such as nursing homes and residential care facilities, so we are sure of when the right time is to close and when the right time is to make alterations and changes to them.

DR. SMITH: We still hear, and I think some of these you and I would probably note equally, having been minister in earlier years, and probably the one you mentioned I may well know of. There still seems to be, throughout the province, areas where renovated larger homes, for instance, where there are three people in a room. Is that fairly common throughout the province?

MR. CORMIER: It is not common but those features are there. They have been licensed for years. Our new codes have not created any reason for us to believe that we should take them out. We have put some extra features into some of those. I just read a report last night, in residential care facilities the average time for evacuation is 58 seconds from time of sleeping to get residential care people out. So we have a pretty fast movement of people out, provided those smoke alarms are working so that we get them up and out as soon as something occurs, and that we have staff available. We are very critical with staff now.

DR. SMITH: Thank you, Mr. Cormier and Mr. Chairman.

MR. CHAIRMAN: Mr. Steele.

MR. STEELE: I have two closely related questions, but I want to give a bit of context first. My constituency of Halifax Fairview is entirely urban, 100 per cent urban. I have a number of very large apartment buildings in my constituency, including 36 Abbey Road or

Armdale Place, where there was a fire earlier this year. It happened to be just before I was elected and by the time I was elected the tenants who went back were back. Nevertheless, the particular challenges of high-rise fires are very much on my mind as we do the work of this committee.

Mr. Cormier or Mr. Clark, if you care to, if you could tell the committee, just briefly for the record, what happened at 36 Abbey Road, what we can all learn from that particular fire, and then the third thing is what changes if any to the legislation and regulations would you recommend to minimize the chances of that kind of fire happening again?

MR. CORMIER: Well, the head of fire prevention for the Halifax region is here. If I miss anything, Mike, please cut in. Basically what occurred there, the main panels throughout the building, we had a short circuit or a surge, we are not sure what the cause was, that pushed an electrical short throughout all of the building right up through the floors and took out the main electrical system. The building was constructed at an age when aluminum wiring was permitted. Aluminum wiring is still there, it is still used on large conductors of electrical equipment. The major aspect there was not so much whether the fire was as serious as what it was reported to be but as to what the building owner wanted to do with that particular building. Why was there an outcry to have all the electrical wiring? Certainly Michael's people had not required the electrical wiring to be stripped out. We hadn't required it. So there were issues that I believe related to that building that were more issues of market value than they were issues of fire safety.

As far as what we could learn, in that particular case, I think things went right that night. There were no deaths. The fire department was able to get it out in fast order but it is just that when the building has no electrical in it and all the electrical has to be refeed through the system and the building has to have the smoke cleared out of it - that is the biggest problem we have - 90 per cent of fire costs could be cut with a door closer. It is a simple fact, having a door closer on a door that shuts it. The whole problem at Sunrise Manor, the reason we had those people out of there so long was the simple fact we didn't have door closers on the doors. We now require all seniors' complexes to have door closers. That is another balancing act because seniors like to have their doors open so they can see everybody go by and say hello because they are lonesome in there. They are all by themselves but that big old bad fire marshal wants that door closer on there. (Interruption) That is one of the reasons I am trying to keep all the nursing homes in good shape. I don't know which bed is mine.

MR. STEELE: The third part of the question was whether there are any changes to legislation and regulations that you would recommend to minimize the chances of that kind of fire happening again?

MR. CORMIER: No, that type of thing will occur. What we have to do is have the people ready to react when it does occur. We can't eliminate every situation as much as we would like to. We would like to have more control over electrical people. You will be seeing

legislation coming forward for the licensing of electricians and electrical contractors, the same as every other province has. We do want to get a control on that aspect.

The number one concern, if I were to issue my greatest concerns right now for fire safety is first of all the bars in downtown Halifax, not because they are unsafe, but because of the number of people who crowd into those bars at any given time, tremendous numbers. The young firefighter who walked into the bar in Sackville and shot two of the patrons before taking his own life could very well have walked in with a Molotov cocktail. Situations arise like that.

The day-to-day issue that I am most concerned with is boarding houses, boarding houses that are housing our students, that are housing our economically deprived, are housing people with improper fire separations, improper fire alarms, improper equipment. We are not even sure where they are. One of the municipalities is against hiring a fire inspector because they know that the majority of the boarding facilities for the students in that town are not safe for the students to be in and they would have to close them. So one of the things we want to create is a regulation on boarding houses, a minimum standard that would allow the majority of these to stay open with minimum upgrading of their facilities. Those are the two greatest concerns I have for fire safety in this province right now.

MR. STEELE: Mr. Cormier, would you care to identify the town that you are talking about?

MR. CORMIER: No, I would not.

MR. CHAIRMAN: Okay, we have two more people to go and we are running out of time.

MR. STEELE: I had a very closely related question to that. I can leave it until later. We have until 4:00 p.m., right?

MR. CHAIRMAN: We have about 15 minutes. We have a committee after this part of the meeting.

MR. MACKINNON: Who else is on the list?

MR. CHAIRMAN: Kerry Morash.

MR. MACKINNON: Okay, let Kerry go.

MR. MORASH: I have a fairly quick one with regard to the last discussion. During the inspection for a high-rise or something like that, is there any thought or any consideration to infrared cameras or something like that that would be able to look at a panel and tell if

there is a loose wire or a bad connection that could possibly create a fire at some time in the future?

MR. CORMIER: That is one of the things that is not in the code is the actual requirement for maintenance of electrical equipment. This is very true of aluminum because if there is one issue with aluminum it is that it expands and contracts so fast and so much that it does weaken the connections if it is not properly connected. That is something that could be looked at.

[3:30 p.m.]

MR. MORASH: But currently there are no plans to do that.

MR. CORMIER: Currently there is not, no, not for electrical.

MR. CHAIRMAN: Mr. MacKinnon.

MR. MACKINNON: Mr. Chairman, actually just to follow along on that, I am thinking about the provincial institutions, provincial buildings. We have the committees' building here, the Dennis Building, we have the Joseph Howe Building, where we had that large fire a few months ago. I know you did a quick on-the-site job very effectively. Does that building have aluminum wiring as well?

MR. CORMIER: That I couldn't say. The Department of Transportation and Public Works - departments are joining so fast, sometimes I have to check my card to see which one I am in - has a good listing of all of the wiring. We have exceptionally good electrical engineering facilities for the province, and the buildings.

MR. MACKINNON: So you wouldn't know if there is aluminum wiring?

MR. CORMIER: I couldn't personally say, but my chief electrical official probably would.

MR. MACKINNON: How many of these provincial institutions do we have that do have aluminum wiring? Is it 10 per cent, 20 per cent?

MR. CORMIER: There would not be that many. It was only a short period of time that we went through with the actual construction with aluminum wiring. Most of them will have aluminum but not as branch circuits, and that is where the issue is. Probably the period between 1975 and 1985 was the biggest period, so buildings that were built in that time would probably have aluminum wiring.

MR. MACKINNON: Okay, just to satisfy my curiosity could you give us an undertaking that you would provide us that information?

MR. CORMIER: I can attempt to find it out, yes.

MR. MACKINNON: You can go through the chairman or give myself a call, whatever is convenient.

MR. CHAIRMAN: Mr. Steele.

MR. STEELE: Actually, in view of the time I probably will not ask the question that I had in mind, I can always ask it another time. Because we have so much expertise and experience in the room, I wonder, Mr. Chairman, if you would be interested in inviting anybody else in the room .

..

MR. CHAIRMAN: That was my next . . .

MR. STEELE: Then I will pass it back over to you.

MR. CHAIRMAN: Anything further from Mr. Cormier or Mr. Clark?

MR. CORMIER: No, I would request the other members to please speak up.

MR. CHAIRMAN: Is there anyone who would like to make some additional comments? Could you just introduce yourself.

FIRE CHIEF BRENT DENNY: Brent Denny, Fire Chief, Sydney River and also a member of the Fire Officers Association of Nova Scotia. I guess my main thrust is to echo what Greg had to say in that there was a long and lengthy consultation process on Bill No. 58, and being Chairman of the Cape Breton Regional Chiefs Association at the time there were several meetings held in our area and the bill was gone over in great detail and input sent back in. We would certainly encourage the committee to push through or get this bill through as soon as possible because it is going to do more good for the fire service or for the province than the old bill, and we are looking forward to the improvements. Once again, I can assure you that the fire service has studied the bill and is familiar with it, and is quite satisfied with the way it has been presented.

MR. CHAIRMAN: Thank you very much. Any other presenters?

MR. GREG EWERT: Greg Ewert, representing the Design and Construction Institute of Nova Scotia. Just a comment maybe in support of Mr. Cormier's presentation with respect to plans examiners. The number of plans examiners has been reduced, or not increased anyway, over the years and from a design industry point of view it causes some problems just

in the processing of documents and getting speedy approvals, but also every architect and every engineer should do a perfect job and it go out and be built perfectly, but that doesn't happen. A layer of safety in the whole process of designing and constructing a facility, the plans examiners are in there doing their thing and if something does slip through the cracks from the design engineers' point of view then there is a layer in there that would possibly pick it up, not that one should rely on the other.

Just another comment on sprinkler systems, contrary to Mr. Cormier, I just wanted to add that, really, while a sprinkler system may protect property, in doing so it protects life as evidenced by any of the large fires that would occur. The MGM Grand and some of the other large hotels, without a sprinkler system there was certainly property damage but there was also a great loss of life. When you come down to it, in a facility it is like \$1.62 a square foot for a sprinkler system, and that is a small price to pay. In a lot of instances where it is optional, it really shouldn't be.

MR. CHAIRMAN: Mr. Cormier.

MR. CORMIER: I don't want it to sound like Greg and I are on opposing views of this. What I am referring to are single-family dwellings only. Believe me, I can tell you I would far rather go in there and stand under a sprinkler while I shut it off and get wet than I would from the heat of that 2000 degree fire any day.

MR. CHAIRMAN: Are there any other presenters? Graham.

MR. STEELE: Just before we finish I would like to make one brief comment. Earlier Mr. Clark raised some questions about the mandate and purpose of the committee, very good questions. To a certain extent, Mr. Chairman, you have provided answers. Mr. Clark, you were out of the room when we were doing introductions, so I will mention again that I am a member of the NDP caucus and speaking only for myself and certainly not on behalf of the committee or any other caucus I would say this, the government on June 6, 2000, brought in fire safety legislation. It was the result of many years of effort. It became clear to us that the government was not willing to move forward with that piece of legislation.

This committee was proposed, and we are going along with this committee, you could even say happily going along with it. If this is what it is going to take to get that piece of legislation back into the Legislature and passed, then that is a price we are willing to pay even though I do understand that you and other people believe that what we have been asked to do has already been done. As I said, the government made it clear they were not willing to go forward with Bill No. 58 as it stood, whether their reasons are good or not I will leave for other people to judge, but that is why I am sitting here today, not because I necessarily think there is anything wrong with Bill No. 58 but because if that is what it is going to take to pass this legislation then that is what we will do. That is my comment.

MR. CHAIRMAN: Mr. MacKinnon.

MR. MACKINNON: Just one final note on that, I was a little concerned, Mr. Chairman, when you indicated that the legislation would be prepared for the spring sitting of the Legislature. I believe if we go back to the last full committee meeting we had, when we were doing the scheduling for our meetings, my understanding was that the indication was given that on or about the last week of October the legislation would be prepared for the fall sitting of the Legislature, mid-December.

MR. CHAIRMAN: As you are well aware, I don't set the agenda for the House. It very well may . . .

MR. MACKINNON: . . . early frost, there could be some slippage here.

MR. CHAIRMAN: I guess what I would tell you is it depends on how much opposition there is in the time frame after the House opens until it closes, if the time frame works it very well may be part of the agenda. I certainly want it to go through as quickly as possible, but as you know . . .

MR. MACKINNON: The powers that be.

MR. CHAIRMAN: The powers that be will make that decision. I want it put through and the reason I am here not only today but agreed to take this was because I have an interest, have had a long-term interest, and I would like to see it progress. I think it is good legislation, just speaking as an individual.

AN HON. MEMBER: Former life.

MR. CHAIRMAN: My former life. However, I think the group here can get the information, it can be facilitated and I see a very co-operative group, and I think we can do a good job. I am interested in getting legislation that is as good as possible, as I said, because we know it is there for 40 years or something like that, or it appears to stay with us for some length of time, so let's do it the best we can.

MR. GREG CLARK: Is it too much to request that when your committee work is finalized that the Fire Prevention Advisory Council be consulted before you go forward?

MR. CHAIRMAN: I certainly plan to do that. Personally as chairman, I want to see as much consultation and input as possible and that we do the very best we can to satisfy as many as we can. Any others? If not, I would thank the gentlemen who have appeared and everyone who has come, and I would ask the members to just stay for a couple of minutes while we have some house . . .

MR. STEELE: Can we adjourn for just a couple of minutes?

MR. CHAIRMAN: We can adjourn for a couple of minutes, sure.

[The committee adjourned at 3:41 p.m.]

SYDNEY, TUESDAY, SEPTEMBER 25, 2001
SELECT COMMITTEE ON FIRE SAFETY

7:00 P.M.

CHAIRMAN

Mr. Jon Carey

MR. CHAIRMAN: Good evening ladies and gentlemen, welcome to this meeting of the Select Committee on Fire Safety. My name is Jon Carey, and I am chairman of the committee. I would just ask our members if they would introduce themselves. I know some are well-known to you and others aren't but it is an all-Party committee and certainly all are striving to the end of getting good legislation for fire safety. Brian, would you like to start.

[The committee members introduced themselves.]

MR. CHAIRMAN: Graham Steele of the NDP caucus is also on this committee. He was unable to be with us this evening. I will just have a short introduction that will explain, perhaps, some of the reasons why we are here. I would like to remind you that this is a public meeting and anyone is welcome to present. We have one person who is registered to present, but certainly any citizen is more than welcome to present. We are looking for input, we are looking for information from you people.

The select committee is an all-Party committee. We have been charged with the responsibility of making recommendations to the House of Assembly on a new law for fire safety. We are reviewing proposed changes to the Fire Prevention Act, which are contained in Bill No. 58. Bill No. 58 was introduced in the House of Assembly in June 2000. Now the government wants to widen its base of comments from the public and complete the legislation. We are also meeting with Nova Scotians. We would like to hear from the public as well as the people who will be directly affected by the new law, such as insurance companies and other businesses, municipalities and the fire services.

We are meeting in nine communities across the province, and this is the first meeting of this committee. The input we gather will give us the best possible fire protection legislation for Nova Scotia. The new law will take into account changes in municipalities in the last couple of years. A law can last for years, so it is important to get it right from the beginning. Once we have collected and reviewed all the submissions, we will make recommendations and report to the House of Assembly.

Bill No. 58 sets up a framework for fire safety, it assigns responsibilities to individuals and organizations that work to prevent fires, people who fight fires, companies and individuals who own land, insurers, municipalities, and provincial government officials like the fire marshal. The bill also sets up an advisory council to advise the Minister of Environment and Labour on matters related to fire safety.

Bulleted details on Bill No. 58:

- it is written with the intention that it would completely replace the Fire Prevention Act that is now in effect in Nova Scotia
- it directs what individuals and organizations in the province must do to prevent fires and how they must act once a fire has occurred
- provides direction for making sure the Fire Marshal's Office has representation in each municipality
- important for educating people on how to prevent fire
- helps the fire marshal determine what caused fires, this is important for insurance and crime prevention reasons
- assigns roles to people who are responsible for preventing fires, for putting them out, for reporting fires and for investigating them - the Fire Marshal's Office and the municipalities
- assigns responsibilities to people or organizations that own land or businesses, these people have certain responsibilities for preventing fires and for reporting fires that do take place; insurance companies also have responsibilities assigned by the law
- forbids certain activities; for example, if this bill becomes law, it would be against the law to give false information to a fire official investigating a fire or to tamper with a device that would help people escape a burning building

- discusses what regulations the government can write to further protect Nova Scotians from fire and to reduce the harm of fires
- establishes a fire safety advisory council to advise the Minister of Environment and Labour on matters of fire safety.

On the table at the right of us here there are some information forms. You can get them at any time during the meeting or after, if you wish. The copy of the Act is there and other pieces of information. If you would like to present, we have a lady, Kim, at the back, and if you would just go to her so that she can make sure she has your name, the spelling correct and so on, then we would be very happy to have you present. When you present, if you would come up to the microphone so that everyone can hear you and we can get it recorded, it would be appreciated.

Our first presenter this evening is Mr. Joseph Legge, Cape Breton Firefighters Burn Care Society.

MR. JOSEPH LEGGE: Before I begin I would like to say thank you to the committee and the Legislature for enacting this group to hear the concerns of people within the communities. It offers us a forum to express what we feel are necessary changes within the Act. A little bit of background, the Cape Breton Firefighters Burn Care Society is a volunteer organization that has been in existence for approximately six years. It was started because of a need within the community to help burn survivors to recover and get on with their lives after experiencing a serious injury. We expanded our format to cover education, to try to educate the general public and help them with certain aspects of fire safety.

We have several programs. As I said, the first one is to deal with burn survivors and their families, and try to help them cope with the aftermath of a serious fire. We also have what's known as the Baby Bath Bear Program, where we have baby thermometers, bear thermometers and every new mother leaving a hospital in Cape Breton for the past two years has been given one. It is a very simple device that has three readings on it. The bath water is either too hot, too cold or it is just right. Statistics tell us that more people are seriously burned from hot water than from both fire and electricity put together. I know that doesn't come within the confines of the Act, but it is something that we do and it is one of the mandates of our society.

The other is in education, and we have been getting involved with what was formerly known as the Learn Not to Burn Program. The program, run by fire services up until a few years ago, was cancelled because of budgetary restraints. The program saw career firefighters, volunteer firefighters, with the funding of their respective units, going to the schools and bringing a sense of reality of fire to children and explaining what it is all about, what can happen, taking it out of the closet if you will. The educational aspect of it, just about every kid that I know wants to be a firefighter, so when they see the firefighters come to the school

they have their attention almost immediately. They tend to listen, they hear, they hang on almost every word.

What happens in this particular context is the kids are taught what are tools and what are toys. Matches, lighters, those are tools, they are not things for kids to play with. Other items are toys, and those are things for kids to play with. This type of a message, delivered by a firefighter, if you will, sets up the message that this is not something that they are supposed to be playing with. They also teach the children, in the Learn Not to Burn Program, about the stop, drop and roll; what to do if a person catches fire; how to put the fire out on your clothes; just basic things that will stay with them for the rest of their lives.

The program also teaches the children to go home and involve their families in drawing a schematic escape route of their home. I can imagine just about every one of you, if not children you have had grandchildren and whatnot sleeping over. How many of them would know what to do in the event of a fire in the home? Would they know an escape route? Would they know to go to the front door as opposed to the back door? If the fire is blocking the front door, then they would also have to have a route to the back door, and conversely if it was the other way. They have to know how to get out of the house in the event of a fire.

They also have to know - and this is documented - they have to have a meeting place outside. There have been more cases - and I am sure we have all heard of them - where a fire is in the structure, everybody runs in every different direction, the mother and father are meeting somewhere and they are counting heads and come up one short. Either one or both of them goes back into the burning structure looking for the other child, who might be across the street at his friend's house or down the street because he went the other way.

What this program does is it teaches the children to go home to their parents, to their grandparents, any place they have a sleepover and get a schematic - this is an exercise they do in school that they bring back - of an escape route of the home where they stay most of the time or at their grandparent's home, give a description of what they have to do in a fire, stay low below the smoke - all of this is explained in the program by the people who are administering it - and also to have a central meeting place so there is no unnecessary going back into a burning structure looking for a child who is not in there.

It is a really educational program that gets the message across to people who are probably at their most adept at learning at that age; five, six, seven years old is when they are learning most of the information they are going to process and have with them for the rest of their lives. By getting involved at this stage and by teaching fire safety to children at this stage, they are going to carry that. The life expectancy, I believe, in this province is 75 years old, so if you teach them that at age five, you have them for 70 years, where they have a good, solid background on fire safety, what to do. They will teach that to their own children. God forbid, should they be involved in an incident, we have equipped them with the tools necessary so that they can get themselves and their family members out safely.

As I said, this program had been taught in all the local schools, to my knowledge, for several years. Because of budgetary restraints, it has been dropped by most of the fire services in the last while. I would imagine they don't have the services of firefighters they can put on this on a regular basis. Organizations such as our own have attempted to get in. I know several of the volunteer fire departments in the area are doing the same thing, they are trying to get back into the schools to administer this. The problem being expert training is something that is difficult to get.

That is the basic reason that I sit here before you tonight, I believe this program is something that has to be put back in the schools, whether it is done by career or volunteer firefighters or volunteer organizations such as our own, it has to be re-instituted. In the case of volunteer organizations, if you will, the volunteer fire departments or volunteer organizations such as the one I belong to, the materials and the expert training to do this aren't readily available. I sit here hoping that in some way this committee would be able to source that information and at least give us some guidelines whereby we could source the necessary training, if in fact that is the way it is to be done, help with the cost of training materials. As I said, when they go into the schools, there is a training book that goes to each child. It has information and it is done in such a way that it appeals to the intelligence level of a five and six year old child.

As I said, by going through this they are also, at that time, learning what it is like and what happens in a fire. They learn what to do in the event of a fire. It is just something that I believe in, in education. We can be proactive or we can be reactive; in most cases, unfortunately, this system is reactive because we are always reacting to a travesty that has happened. In this particular case, we have a chance to be proactive and get in on the ground floor and get the message out there, and educate our children, as they are coming up, in fire safety so that by the time they become teenagers and adults, they have a solid foundation on which to build.

I have been a burn survivor myself for 24 years. I was burned in an explosion at the steel plant. It has very little to do with the Fire Prevention Act, but it has led me to have discussions with quite a number of burn survivors in helping them cope with the results of their injuries. As I said, the reactive end of things comes in at that perspective. When you have to go out and talk to people whose lives have been wrecked, if you will, it doesn't just affect the individuals who get burned, it affects the whole family, it affects almost every member of that family. To be able to assist and help those who happen to be burned requires a complete family unit. I can attest to that, being a burn survivor for 24 years. I have had complete and utter support from my family, and that has helped me to be able to go out and help others.

As a burn survivor, most of the horror stories that I hear are utterly preventable. It is just stupidity, things that people do without the thought process of normal thinking being enacted. It is unfortunate that when you talk to people who have suffered severe and serious

injuries as a result of a fire, most of them are - well, you hear on the radio, Retire Your Fryer - from cooking french fries in an open pot on the stove, it is just a terrible, terrible thing. People continue to do these things.

Somehow or another we have to get education back into the community to let the people know that we certainly have to change the reactive end of things. It costs millions and millions of dollars a year to try to put together the pieces, to rebuild homes, to rebuild lives after the fire, when the easiest and the safest thing to do is to be proactive and prevent it from happening in the first place. The Learn Not to Burn and the reason I feel it would be so beneficial to children, my accident at the steel plant was the second time I was involved in a fire. When I was four years old our house burned down. My older brother, who was six at the time, was experimenting, playing with matches. Unfortunately, the house caught fire, it burned down. My younger brother, who was three at the time, burned to death.

Now, to live with that, for myself there wasn't any recrimination, I was just another one who was involved in the fire, but I can certainly tell you that my older brother lived with that until the day he died. He never quite got over that. This is a six year old child, who was experimenting. He wasn't doing anything that he thought would have such severe consequences.

It is not just the fire, it is the emotional and psychological consequences that follow afterwards. If we can get this message out to today's schoolchildren, to let them know what can possibly happen, we can prevent that from ever taking place. So we can not only save the ravages of fire and the cost to the community, we can also save the emotional strain and stress put on the families as a result of something of this nature happening.

I believe that's about what I have to say at this point in time. I should hope that there would be something forthcoming with regard to getting back on the educational track, if you will, going forward with our schoolchildren with the Learn Not to Burn Program. As I said before, it is a wonderful thing, it offers us a chance to be proactive, and it is something that I believe will pay tremendous results in the future. Unfortunately, we don't get a total on how many fires were prevented, the only thing we know is how many actually happened. As I said, if in fact we can get the message out to the children, I am sure we can prevent quite a number. In the event that they happen, at least we have armed them with the ability to know what to do under those circumstances. I thank you very much.

MR. CHAIRMAN: Does any member have any questions they might like to ask Mr. Legge?

MR. FRANK CORBETT: Thank you, Joe. One question, the cost per visit to a school, do you know what it would cost? I know it depends on the size of a class, by and large, but do you have an average?

MR. LEGGE: Yes, I believe the materials are somewhere around \$3.00 a book, so you would be looking at a class of 30 children, it could possibly cost \$100 to make a visit to a classroom. That's the aspect where you are delivering the information. We also have to have someone who can come in and train people. If we have a group of volunteers, we probably have 10 or 12 people within our organization who want to go into the schools to do this. We have had one or two visits with a career firefighter who is doing this as a regular, daily occurrence within the Cape Breton Regional Municipality, who now has other things. The odd time he will come in and give us an update as to what to do.

What we need is a lot more intensive training as to how to do it. They are going to ask questions and you have to have the right answers. You don't want to go stumbling around and seem like you don't have the exact answer necessary at the time. Most people are slightly apprehensive doing it with very little training. Again, if something could be set up where a training mode is offered to volunteer organizations, I am sure we could get the necessary people to do that. Again, with results to a class size, I would imagine you are looking at about \$100 a class to do that, and that is handing out the materials. You would do a class, probably, on a yearly basis.

MR. RONALD CHISHOLM: In part of your answer to Frank's question you might have answered mine. I was just wondering, who is the administrator of the program that was in place before, was it the municipality, the fire service?

MR. LEGGE: The municipality, to my knowledge, was running it. I believe when it was enacted before it was under the City of Sydney. I believe it has been downloaded, if you will, since the regional municipality took effect, so it would have been under the auspices of the former City of Sydney.

MR. RONALD CHISHOLM: The school board had no involvement?

MR. LEGGE: As I said, to my knowledge we got involved in this as a result of a need within the community when it became apparent that the service was no longer being offered in a full-scale manner. It was brought to our attention by some teachers who happened to be members of our society. We also run a camp for burn-injured children around Atlantic Canada. This past summer we had 40 burn-injured survivor children from all over Atlantic Canada at a summer camp and we have done that for the past four years, hosted here in Cape Breton. We do have a great number of volunteers who work with us on a regular basis. It's through the information garnered through those volunteers that we realized there was a need out there and tried to get involved in it.

We are in the process now of trying to step up and do what is necessary in this regard but as I said, we could certainly use some expert training and obviously, being a volunteer organization, we could use some help with the cost of materials to run the programs.

MR. RUSSELL MACKINNON: Mr. Chairman, I would like to focus on the schools. My understanding is that every school board that is commissioned is required by law, I believe, to conduct at least three fire drills a year. Recently I made a request to the Minister of Environment and Labour, as well as to the fire marshal, to enquire whether that has been ensured province-wide and to date, I haven't been able to get that assurance. Do you have any working knowledge of how it is working in the Cape Breton-Victoria Regional School Board?

MR. LEGGE: I would not. I have been involved in sitting in a class watching one of the former professionals who delivered the Learn Not to Burn program and during that process, a fire drill was enacted. This was in a class of Grade Primary and they acted most professionally with the teachers and in the way they conducted themselves, so in that particular instance there certainly was at least one. I would not know whether the fire drill aspect has been dealt with. This program goes so much further than just the fire drill within the school. It actually takes the incident into their homes, it gets parents involved, it gets the other family members involved to do this. They have to do this as a chore from school, it is part of their curriculum work. They bring it back to school and the teachers go over their answers and other answers of the children and quiz them on the information given to them in the booklet to ensure that they read it.

This type of program isn't just something thrown out in book form and left to sit in the child's desk or home on the back porch until such time as it gets thrown in the garbage. This is something I can assure you first-hand is dealt with and dealt with on a level of professionalism that makes the child understand what's going on and causes them to enact it and obviously, to get their families involved as well. You are not just getting the child, you are getting the entire family unit involved in this program so that when that child goes home with the booklet and says they have to do a schematic on a safe fire route out of their home in the event of a fire, the information is there that they have to set a designated meeting place outside of the home with the information explaining why. These things tend to stick with the adults and by getting the whole family unit involved, you are sending a message and setting up the whole family unit to get involved in the proactive end of fire safety.

MR. MACKINNON: First of all I would like to commend you on your efforts and that of your organization. By the details you have explained it is quite a comprehensive program, particularly for young people. I guess on that note, I suppose what you are looking for in this new Act, or at least to have incorporated into Bill No. 58, is some component that would ensure education for fire safety and fire prevention, that sort of thing?

MR. LEGGE: Certainly, at the elementary school level, that is who this program was developed for. The program is already out there, it is just a matter of incorporating it into what the province views as proper education and proactive measures for fire safety.

MR. MACKINNON: Thank you.

MR. CHAIRMAN: Mr. Boudreau.

MR. BRIAN BOUDREAU: First of all I would like to thank you for your presentation. I know first-hand you have worked very hard volunteering your efforts for this society you represent tonight and I want to congratulate you for that and for the success of this society over the years. I know a cost is going to get into the fix here, particularly when we look at the restraints of the current government in Halifax. After a fire, the emotional turmoil and even hospital stays themselves, they are accessible through the Department of Health, isn't that correct, for counselling and that sort of thing?

MR. LEGGE: There are a lot of things that are available through the provincial departments. What we do, you have initial incident circumstance where there is a fire in the home, somebody happens to get burned. Automatically with the major institutions in dealing with burn survivors being in Halifax, usually one or more of the family members are obviously on their way to Halifax. We initially get involved right off the bat and provide automatic funding for travel and accommodation in the initial incident for a couple of days or whatnot, the family being stressed with what has happened, a loved one has been severely burned and transferred to Halifax. We get involved right off the bat and help them financially with accommodations and transportation to get them to Halifax.

Burn support garments aren't covered by a lot of the insurance companies and I believe by Medicare. When I was burned, I was burned over 65 per cent of my body. Being an industrial accident, my injuries were covered, or the recovery aspect of my injuries were covered by workers' compensation. At the time, the plastic surgeon who dealt with me recommended a body pressure garment called a Jobst suit. I can show you my wrists and that skin is very level. Prior to wearing the Jobst suit, that was raised about 3/8 of an inch to a half-inch, there was a big lump and the scars were all raised up everywhere on my body. What the pressure garment does is force the scars to grow on the inside. They are still going to grow but they grow on the inside. Basically, you are going to end up with scarring but you won't have the big knots and lumps that look so odious. Obviously once you recover from your injuries you want to look as normal as possible.

Those garments aren't covered by a lot of insurance companies and having had first-hand experience with it and knowing how beneficial they are, we do supply them for burn survivors. As a matter of fact we got a bill today for a local man who had severe injuries and was transferred to Halifax and is now being suited for such a garment. That is just one of the things we do.

As a unit, as a group around the community, we are talking to service groups, local industry and securing funds for our projects. The biggest project we have is the Atlantic Burn Camp where we bring in burn surviving children from all over Atlantic Canada but it is certainly not the only one. From the aspect of trying to rebuild the self-worth of children, it certainly seems to be the most important, and also when we sit down with families. When this

type of injury happens most people don't know what to expect. I know I felt the plastic surgeon would come in, do his work and in a couple of months I would be right back to normal. Nothing could be further from the truth. You have different expectations of what can be done and what can't be done.

An individual goes through a multitude of changes, psychologically and physically, from the results of a serious burn injury. The pain involved certainly changes you on a short-term basis. It is easy for me to sit down with a family and tell them the things their loved one is experiencing are normal and given the proper amount of time and the proper amount of care and support, they will have them back at least mentally where they were prior to their injuries. It is just a matter of family support and backing them because what they are going through - the severe pain associated with it - on a short-term basis can really change almost anybody's perspective and outlook on life.

I will be perfectly honest with you, there were days I wished I had died in the fire I was involved in and as I sit here today, I can tell you, thank God I didn't, because life is wonderful. The message we try to impart both to the children at our burn camp and to the adults and others we deal with is that the only person who can make any change or do anything about their own situation is themselves. Nobody else can force them to either do or not do anything, they are the master of their own destiny and we have to tell them and educate them to let them know they can do and be anything they want to be, they just have to want to bad enough.

[7:30 p.m.]

Unfortunately, with a severe burn comes the loss of self-esteem. From the experience of having gone through it and knowing what other burn survivors have gone through, I know that they are among the toughest, most resilient people you will ever meet. They have just overcome one of the most harrowing experiences known to man and they survived it. The problem is they don't understand that and you have to rebuild their self-esteem to get them to think that way. As a public service, it does bring them back to be good, solid, productive citizens again.

This is not a course of life's work or anything I wish to do in my retirement where I woke up one morning and decided I was going to do this. My wife, who is sitting directly behind me, has been pushing me and has been my biggest supporter for the last 24 years since this happened. Based on that family support, I know just how beneficial it can be, I know just how supportive it can be and I know what can be done if you have the right support behind you and the right people pushing you at the right time. So that is one of the reasons I am involved in this and we have a number of volunteers here tonight, some of the people who assist us in doing the main thing that we do. My reasons, as you can see, are quite obvious, I am a burn survivor and I have a stake in trying to help other burn survivors.

We have many, many volunteers who are not burn survivors, whose sole purpose and intent is to try to help people overcome their injuries and they do that out of the kindness of their heart and not because they have any experience with it. They are there only because they realize that there is a great deal to be achieved here and that they just want to help. For that I am entirely grateful to the many volunteers who work within our organization. We do have a number of burn survivors within the organization but it is mainly made up of non-burn survivors, people who are there to help and try to do what is necessary to help people in need at a very desperate time. If there are no other questions, I thank you very much.

MR. CHAIRMAN: Mrs. Baillie.

MRS. MURIEL BAILLIE: Thank you so much for your submission. I guess this goes back to my history in education, my background. This Learn Not to Burn society, when you go into a classroom is this a one-shot deal? Say if I am teaching Grade 3, do you come in as a one-shot deal during the year?

MR. LEGGE: Yes, we would come into a particular class, sit down with the teacher for an hour and a half to two hours and go through the check list. We have a flip chart explaining the various things you are trying to teach the children. You pass out the booklets which includes the schematic page for drawing the schematic of their homes and a question and answer on what they should and shouldn't do in certain circumstances involving fire. It involves a list of items on pages and they are asked to do a true or false on what are tools and what are toys, they show matches and lighters and this type of thing.

The program to go into the class, you are in front of the class for approximately an hour or so to deliver the message and at that point the teachers do a corrective study on it, either the following day or within a couple of days. You give them a certain timeline to complete the exercise and at that point the teacher does a correction on it and they ask them questions. All we do is go in and brief them on the Learn Not to Burn program and the teacher would take care of the aspects after that and do a corrective issue on it. If in fact there was a need to bring us back again, when the schools call we will respond.

MRS. BAILLIE: Do most fire departments have this? Maybe I should ask you, when did you start this and when did it finish?

MR. LEGGE: It was being done by fire departments for a number of years.

MRS. BAILLIE: All fire departments?

MR. LEGGE: In this area. In the City of Sydney they had a firefighter who was sent away on course to the United States who was trained in the program. I am not sure how many firefighters, I spoke to only one but I believe there were at least a couple who went into the schools and did this on a regular basis. I know that the program was discontinued because of

budgetary restraints and he is back now fighting fires, an after-effect, as opposed to doing it proactively in the education aspect of things. So it was brought to our attention by some of the teachers who were normally used to having fire services provide an individual to come in to administer the program, that it wasn't being done and asked if we could get involved in doing it.

MRS. BAILLIE: So it is not a volunteer fireman, this is a paid person?

MR. LEGGE: The individual I was involved with that we talked to within the City of Sydney was a paid firefighter, yes, he was.

MRS. BAILLIE: So this was mainly in the City of Sydney, you think? I don't know, I'm from Pictou County.

MR. LEGGE: My experience with it is one that has occurred only recently in the last year or so when we became involved with it. I didn't even know it existed prior to that. It was brought to our attention, as a board of directors for our society, that we should have a look at becoming involved with it as it was not now being covered by a local fire service, as it once had been in the past, and one of the teachers within our society suggested we get involved and get some of our volunteers trained to administer this program because they felt it was absolutely necessary within the community as an educational tool and a fire prevention tool. But it is one which had been offered and the firefighter who was administering it at the time I became involved, was a full-time, paid employee.

MRS. BAILLIE: Thank you.

MR. CHAIRMAN: Thank you, Mr. Legge, and we wish you and your group all the best in your very worthwhile cause.

MR. LEGGE: Thank you.

MR. CORBETT: Mr. Chairman, before we continue, the fact this is a committee dealing with fire safety and therefore we have many firefighters involved, obviously, I wonder, probably because of our zest to get the committee's work going, we may have been a bit remiss in that maybe we should have had a minute of silence before we started for all the firefighters and emergency workers who were so tragically affected two weeks ago by the terrorist attacks in the United States. I wonder if the chairman would indulge us with a moment of silence.

MR. CHAIRMAN: Yes.

[One minute of silence was observed.]

MR. CHAIRMAN: Yes, we certainly would be remiss if we didn't acknowledge the danger and sacrifice firefighters - volunteer and paid - contribute to not only our province but around the world and having been involved for 31 years, I understand the camaraderie and devotion that they have to each other.

The next presenter is Wade Oliver from the Reserve Mines Fire Department.

MR. WADE OLIVER: Mr. Chairman and committee members, I didn't think that this evening's presentation would be so formal, so I apologize for my dress. I have no formal presentation. Basically, the concerns I have this evening that I would like to present to the committee members, I'm not sure if they fall directly under Bill No. 58 but they have to do with the new standards the province will be adopting for firefighters' safety, which is under NFPA 1500 standards.

My concern with this legislation, if it is passed, is that basically it forces a lot of mandatory courses onto the volunteer forces within the province. I speak only on my department, I don't speak for any other departments of the municipality, but right now I feel that the demand on the volunteer fire departments at the present time is very demanding. Presently, it is up to us, as volunteers, to raise our own funding, to conduct our own in-house training as well as do any other fundraising for the purchase of equipment and other safety issues. As you heard in the presentation by Mr. Legge, the membership has also become involved in fire safety within your community by presentations to the schools, mandatory fire drills and all that there. So, time is very demanding on the members of the volunteer departments.

I just think that right now if legislation was passed and that mandatory training was to be put into effect that it may affect the present memberships of the fire department and reduce the memberships because of the demand being so hard on them now and taking them away from their family lives and other extracurricular activities at the present time. I think that fire safety is a major issue. I think that there are other ways of implementing fire safety than making it mandatory on all firefighters.

As I said, right now, some of the training would involve, if it was implemented, that the membership would have to go for yearly medicals and basically there are some senior members of fire departments that probably will not go to a medical yearly but they are the expertise within our fire departments right now. If anybody knows - and I know - around Cape Breton itself, it is pretty hard to get anybody to volunteer now. I think all throughout Canada statistics show that volunteers are declining and the man-hours that are put in by volunteers have declined over the last year drastically. Seeing that it is hard enough to get volunteers now within our community, I know it is very hard to get young members to join and if we start forcing out our senior members of the fire services, we lose our expertise, we lose volunteers and eventually we are going to lose fire departments.

I just think it is a major concern that I hope that this committee would have influence on that they could probably find other ways of implementing firefighter courses and fire safety than making it mandatory and forcing the closure of fire services.

One of the other things is, I guess, along with this training comes the extra expense to the volunteer departments and to the municipality and to the province. Basically, where is the money going to come from? Is it going to be up to the volunteers to raise it again or is the province, which is already strapped for money, going to find money to implement millions of dollars into the fire service to put these courses into effect?

Basically, that's all I had to speak on, Mr. Chairman and committee members. I'm sorry it wasn't formal or anything like that there, but basically I would just like to express the concerns that I have, as I said, for my membership, that's the Reserve Mines Fire Department. I don't speak for anybody else, but those are the concerns that we have in our area.

MR. CHAIRMAN: Thank you very much. To everyone, this is very informal. Most of us are wearing suits and ties because I guess we thought we were expected to.

MR. MACKINNON: They're all rented. (Laughter)

MR. CHAIRMAN: And we were coming into Russell's riding and we were trying to impress him. At any rate, no, the dress certainly makes absolutely no difference. Your presentation doesn't have to be printed or anything. Anyone who has anything to offer, we are interested in hearing.

Would anyone like to ask a question?

MR. CORBETT: Wade, do you know the average age of your department?

MR. OLIVER: Right now, probably the average - it is kind of a split age - we have members probably half from 20 to 35 and the rest of them are probably from 45 up to their 60's. As I said, a lot of the members are senior members and if we were to implement some of this training then we would probably lose half of our fire service for our community right off the bat.

MR. CORBETT: Your department has kind of a unique function too because you have an airport in your jurisdiction. That would imply extra training too, I believe, Wade?

MR. OLIVER: We have been involved in some training at the airport on the crash rescue vehicles there and, basically, we do a couple there each year.

MR. CORBETT: I know you said you certainly weren't speaking on behalf of firefighters and services outside of your own Reserve Mines Fire Department, but if these

were implemented next week, as they appear to be, what would be the impact on your volunteer department?

MR. OLIVER: If these rules were implemented within the next week, first of all we basically wouldn't have any drivers that could drive the vehicles, because right now there is a move afoot to get all drivers qualified as Class 3 drivers, which is basically large vehicle drivers. Before the volunteers were exempt under the Good Samaritan Act, they did put into effect an endorsement for air braking, which all these trucks are basically now air brakes and that was one standard they have, which didn't affect us too much. But basically we wouldn't have any drivers in our community right at this time.

Half of the firefighters who do structure fires wouldn't be allowed to enter the buildings to rescue people, so basically if a child was inside a building and we knew we could rescue them, under the new standards we wouldn't be able to go in to rescue them. A lot of the people that don't have the Level 1 qualification that you are looking for are draegermen, which do mine rescue and they have rescued people from the mines, they rescued people from structure fires before but now with the implementation of this new standard, they wouldn't be able to enter buildings unless they get Level 1 certification.

MR. CHAIRMAN: Russell.

MR. MACKINNON: Mr. Chairman, with regard to the increased standards, would you be in favour of a grandfather clause that would allow for a transitional process?

MR. OLIVER: I think that a grandfather clause would be something that would be useful, in effect, yes, to grandfather some of the senior members. But I think some of the standards coming through too, like this NFPA certification and Level 1 certification, I think they are more geared to major cities like New York and stuff like that there. For local areas here, some of that stuff in the course, that takes up a majority of the time, I think it takes too much time for somebody to go through the course whereas we can shorten the course, to come up with a standard for the municipality itself or something else other than going for a North American standard course.

You could probably cut the course in half the time or something like that, not make it mandatory for people to take but make some kind of training that lets them come under the direction of the fire chief himself to make the decision. Basically, the fire chief is going to come down and say, yes, they can enter a structure or not because he is going to be overall responsible for his membership anyway. I think by forcing standards, basically all you are doing is forcing the hand of the membership to either fire fight or quit the fire services.

Just one point that I forgot to mention earlier is that each fire service, especially volunteers, is made up of unique groups of individuals and they have a diverse amount of knowledge to offer from cliff rescue to mine rescue to anything like that. I think that some

of them cannot put air packs on but they can drive fire trucks and go up ladders; some of them can't drive a fire truck but they can rescue people out of buildings. I think that by limiting them, then we are just closing off our membership.

MR. MACKINNON: On the issue of liability. What type of protection do the firefighters in your department receive through the municipality and i.e. workers' compensation, that sort of thing?

MR. OLIVER: Right now, all members of the municipality do fall under workers' compensation, as members of the municipality, but I'm not really sure if there is any other.

MR. MACKINNON: You would support, for example, a \$500 tax credit if it were offered?

MR. OLIVER: Oh, I most certainly would.

MR. MACKINNON: I just happened to pick that figure. (Laughter)

MR. OLIVER: But right now, basically what all the volunteers receive is workers' compensation.

MR. MACKINNON: But that type of initiative would be . . .

MR. OLIVER: Sorry, Russell, we also have - I forgot to mention - a \$200,000 life insurance policy on all our members which is bought by the individual departments. It was brought up by the fire chiefs association that we buy a \$200,000 policy on all our members. But that, once again, comes out of the funds that the volunteers have to raise.

MR. CHAIRMAN: Kerry.

MR. KERRY MORASH: Maybe if I could ask a question and someone might be able to help me out here. You talked about the NFPA 1500 standards and that is one that I am a bit familiar with and that is the American standard that, for all intents and purposes, is in Queens County that I believe the fire departments have adopted. But now in Bill No. 58, we talk about in addition to the National Fire Code of Canada. I don't know how one relates to the other. I am assuming they are very similar, but I was just wondering if someone might be able to help me out. (Interruption) I knew we did.

FIRE CHIEF BRENT DENNY (Sydney River): The two codes, the National Fire Code and the NFPA really aren't related. The Fire Code is to do with buildings and fire safety from a general public standpoint and NFPA 1500 is a safety standard for firefighters and it is being discussed under occupational health and safety not under Bill No. 58. There is a committee of the Fire Marshal's Office that has a draft copy of a proposed safety standard for

Nova Scotia's fire services, an occupational health and safety guideline, which follows NFPA 1500, but that would come under occupational health and safety and any legislation under health and safety and not under Bill No. 58. Whereas the Building Code and the Fire Code speak more directly on buildings and safety within buildings and the way buildings are built. That would be the difference.

MR. MORASH: So the Fire Code is more property and NFPA is more people protection and that type of thing?

MR. DENNY: That's right.

MR. MORASH: Also with regard to the Occupational Health and Safety Act and the regulations that go along with them, volunteer firemen wouldn't be covered under the Occupational Health and Safety Act?

MR. DENNY: Currently, no, they aren't. Where the relationship comes is when volunteer fire departments end up working with career fire departments. Then it becomes applicable under the Act but as long as the volunteer isn't doing anything that affects the safety of the career person, then it really doesn't apply. But the committee that was struck by the Fire Marshal's Office for occupational health and safety was trying to put in a code where all fire services, whether career or volunteer, would follow a safety code that would eventually suit the Occupational Health and Safety Act.

MR. MORASH: So I guess, the topic that we discussed here this evening, with regard to the NFPA 1500, if it is a complete volunteer group, then they are exempt, currently, from NFPA 1500?

MR. DENNY: Currently, they are yes. The only place where the advice would come in is NFPA 1500 has become accepted as the North American standard for firefighter safety. Departments are encouraged to work towards meeting NFPA 1500, whether they be career or volunteer, because that could be the standard that you would be judged by should an incident occur where there was a loss of life or injury. The question could be asked, where does your department lie in meeting this accepted North American standard? That's why they determined that we really should work towards putting something in that is workable and that is some time down the road. As a matter of fact, the Committee on Occupational Health and Safety will be reconvening some time within the next few weeks to take the next step as to what their recommendations will be to government in regard to the Occupational Health and Safety Act, but, as I said, it is not part of Bill No. 58.

MR. MORASH: That would be a committee specific to firefighters and fire safety?

MR. DENNY: The committee which I chaired, yes, was dealing strictly with firefighter safety.

MR. MORASH: And that's that last section of the regulations, or something that is in there for the regulations for occupational health and safety?

MR. DENNY: Yes.

MR. CHAIRMAN: Thank you very much.

MR. DENNY: If I may, Mr. Chairman, a comment on Bill No. 58.

MR. CHAIRMAN: Certainly.

MR. DENNY: I became familiar with Bill No. 58, probably a year and a half or two years ago when it was first introduced and copies were sent out to the fire services for their input. At that time it was sent out on a provincial basis, there were committee meetings held across the province within fire services organizations. I know we had some with the Cape Breton Regional Chiefs Association, the Office of the Fire Marshal did put on explanations of some of the things that were in Bill No. 58. What I can see as a positive thing with Bill No. 58 is that it clearly defines the roles and responsibilities of municipalities, of the Fire Marshal's Office and, in turn, the responsibilities of a fire chief, who becomes an assistant to the fire marshal. With that being defined in Bill No. 58, I think it makes Bill No. 58 a worthwhile piece of legislation to clearly define those various jurisdictions and the responsibilities for those groups.

MR. CHAIRMAN: Any questions?

MR. MACKINNON: Mr. Chairman, if I may, more so just for a point of clarification, Brent, with regard to the NFPA. This ministerial committee on fire safety of which you are a member and you chair, that represents a significant number of volunteer firefighters from across the province, is that correct?

MR. DENNY: Yes, the committee was made up of a cross-section of the fire services. It involved people from career services, there is representation from HRM, representation from CBRM and also representation from various rural departments across the province. The committee also included members of composite fire departments, which are made up of career and volunteer. It also had members of CUPE and the International Association of Firefighters had representation on that particular committee, as did a representative from the Department of Labour who sat in on those committee meetings while we were working on this Occupational Health and Safety Act for the firefighters. So it did give a full cross-section.

A lot of the concerns that Wade expressed are true within rural fire departments and within volunteer departments, my own not being any different. There are concerns about costs involved in meeting NFPA standards. It is something that the committee is aware of and will

deal with, once we get to the next meeting and discuss the input from other departments that was put in. But as I stated before, it is really not part of Bill No. 58

MR. MACKINNON: I raised it because, Mr. Chairman, it speaks to the point that Wade made in terms of the increased pressure on volunteer fire services, firefighters across the province. But it is, essentially, a recommendation that is coming from within that volunteer body as well?

MR. DENNY: Yes, the volunteer organizations did have a part in it. It is a concern of my own, as a volunteer fire chief. The saving grace in it is the fact that with the NFPA 1500 the recommendations are that there would be a long time of implementation and the implementation can be set by the authority having jurisdiction, which would be the local municipality. So they can go at their pace as far as implementing the full plan, it doesn't have to be done overnight, it can gradually be put in. But in these times, as difficult as it is, it is important that safety for volunteer firefighters be as stringent as it is for career firefighters. I think the committee is intent on addressing that particular aspect of it but doing it in a way that departments can live with it and work towards it.

MR. MACKINNON: One final question if I may. With regard to that issue, because it is important for people like Wade to have his input channelled right up to the policy level, your committee meets quite regularly?

MR. DENNY: The committee hasn't met since January, but we will be meeting again within the next couple of weeks. What we did is, the safety code was put out to all the fire services, mailed out by the Office of the Fire Marshal, with an invitation for any department that had concerns or recommendations on the report to report back to the committee, and those concerns would be discussed at the next few meetings of the committee.

[8:00 p.m.]

MR. MACKINNON: How often are those committee meetings?

MR. DENNY: The committee, as I said, hasn't met since January. At the time, we were working on presenting the draft document. We were meeting once about every six weeks for a two year period until we got the draft document finished, then it was decided to put the draft document out to the fire services and give them some time to react to it. In fact, when I was in Halifax attending your meeting a couple of weeks ago, I discussed with Mr. Cormier about setting a date for the next meeting of the Occupational Health and Safety Committee. He agreed it should be done very shortly.

MR. MORASH: One more, maybe you could help me. Something someone mentioned to me probably a year ago, I think it has to do with occupational health and safety, an NFPA 1500 instead of this. It had to do with a newly purchased fire truck that had a larger tank than

is standard. It was a larger tank than had been approved, for whatever the approval mechanism would be, factory, Mutual or Underwriters Laboratories. Their concern was that the truck was identical to an approved truck except the tank, instead of being 600, which was approved, as an example, was 1,000 gallons, and this would mean that their truck didn't meet the approvals of NFPA 1500 or whatever the approval system would be. Is that a misinterpretation of the rules of the road as you see them?

MR. DENNY: NFPA writes a standard on just about everything in regard to fire services, trucks being one of them. They do have weight restrictions. Sometimes the NFPA standards don't match provincial standards in regard to what's allowed on the highways. That is where you run into some problems in having overweight trucks. A truck that might meet the regulations in New Brunswick wouldn't necessarily meet the regulations in Nova Scotia. For weight restriction, Nova Scotia's regulations are more stringent than they are in some of the other provinces.

MR. MORASH: That's two or three regulations coming together and having to sort them out.

MR. DENNY: That's right.

MR. CHAIRMAN: Thank you very much. Are there any other presenters? We don't wish to try to twist your arm, but we are here to hear your concerns and if you have anything at all, we are interested in hearing it.

MR. MORASH: Shy firefighters?

MR. CHAIRMAN: Firefighters aren't shy, no.

MR. MACKINNON: Mr. Chairman, perhaps at this time I would like to acknowledge the host representatives from Mira Road. Our fire chief is here, Brent Boyle. He is at the back in the red sweater. I would certainly like to extend our appreciation for the Mira Road Fire Department allowing us to use their facilities. They are a great crew, as are all the volunteer fire departments in Cape Breton West and I am sure in the entire regional municipality. There are 14 in Cape Breton West. I know the past fire chief is here as well, Bernie MacEachern, the fire chief from Gabarus, Allan MacLellan; and Mr. Gary Murphy, another very distinguished firefighter. I could go on and on.

MR. CHAIRMAN: Yes, we know you can. (Laughter)

MR. MACKINNON: He is still upset because I spoke for 6 hours and 15 minutes on a bill. Also, from the Cape Breton Regional Municipality, we have our deputy fire chief, Jackie Neary. Jackie, would you be kind enough to stand and be acknowledged.

(Interruptions) Perhaps, Jackie, if you would like to come to the microphone, and just identify yourself.

MR. JACK NEARY: First of all, my name is Jack Neary. I am the Operations Manager for the regional government here in Cape Breton. I would just like to make the announcement that three years ago the Cape Breton Regional Fire Service here in Cape Breton was awarded one of the plaques from the Province of Nova Scotia for probably doing the best fire prevention in Nova Scotia. (Applause)

I would just like to comment. I know Joe is very sincere, he is probably one of the most sincere men that I have ever met in today's society in the fire service, especially on burn victims. I would just like to first talk about the Learn Not to Burn Program. The Learn Not to Burn Program was introduced by Canadian Tire. That is who sent the first books to the Province of Nova Scotia. After the first books were sent out, each school in the Province of Nova Scotia got a Learn Not to Burn curriculum, a set of curriculum books. After, here in Cape Breton, we had a lot of people who were really interested in the Learn Not to Burn Program. The Cape Breton Regional Municipality went out on a limb and bought the second-level set of books. Each school in our regional municipality has two sets of Learn Not to Burn books.

The Learn Not to Burn Program in the municipality is run very well in the schools by the school teachers. As a matter of fact, I don't know if Joe realizes it or not, but we gave the books to the Burn Society to start on their own as well. I can't remember the police officer's name but he was in charge of it at the time. Joe and his group have advanced again and they are taking it to another level. That is exactly what we need in Cape Breton Island, people to get out in the schools to do good fire prevention.

On the other aspect, and I just want to clear this up because our schools in the Cape Breton-Victoria Regional School Board are very proud of their fire prevention in the schools. They do eight fire drills a year that are recorded. They do four the first half, they do four the second half. They are very conscious of what they do. Ourselves, in the city of Sydney here, we go out and we do our fire drills. It takes us a little longer. We probably do them in about two months, where a lot of the other smaller departments, where there are fewer schools, they do it in about two weeks.

The Cape Breton Regional Municipality is very sincere about their fire prevention, and up until last year, and I don't know, for some unknown reason, we partnered with the Fire Marshal's Office. The Fire Marshal's Office, Halifax Regional Municipality and the Cape Breton Regional Municipality would invest so much money to buy our fire prevention materials as a block. In our 34 departments that we have here, we carry enough fire prevention material to look after every fire department and practically every school. The Cape Breton Regional Municipality is very active in fire prevention. Thank you.

MR. CORBETT: Jack, before you run away on us. (Laughter) We have been talking about prevention and one aspect I am quite sure probably even began in New Waterford was Retire Your Fryer, around fire prevention. Have you folks ever done any statistics of pre that program, the amount of grease fires that are in homes and so on? For those who may not know, maybe you could explain what Retire Your Fryer is.

MR. NEARY: If I had the material I sent to the Fire Marshal's Office I could have told you exactly, today. The grease fires in the municipality are down, and it is due to that program. This year they are coming out again with the program, Retire Your Fryer, and it is going to be done this year in Fire Prevention Week. That program will be underway for fire prevention.

MR. MACKINNON: I want to pick up on your observation about the schools, because that is what I was alluding to . . .

MR. NEARY: You put the legislation in, I think.

MR. MACKINNON: That's correct. In fact, I issued a letter when I was minister to all school boards . . .

MR. NEARY: Yes, right.

MR. MACKINNON: . . . directing that action. I must compliment not only the Cape Breton Regional Fire Service but also the Fire Marshal's Office. The highest number of inspections in the entire province are done here in Cape Breton.

MR. NEARY: Yes.

MR. MACKINNON: I believe - I stand to be corrected - it is either 40 per cent or 45 per cent of the entire number of inspections are done here in Cape Breton.

MR. NEARY: You are absolutely correct. That comes under the fire marshal.

MR. MACKINNON: They do a phenomenal job, second to none.

MR. NEARY: Yes. I can speak for Mr. MacCormick and Mr. Penney. Especially when I was chief in other areas, in Glace Bay, I know I would have to go with them to the schools four times a year. That has been carried out at least in our municipality anyway.

MR. MACKINNON: Now you know the rest of the story.

MR. CHAIRMAN: Now we know, yes. Anyone else who would like to make any comments? Well, we thank you very much for coming out this evening. We appreciate the

facility. It has been great to be here. If you have anything that you would like to add, if you think of something later, feel free to send it to either Russell or the committee in Halifax. We would be most happy to receive anything that we can use, because we do want to get the very best coverage so that we can come in with legislation that is going to work very well.

The meeting is adjourned.

[The committee adjourned at 8:10 p.m.]

PORT HAWKESBURY, WEDNESDAY, SEPTEMBER 26, 2001
SELECT COMMITTEE ON FIRE SAFETY

7:00 P.M.

CHAIRMAN

Mr. Jon Carey

MR. CHAIRMAN: I will call the meeting to order. Good Evening, my name Jon Carey, I am the Chairman of the Committee for the Fire Safety Act. We are glad to be here this evening. I would just ask the MLAs, this is an all-Party committee, to introduce themselves and the area they represent.

[The committee members introduced themselves.]

MR. CHAIRMAN: We have two members on the committee who were unable to be with us tonight, Graham Steele, NDP caucus and Brian Boudreau, Liberal caucus. As this is the constituency that Ron Chisholm represents, we would just turn it over to him for a few moments.

MR. RONALD CHISHOLM: Thank you, Jon. I guess, first of all, I would like to welcome all members of the committee to Port Hawkesbury, to the good constituency of Guysborough-Port Hawkesbury. I hope you had a good day here today and don't leave too early tomorrow, spend a little bit of money around. Also, I would like to thank the Port Hawkesbury Fire Department for allowing us to use their facility here tonight. It is a good one, and we thank them for that. I see some of the fire departments from other areas, West Bay Road and Port Hastings, are here. Welcome to them as well. Again, welcome and enjoy.

Last night we were down in Sydney, and in recognition of all the hardship and the tragedy that has happened in the United States we did have one minute of silence in memory of the firefighters who lost their lives and those who were injured down there. Maybe we could do the same thing tonight.

[One minute of silence was observed.]

MR. CHAIRMAN: Thank you very much. I would also like to recognize the Fire Marshal Bob Cormier, who is with us this evening. I think most people here know Bob. We are pleased to have Bob with us.

Ladies and gentlemen, we welcome you to the meeting of the Select Committee on Fire Safety. The select committee is an all-Party committee. We have been charged with the responsibility of making recommendations to the House of Assembly on a new law for fire safety.

We are reviewing proposed changes to the Fire Prevention Act which are contained in Bill No. 58. Bill No. 58 was introduced in the House of Assembly in June 2000. Now the government wants to widen its base of comments from the public and complete the legislation. We are also meeting with Nova Scotians. We would like to hear from the public, as well as people who will be directly affected by the new law, such as insurance companies, other businesses, municipalities and the fire service. We are meeting in nine communities across the province, and this is the second meeting. The input we gather will give us the best possible fire protection legislation for Nova Scotia. The new law will take into account changes in municipalities in the last couple of years. A law can last for years, so it is important to get it right from the beginning.

Once we have collected and reviewed all submissions, we will make recommendations and a report to the House of Assembly. Bill No. 58 sets up a framework for fire safety, it assigns responsibilities to individuals and organizations that work to prevent fires, people who fight fires, companies and individuals that own land, insurers, municipalities and provincial government officials like the fire marshal. The bill also sets up an Advisory Council to advise the Minister of Environment and Labour on matters related to fire safety.

Bulleted details on Bill No. 58:

- it is written with the intention that it would replace, completely, the Fire Prevention Act that is now in effect in Nova Scotia
- it directs what individuals and organizations in the province must do to prevent fires and how they must act once a fire has occurred
- provides direction for making sure the Fire Marshal's Office has representation in each municipality
- important for educating people on how to prevent fires

- helps the fire marshal determine what caused fires, this is important for insurance and crime prevention reasons
- assigns roles to the people who are responsible for preventing fires, for putting them out, for reporting fires and for investigating them, the Fire Marshal's Office and the municipalities
- assigns responsibilities to people or organizations that own land or businesses, these people have certain responsibilities for preventing fires and for reporting fires that do take place, insurance companies also have responsibilities assigned by the law
- forbids certain activities, for example, if this bill becomes law it would be against the law to give false information to a fire official investigating a fire or to tamper with a device that would help people escape a burning building
- discusses what regulations the government can write to further protect Nova Scotians from fire and reduce the harm of fires; and
- establishes a Fire Safety Advisory Council to advise the Minister of Environment and Labour on matters of fire safety.

We are pleased to be here to have presentations. We want to hear what the people of Nova Scotia have to say about this from all walks of life. We are here to gather information, so we will appreciate anything that you may have to contribute. We have two presenters who have registered. If you wish to present after those two, you are more than welcome. If you could just give your name to Kim at the back. She will get the information so that we can have it on record. Please don't hesitate to present whatever you would like.

The first presenter this evening is Mr. Ian MacKinnon. Could you come up and sit at the microphone, please.

MR. IAN MACKINNON: Good evening. I am here on behalf of the Strait Area Mutual Aid Association, which has a concern on another part of the Act that is coming down, on health and safety.

We, the fire service of the Strait Area Mutual Aid Association, which has 30 fire departments as members of our association, have a great concern on the cost each fire department is required to find for each firefighter to have at least Level 1 training. The cost for each member is approximately \$1,500, from the time the first course starts until the last weekend at the Nova Scotia Fire School, getting certified. As in NFPA 1500, all drivers shall successfully complete an approved driver training program. Again an additional cost of \$100

per student. SCBA requires certified personnel to do all kinds of tests, which is another major cost.

A great number of small departments are financially strapped at the best of times, as communities are small, and a number of other organizations do fundraising for their activities. As most departments are trying to keep up by upgrading with new equipment that meets all standards, the cost is rising all the time.

Surely this committee realizes what a burden the small fire departments face. With the two family members needing to work and share in the family income, volunteers' time is now very scarce. The fire service is much different from other organizations as we require a lot of time training, fundraising and keeping equipment above standard to maintain a high level of response that works well.

Each time changes are made to the fire Act, costs are handed down to the volunteers, and the Nova Scotia Government has to find a way to offset this financial burden. We fully support the safety needs, but not at the cost of this new Act. (Interruption) We realize now that this is not a part of the Act, but it is of concern to the Act.

MR. CHAIRMAN: Yes, absolutely. We do want to make it clear it is not our mandate, for Bill No. 58 this does not fall under it. However, it might be an opportunity for the Occupational Health and Safety Committee, there is a group involved. Bob, if you wouldn't mind, you might be able to just give us some information that would help explain how we can work best to get the proper legislation that will serve everyone best on that aspect of it.

MR. ROBERT CORMIER: Mr. Chairman, members of the committee, approximately a year and a half ago we formed a committee of firefighters from throughout the province who represented both large and small fire departments. They were all volunteer firefighters, although we did have members of the Halifax Regional Municipality there to advise us on some of the technical matters that were involved. The National Fire Protection Association in the United States writes standards for the fire service throughout North America. These standards may be adopted by law. For instance, with paid firefighters our occupational health and safety section does utilize those standards for the measurement of safety with firefighters.

We did not wish to just tell the volunteers that everything is fine, just go do as you please, and if someone dies, well, we will worry about it then. The major concern for this came from the fact that we have lost two firefighters in this province during emergency calls, and we average approximately 19 reportable injuries every year. The number of vehicle accidents and the number of damaged vehicles is unreported but we know that there are a number every year. What we wanted to do was create a guideline and that is all that it is, a guideline. It was developed by the fire service for the fire service. It goes to the volunteer fire departments as a measure of a goal to reach. That is, in obtaining or attempting to protect

their communities, these are the considerations that they should make to do it in order to do it safely, so that every one of them returns back to their family again, which is our only real concern. There is not a firefighter in this province whose one ounce of their flesh is worth the cost of a building.

This was the attempt. It is only a guideline. There was never an intent to create it as legislation requiring volunteers to meet that. However, I do have to add that I cannot protect the volunteer fire service from litigation. I cannot protect the volunteer fire service from civil suits. Those things do happen, and we are seeing growing numbers of them. Some of them are coming from the fact that accepted practices are not being followed. All we are doing is providing the information to the fire service. It is their choice whether they choose to follow it or not.

We also, I might add, provide training programs first on firefighter awareness for hazards and dangers in the various activities that they carry out, and we also provide a training program for the occupational health and safety guidelines and how they should be working towards obtaining those.

This is a common problem right across Canada, and I will finish by making a remark that was made by the head of the training section for the Quebec Government. She was asked by a local politician why his firefighters had to be trained. She said, what is your concern? He said, well, they only have to go in a burning building once a year. She said, fine, the next time you need an appendix operation give me a call, I'm a nurse, we are only going to do it once. Once is all we need to do it.

There is a requirement for training, there is a requirement for a certain level of standards, but it is not a legislated mandate that I can accomplish, nor is it a legislative requirement. I just want to make that clear. It never was intended to be.

MR. IAN MACKINNON: So, you are telling me that the NFPA 1500 will not be accepted.

MR. CORMIER: The NFPA 1500, which is the occupational health and safety document from the United States is considered the best practice for fire departments. It does not differentiate between volunteer and paid. It is not adopted by legislation. That does not prevent a court from using it as a measurement or guideline in a lawsuit or other matter.

MR. CHAIRMAN: Bob, if it is adopted, which it possibly could be, because as I understand it there is an ongoing committee working on it, presenting it to the Occupational Health and Safety Committee.

MR. CORMIER: There is an ongoing discussion amongst the fire service, not by my office, within the fire service itself, as to whether it should be mandated or not.

MR. CHAIRMAN: If it were, then would I be correct in saying that the paid firefighters would fall under occupational health and safety, so it would apply to them?

MR. CORMIER: They presently fall under NFPA 1500 themselves, all paid firefighters, and if you are working with paid firefighters, you fall under it, because they are required to be protected by the individuals who are with them as much as they are by anyone else. We do agree there is a cost factor, but there are means of addressing those, and there are means of addressing them over time.

MR. CHAIRMAN: Go ahead, Kerry. That's fine. I know Kerry has had experience with occupational health and safety, and I would certainly be happy to have him ask the questions.

MR. KERRY MORASH: It might be along the same line. I was just wondering what legislation covers the volunteer firemen when they work with the paid firemen to . . .

MR. CORMIER: That's under the Occupational Health and Safety Act. That would be no different than you as a volunteer working with some tradesperson, any other tradesperson. There is an expectation of safety for both the worker as well as anyone in the immediate vicinity.

MR. MORASH: And the public, for the paid firemen.

MR. CORMIER: And the public. That's correct.

MR. MORASH: The paid firemen would be expected to maintain a level of safety for whoever is working around them, public, volunteer or . . .

MR. CORMIER: That's correct, to make sure the public doesn't gain access into hazardous areas, et cetera.

MR. MORASH: Okay. I didn't realize that it would cover the volunteer to the same extent it would cover the paid firemen.

MR. CORMIER: Where we have seen it probably the clearest is working with the Department of Lands and Forests firefighters. All of our fire departments in the province have gone through training programs to provide them with the correct training to work with the fire bosses in Lands and Forests, because that is required under the OH&S Act.

MR. MORASH: Another question, so all DNR firefighters and all paid firefighters are trained to NFPA 1500 standards now?

MR. CORMIER: They are required to be, yes.

MR. MORASH: Do we have some sort of documentation through your office to know . . .

MR. CORMIER: No. Each department is responsible to document their training and equipment. The occupational health and safety officer then reviews that. Again, I have to make it very clear that the Act that is before you is for all activities up to the start of the fire and all activities after the fire is extinguished. Whatever occurs while that fire is going or what occurs within a fire department itself is not a matter for the Act or Bill No. 58. The only thing that I am permitted to do under Bill No. 58 is to provide assistance and advice to the fire service.

MR. MORASH: When did the occupational health and safety regulations that include paid firefighters come into effect?

MR. CORMIER: I believe the Act was adopted in 1993. It covers all workers. Provided there is an employer-employee relationship or you are an independent worker, then you are covered by the Occupational Health and Safety Act. It is immaterial whether you are a firefighter, a painter or whatever trade.

MR. CHAIRMAN: Russell.

MR. RUSSELL MACKINNON: Mr. Chairman, I was going to ask Mr. [Ian] MacKinnon, but since Mr. Cormier is here I figure I will go right to my target. It is more so administrative than legislative, my question, it is to try to address the issue of liability. My colleague, the member for Queens, alluded to it, and that is in terms of the protection that is afforded to volunteer firefighters and, for that matter, any firefighter under the Workers' Compensation Act.

I was just crunching some numbers here. As we know, the average rate right now is approximately \$2.52, maybe \$2.54, of which 72 cents of that goes toward the unfunded liability. That was set up, as you might be aware, on the premise that we were going to pay down that unfunded liability over a 40 or 45 year period. At the rate it is going, that will be paid off in approximately 16 years. The point I am raising is the fact that a lot of volunteer fire departments are in a crunch because it is costing them, on average, \$3,000 a year that they have to fundraise to come up with some money. There is approximately 330 volunteer fire departments across the province. We are looking at a charge of approximately \$1 million.

If you look at the total payroll and the fact that the unfunded liability is, well, personally I think the board is being a bit heavy-handed on the employers in the province and they should slack off and probably drop that rate by about 5 cents to 10 cents. It would only take 1 cent per \$100 of assessment to be able to cover that liability to the fire departments. Would you be in support of that through the auspices of the Department of Environment and

Labour, to be able to help the volunteer firefighters? That would help to address some of the administrative issues that the legislation speaks to.

MR. CORMIER: If I could try to clarify a few points. Workers' compensation is there for the protection of the worker in case of injury and if something should happen to one of the firefighters, either death or injury. Where the municipality has chosen to participate in that and the volunteer fire service is brought forward, there is a wage level set for the volunteer fire service and they can purchase workers' compensation. I cannot give you the exact numbers but I would estimate approximately 100 to 150 of our 314 fire departments presently purchase their insurance from outside agencies, they do not go through Workers' Compensation; they bill through insurance companies themselves.

MR. RUSSELL MACKINNON: Because it is too expensive?

MR. CORMIER: That I can't respond to because I have never studied the figures. I do know we are working with the firefighters to try to expand the availability of that to as many fire departments as we possibly can. The Western Mutual Aid Association in Nova Scotia are actually the owners of that policy. We had a vote two weeks ago to look at pushing that over onto the chief officers which would cover the full province.

The second part of your question is on liability which is not protected under workers' compensation. We do have an Act called the Volunteer Services Act in the Province of Nova Scotia which is there to protect the individual firefighter but may not protect the organization and its assets. All we know is that from the actions that have taken place - and these are very difficult to find because there is always the hush clause built into any out of court settlements and nobody really knows what the outcome might have been or was - we do know from other provinces that there was a growing tendency to hold fire departments accountable.

We had a multi-million dollar lawsuit in Alberta last year and part of that came on a mutual aid response. All we are trying to do is protect the fire departments as much as we can. As to whether a better participation would be taken in workers' compensation, I think we would have to go to the fire service for that.

MR. RUSSELL MACKINNON: That was a rather eloquent response, but you didn't answer my question. The fact of the matter is and right to the point, the fire service comes under the purview of the Department of Environment and Labour. Ultimately, your office is responsible. My question is, given the fact that volunteer service is under a tremendous amount of pressure because of increased standards and obligations, as Mr. MacKinnon has stated and has been stated in our meeting last evening for other reasons, the training requirements and so on, many volunteers are at the breaking point, they just can't afford it. Why isn't the Department of Environment and Labour putting in that one cent on \$100 of assessment to be able to help defray the cost of keeping the volunteer fire service -

particularly since you, yourself, have recommended that volunteer firefighters now take on the role of fire inspectors?

MR. CORMIER: First of all, I think we have to define where the fire service responsibility lies. The fire department, for emergency activities, is found in the Municipal Government Act and is directly the responsibility of the municipality. The municipality may or may not recognize a fire service in their community. At one time it said they may or may not form one but now it is the recognition of the fire department.

The fire service has looked to the Fire Marshal's Office as the only visible point to work with the government and this is one of the reasons we have asked to instill a fire services committee under the Fire Marshal's Office, to advise the totality of government on matters related to the fire service and the volunteer fire service in the province.

In relation to your question with regard to assistance to the volunteer fire service, I am sure that the committee that was struck for assistance to the volunteer fire service would be supportive of anything that would help the fire service to meet its needs, and that includes the protection of its members.

MR. RUSSELL MACKINNON: One final supplementary. You would support an initiative of this?

MR. CORMIER: I would support an initiative that would provide assistance to the volunteer fire services. What format that would take would take some review before I would be able to commit to the exact formation of that.

MR. CHAIRMAN: Thank you. Our next presenter is Bob MacEachern.

MR. BOB MACEACHERN: Good evening. The Inverness County Firefighters Association represents 14 fire departments of different sizes of which all are volunteer. The urban fire departments have full-time firefighters which have the time for training, et cetera. Rural fire departments like ourselves find it hard to work all day and train, et cetera in the evenings and on weekends. We have set FPA standards of training in our individual departments. Members find it hard to travel away, due to work and family commitments.

Since the inception of the 911 system, we are now receiving more calls and the first responder fire departments have much more responsibilities. The cost of equipment is high and the fundraising is very time consuming. To set standards on equipment that are too much for fire departments is not reasonable. Since governments are trying to raise the standards of fire departments, this is creating added costs in both money and time. We also feel it is time for the county to have fire inspectors. This is too much of a load on the Fire Marshal's Office in this aspect.

We are all volunteers and our safety has always come first but if you put more pressure on them to give more of their time, we might lose them and their valuable contributions. Thank you.

MR. CHAIRMAN: Any questions? Mr. Russell MacKinnon.

MR. RUSSELL MACKINNON: Mr. Chairman, down in the Municipality of Inverness, approximately how many firefighters do you have as volunteer, presuming they are all volunteer?

MR. MACEACHERN: We probably have roughly 350.

MR. RUSSELL MACKINNON: How many in your department?

MR. MACEACHERN: In my department there are 25.

MR. RUSSELL MACKINNON: What is the average number of hours a volunteer firefighter would put in in the run of a week, for example?

MR. MACEACHERN: In the run of a week you would have I would say - depending on how much fundraising you do at the time - the average is maybe 8 to 10 hours a week.

MR. RUSSELL MACKINNON: That is their own personal commitment and does that include their training as well?

MR. MACEACHERN: That would include their training as well.

MR. RUSSELL MACKINNON: How many firefighters in your department have a Level I?

[7:30 p.m.]

MR. MACEACHERN: In my department right now there is only one person.

MR. RUSSELL MACKINNON: Do you have workers' compensation coverage through the municipality?

MR. MACKINNON: Yes we do, through the municipality, plus we have our own insurance coverage besides that. If I may go back to the Level I question, we are striving to get more members trained at Level I but as of right now, we have members coming and going. We had four at one time but now we are down to one.

MR. RUSSELL MACKINNON: What would you look for in a new Fire Prevention Act? What would be the most prominent feature you would look for? I noticed you indicated here that the municipality should have fire inspectors. Have you had the opportunity to read Bill No. 58?

MR. MACEACHERN: Not thoroughly, no.

MR. RUSSELL MACKINNON: Is there anything in particular that sticks out in your mind that may be a thorny issue in terms of the legislation or even from an administrative point of view?

MR. MACEACHERN: The biggest thing, as I said in my letter here as per the standards part of it, not to make the standards too high for the volunteer fire departments and we are all volunteer in Inverness County anyway and you are going to start losing people. The Fire Marshal's Office is just overloaded with work and the municipalities seem to be brushing it off, putting it on the Fire Marshal's Office and don't take responsibility, as per fire inspections. As fire chiefs going out to get a place inspected and call the Fire Marshal's Office, it is a hard thing to do. It can take time in order to get it done and if the municipality has somebody there, it would hopefully happen sooner and they may possibly save someone's life on account of it.

MR. RUSSELL MACKINNON: Would you support a grandfather clause that would allow for a slow graduation allowing volunteer firefighters to acquire that increased training and awareness of what is required because of the increased liabilities that are attached today, more so than let's say 10 years ago?

MR. MACEACHERN: Yes.

MR. RUSSELL MACKINNON: So you would support that, thank you.

MR. CHAIRMAN: Any other questions? Are there any other presenters? Please feel free to come forward, we are certainly interested in hearing your opinions and views. Hearing none I thank you very much for coming out this evening. We appreciate the attendance and the presenters. Ron, do you have anything you would like to add?

MR. RONALD CHISHOLM: Just to thank the presenters and again to thank the fire department for the use of their facilities.

MR. CHAIRMAN: Thank you.

[The committee adjourned at 7:38 p.m.]

STELLARTON, THURSDAY, SEPTEMBER 27, 2001
SELECT COMMITTEE ON FIRE SAFETY

7:00 P.M.

CHAIRMAN

Mr. Jon Carey

MR. CHAIRMAN: Good evening and welcome to the Select Committee on Fire Safety. My name is Jon Carey. I am from Kings West and chairman of this committee. We will start with an introduction of our committee, starting with Kerry.

[The committee members introduced themselves.]

MR. CHAIRMAN: We have one member who will be here, I understand he is on the way, Ronald Chisholm. Graham Steele of the NDP caucus and Brian Boudreau of the Liberal caucus are also on this committee but are unable to be with us this evening.

We have been at two meetings and because of the value that we naturally put on life and the appreciation we have for firemen, we would like to take just a moment to recognize the 300-odd firefighters who were killed in New York. I think it would be appropriate if we just stood for a moment of silence in remembrance of those and other fallen firefighters.

[One minute of silence was observed.]

MR. CHAIRMAN: Thank you very much.

Welcome to this meeting on the Select Committee on Fire Safety. The select committee is an all-Party Committee. We have been charged with the responsibility of making recommendations to the House of Assembly on a new law for fire safety. We are reviewing proposed changes to the Fire Prevention Act which are contained in Bill No. 58. Bill No. 58 was introduced in the House of Assembly in June 2000. Now the government wants to widen its base of comments from the public and complete the legislation. We are also meeting with Nova Scotians. We would like to hear from the public, as well as people who will be directly affected by the new law, such as insurance companies and other businesses, municipalities and the fire service.

We are meeting in nine communities across the province and this is our third meeting. The input we gather will give us the best possible fire protection legislation for Nova Scotia. The new law will take into account changes in municipalities in the last couple of years. A law can last for years so it is important to get things right from the beginning. Once we have collected and reviewed all submissions, we will make recommendations and a report to the House of Assembly.

Bulleted details on Bill No. 58:

- sets up a framework for fire safety
- assigns responsibility to the individual and to organizations that work to prevent fires, people who fight fires, companies and individuals who own land, insurers, municipalities and provincial government officials like the fire marshal
- sets up an advisory council to advise the Minister of Environment and Labour on matters related to fire safety
- directs what individuals and organizations in the province must do to prevent fires and how they must act once a fire has occurred
- provides direction for making sure the Fire Marshal's Office has representation in each municipality, important for educating people on how to prevent fires
- it helps the fire marshal determine what caused fires. This is important for insurance and crime prevention reasons
- assigns roles to people who are responsible for preventing fires, for putting them out, for reporting fires, for investigating them, the Fire Marshal's Office and the municipalities

- assigns responsibilities to people or organizations that own land or businesses. These people have certain responsibilities for preventing fires and for reporting fires that do take place. Insurance companies also have responsibilities assigned by the law
- it forbids certain activities. For example, if this bill becomes law, it would be against the law to give false information to a fire official investigating a fire or to tamper with a device that would help people escape a burning building
- it discusses what regulations the government can write to further protect Nova Scotians from fire and to reduce the harm of fire
- it establishes a fire safety advisory council to advise the Minister of Environment and Labour on matters of fire safety.

We are going throughout the province to get as much information as we can from the public to make sure that we do the very best we can with this bill. So we would ask anyone and everyone who has any input they would like to give to present it this evening. If you would give your name to Kim, at the back, for recording purposes, to get your name and if you have an organization or whatever, to recognize that, and then if you would come forward and have a seat at one of the microphones at the front table, we would be delighted to hear from anyone and everyone.

Do we have any people who would like to present?

FIRE CHIEF ROSS TUGWELL: Ladies and gentlemen, Mr. Chairman. I have a couple of questions, I guess, and I am hoping that you could answer those for me. On Page 7, Clause 14(1) states that "The Fire Marshal may appoint as a local assistant to the Fire Marshal a qualified fire chief or another qualified member of the fire chief's fire department." What are those qualifications?

MR. CHAIRMAN: I am not sure at this time that this committee would be in a position, I do see the fire marshal in the audience. Bob, do you have that information at this time?

MR. ROBERT CORMIER (Fire Marshal): Yes, I do.

MR. CHAIRMAN: Would you be prepared to present it this evening?

MR. CORMIER: Mr. Chairman, one of the problems we have noticed over the last number of years with the Fire Prevention Act is that it automatically appoints the fire chief as a responsible party as soon as they take office. A number of fire chiefs, of course, are unaware of the Fire Prevention Act when they receive that election to office. What we were trying to do is provide the fire department with an out that if the fire chief did not feel they

wanted to assume the responsibilities for the investigation of fires and inspection of properties under the emergency section, then they could assign another member of the department who had some qualifications. At this point in time, we do a four hour training program called Legislation Awareness. It is really an update to bring the chiefs up to a level of understanding of what their responsibilities are. That would be added to, in time, give them a clearer understanding. Again, we are not looking at a one week training program, we are looking at probably one day. So it was an out for the fire chief who did not feel they were competent to handle that.

MR. CHAIRMAN: Thank you. Mr. Tugwell.

MR. TUGWELL: I apologize, Mr. Chairman. My name is Ross Tugwell. I am the Chief of the Linacy Fire Department and Vice President of the Pictou County Firefighters Association. So some of these questions are for clarification for the entire county.

Page 8, Clause 14(4), "Local assistants to the Fire Marshal shall, within their territorial jurisdiction and, subject to the directions of the Fire Marshal, administering this Act, the regulations and the Fire Code." What additional duties for the local assistants are being spelled out here? Keep in mind that we are all volunteer members already spending too much time away from our families and what training is the fire marshal's office going to provide here?

MR. CORMIER: Again, the number one responsibility is the responsibility for the inspection of properties. One of the things that had been used over the years was the concept that the municipalities felt the fire chiefs were carrying out the fire inspections on behalf of the municipalities which was not true in all cases. We spelled that out very clearly that the chief cannot be appointed nor can a member of the fire department be appointed as fire inspector without the written consent of the fire department. In other words, there has to be a paper trail to show that this action is actually being done. So that major activity has been taken out.

The only other two that have serious consequences are the fire investigation which would be done exactly as it is now being done. Where the local authority can't determine cause or needs assistance, they have the right to call in the Fire Marshal's Office for assistance. The other part is that we do run into problems periodically with hazardous activities. For instance, when the wooded areas of the province were closed this year and there was a ban on fires, the Department of Lands and Forests has no authority over campgrounds and we did have a couple of fire chiefs who had to go into those campgrounds and order the fires not to be lit in those campgrounds for that reason and the only authority they have to do that is under the Fire Prevention Act. So those are the sort of things that we have been doing and will continue to do. Again, the fire chief is not being looked on to assume the responsibilities of the municipality for the inspection of properties.

MR. TUGWELL: Clause 30 talks about the sum of \$1,000 and later being reimbursed by the municipality with interest after all rights of the appeal process, pursuant to this Act, are exhausted. It also talks about the installation of temporary safeguards including portable fire extinguishers and smoke alarms. Who is going to pay for some of this stuff? As I said earlier, a lot of our firefighters are spending too much time away from their families now trying to raise the necessary funds to run these fire halls and if they are going to spend upwards of \$1,000 through the court system, it might be some time before they get that money back and some departments, especially here in Pictou County, just can't afford that.

MR. CORMIER: That is the responsibility of the municipality for the expenditure of the funds, not the fire department. That is presently in the Act, although the amount is only \$100 at this time and, as you can well imagine, we can't even board up doors and windows for \$100. So the municipality has always been responsible for that and it can't be done without permission of the minister. Then the municipality has a right, through the taxation, to bill back the owner.

The other thing we tried to build in there is that at present the fire departments are providing property protection and the evidence protection on properties where we do have fires by putting guards on the property. Most times the insurance companies will reimburse the fire departments for that but we wanted to make sure that would occur so we have a billing process in that for the fire departments to recoup that cost.

MR. TUGWELL: The last thing, some time ago, a New York firefighter lost his life after being burned attempting to extinguish a fire. I am sure Bob might remember this - he suffered for weeks - and at some time after his funeral his wife was in Pictou County to talk to us at the Pictou County Fire School. It was during her presentation that she suggested that we, as Canadians, treat fires the same as some Europeans do and that is that a lot of these cases are not called accidental. If we lose a firefighter or anyone for that matter, due to negligence, those people are charged with murder. I don't see that in this.

MR. CORMIER: Okay, there are two aspects to it. First is the administrative law which we have the control on the activity for that. If the Legislature gives us the authority to do so, there are fines up to \$250,000 against individuals or corporations for major impact on communities. This came about because of the Plastimet fire in Hamilton when they had the major plastics fire there. There was absolutely nothing that the provincial government could go back against the directors of that company for. So we put some protection in for that.

As for the individual, if there is negligence or if the individual was aware there were fire hazards within the building that they did not rectify, the Criminal Code of Canada, under the arson section, provides a criminal negligence section in there for the holding accountable of anybody who does. The problem is that we, in Canada, have always treated fire as an accident and everybody has a fundraiser. We have not taken this seriously but certainly the two major national organizations, both the Fire Chiefs Association and the Fire Marshals

Association, have been pushing for the criminal law to be taken more seriously in matters such as the one you refer to but the law is there for it but it is under the Criminal Code.

MR. TUGWELL: Thank you.

MR. CHAIRMAN: Do any of our members have any questions or discussion with Mr. Tugwell?

MR. RUSSELL MACKINNON: Through you, Mr. Chairman, the cost of these increased standards that volunteer firefighters have to find themselves keeping up with, so to speak, that is your primary concern.

MR. TUGWELL: That is part of it, sir.

MR. MACKINNON: So that would be more of an administrative issue, speaking from the Act, than the legislative. Now, that having been said, I am trying to understand your question. Your question is, what responsibility does the provincial government or the Fire Marshal's Office have in terms of helping to defray the costs?

MR. TUGWELL: That is correct.

MR. MACKINNON: Do you feel that you have received that answer satisfactorily?

MR. TUGWELL: I am not sure.

MR. MACKINNON: The other question, I guess, is for Mr. Cormier. I was a little taken aback when you indicated that Lands and Forests officials don't have the authority to go in and deal with fires in provincial parks.

MR. CORMIER: Not provincial parks, private campgrounds.

MR. MACKINNON: Okay, private campgrounds. My question would be, why are they given the permission to issue fire permits if they are not qualified or they don't have the authority to do that?

MR. CORMIER: These are campgrounds and these are campfires.

MR. MACKINNON: Well, a fire is a fire. It doesn't matter where it is at.

MR. CORMIER: I absolutely agree, sir, but it is on private campground lands and the authority apparently is not there.

MR. MACKINNON: Not even under the Lands and Forests Act?

MR. CORMIER: Not under the Lands and Forests because there is an allowance under the Lands and Forests Act for certain types of burning in certain areas.

MR. MACKINNON: So you are saying conceivably that I could burn several acres of brush on my property . . .

MR. CORMIER: No, that is not what I said. I said campfires. These campfires in this particular one, they were not using what we would consider to be adequate style of campfire construction. In other words, they weren't using bricks and mortar to create a fire pit. What they had been using was old truck rims and that was not adequate for the purpose.

MR. MACKINNON: So there is no provincial Lands and Forests official, forester, or otherwise who has the authority . . .

MR. CORMIER: The fire chief was informed by the Lands and Forests official that they could not go in and prevent those campfires from being lit.

MR. MACKINNON: Recently?

MR. CORMIER: During this summer's burn ban.

MR. MACKINNON: Is that in writing?

MR. CORMIER: I can check to see if I can find it. I doubt if it was because I would imagine he called.

MR. MACKINNON: If it is, would you provide it to members of the committee?

MR. CORMIER: I can give you the name of the fire chief and you can check with him.

MR. MACKINNON: Yes. Would you give an undertaking to the committee to provide that?

MR. CORMIER: Yes.

MR. MACKINNON: I will be honest, that is not my understanding of the Act. I believe a forester within the Lands and Forests Division, which is now Natural Resources, does have the authority, so I am quite surprised at that. But that is more administrative.

One final question if I could, Mr. Chairman, what initiatives or thought processes has the Fire Marshal's Office undertaken to address the issue of the increased cost of volunteer firefighters as a result of this particular proposed legislation?

MR. CORMIER: This particular proposed legislation should not increase the cost to the fire service one cent.

MR. MACKINNON: Volunteer fire service?

MR. CORMIER: Volunteer fire service. There is nothing in there that is different from the present Act except to remove some of the responsibilities that the chiefs originally had from them. For instance, presently fire chiefs are required to sign authority for people to set off fireworks, family fireworks. That has been removed. On the issue of investigation, it is there now. All we are trying to do is on expenses they are incurring now on our behalf, we are trying to find a process for them to recover those costs.

MR. MACKINNON: But we have heard for the last three days in Sydney, Port Hawkesbury and again this evening that there are increased costs.

MR. CORMIER: What you have heard over the last three days is the fact that the standards for firefighters, morally and ethically, are trying to be met by the fire service of this province. There is nobody anywhere in this province who has created legislation or intends to create legislation that impacts the volunteer fire service. What it is is a need to address issues such as safety, efficiency and effectiveness. The standards are there but they are guidelines and that was what was sent out to the fire service, guidelines. This is what would normally be expected of the fire service. Your committee has asked for those guidelines and they have been sent to you for your perusal.

MR. MACKINNON: Mr. Chairman, on a point of clarification, Mr. Cormier knows full well guidelines are not enforceable in a court of law, is that correct?

MR. CORMIER: That is correct.

MR. MACKINNON: So what you are saying to our fire chief here this evening is that all these proposed increased standards are not necessarily incumbent upon themselves to . . .

MR. CORMIER: The municipality who signs an agreement for the volunteer fire service to supply the service to the community can accept the volunteer fire service at whatever level that municipality or that community decides to accept that fire department at.

MR. CHAIRMAN: Am I correct, Mr. Cormier, that municipalities have had this responsibility for some time to provide inspectors and so on and some have done it more diligently than others?

MR. CORMIER: That is correct.

MR. CHAIRMAN: This bill as it is now written would encourage them to do it better and to get a higher standard of . . .

MR. CORMIER: I believe it removes any doubt as to who is specifically responsible for that activity.

MR. CHAIRMAN: And so the reality is that the municipality should be working with their fire service to help them improve so that the costs would be covered by the municipality to the department, is that it?

MR. CORMIER: In a number of municipalities, the fire inspector is not associated with the fire service at all and that is the avenue some municipalities may choose to take. Others may request their fire department to do it in which there has to be a signed agreement between the two parties for it and not an assumption it is going to be done. I believe the honourable member is referring to the costs represented by increased fire service standards, that is the suppression standards for Level 1 firefighters for the vehicles to meet certain standards, for occupational health standards and I believe these are the standards he is referring to. The only thing that has been issued by my office has been a set of guidelines to help the departments define what those standards mean. We also Canadianized them because they were written for the American marketplace and we had to put in for the CSA standards, the ULC standards and the standards for Canadian firefighter clothing.

MR. CHAIRMAN: Any other questions for Mr. Tugwell or Mr. Cormier? Thank you. We do have a record but if you wanted to make your requests that you asked tonight available to the members, we would be happy to work on that issue to try to obtain answers that may reassure you further.

Any further presenters? If you have anything at all that you would like to share regarding the fire service, some may fall directly under this Act but we certainly are here as members of the Legislature to carry your message back to the appropriate people. Perhaps we will take a few moments' break and if there are no presenters after that we will adjourn the meeting but we don't want anyone to go away not thinking they had an opportunity to speak. We will reconvene in about five minutes.

[7:25 p.m. The committee recessed.]

[7:34 p.m. The committee reconvened.]

MR. CHAIRMAN: I understand we do have another presenter who we are pleased to hear from. Mr. Bedford.

MR. GEORGE BEDFORD: What I have to say are comments I want to make myself on behalf of a number of things. They basically deal with the manner in which I can or can't fight fires. I will read these to you because I made these jotted notes in a hurry this afternoon and I haven't read the Act in its totality for some time. Basically in the Act is a lot of - well, I don't consider it too pertinent but it is necessary and I am all upset by that. I am upset by some of the things that could be incorporated within it, by not paying attention to the details.

For instance, if you were to adopt some of the American - let me say it this way - I can't ride fellas on the back of the truck, it is foreboden, so they say. I just talked with Bob Cormier there now and he tells me no, he can't legislate it - he would like to legislate against it - it hasn't been legislated against that, but okay I am dealing in Pictou, specifically, with one bird on council who is giving me a lot of trouble.

I have next to been threatened that if I put anybody on the back of that truck, hey it will be game over. I don't think that's right and if Mr. Cormier could just verify that, right Mr. Cormier? You said you didn't agree with it, correct? You didn't agree with it but there was nothing wrong with it, see? As long as I establish that in front of the Nova Scotia Government representatives here, I am happy. I can go back because it doesn't make sense. You can't leave the station with one guy driving and one guy in the truck and we are going to a major fire and there are three other guys waiting to go there and I am going to say get there the best way you can; not, don't hang onto the back of the truck, it may be dangerous.

We have been hanging onto the back of those trucks for 40 years, never lost a man. It did nothing but expedite things when we got there. Let me explain it to you. When you get to a fire the first thing you have to have is water, I think everybody would agree with that. How do you get the water? You get the water from the hydrants. You get a guy on back, okay, he is standing there. The driver pulls up to a hydrant, the guy jumps off the back, pulls a length of hose, he wraps it around the hydrant and away goes the guy to the fire and we have water in seconds, so we are dealing with that. Supposedly you are not allowed to do that and now after leaving here tonight I am allowed to do it, I made it public to you, nobody said you can't do it. Mr. Cormier the fire marshal said okay, I don't agree with you but I can't turn you down. So, whatever you do, don't legislate that into law. We need it, I need it, everybody needs it.

When the ball teams come home, the kids come home from winning these soccer matches and hockey games - and Pictou is a great winning town, Pictou is a big winning town, ladies and gentlemen. I hate to say that to you, it is a great winning town and we have a great winning girl there who has come along great all the time, Muriel (Fluff) Baillie; let's give Muriel a clap here too, I mean it, she's a good kid. (Laughter) I can't put the kids on the top of the truck with the RCMP going ahead, a sensible man standing on behind - we had a minister and doctor on behind when we had to quit it one day, they were going to make a fuss if I did it.

I have been told time and again, rather than win the pennant from Toronto with the bands and everything else, the trip around town with the fire truck and the kids sitting on the top waving at everybody and saying hey, hey, hey, that was better than winning the pennant wherever they went. Now I can't do that. Let's legislate this into effect so I can do this. Let's make things better, let's not make things worse. Let's develop some interest in the fire departments. You would be surprised what you can do with children.

You can't slide down the pole anymore in case some fellow goes up and falls down. Now we don't live in a community that has sleeping quarters upstairs but they tell me now they are not allowed to do it, it is too dangerous. Hey, a kid that high, how many people ever fell down those holes? I don't know of any. That is a small thing and riding on the fire truck is a great thing. You have to give the kids a thrill so that later on - dedicated volunteers are hard to come by now.

If you want to legislate something, forget about the legislation and let's put our backs and our interest into developing volunteers. Let's inspire them and say hey, grab the truck. There is a little boy in everybody and that has to stay. If you haven't got the little boy in you you have nothing. You have to have dedicated people who fight fires. When the fire is all over and the dirty work is done and you have to wrap up the hose, I have seen guys at 3:00 a.m. singing. But you have to get good, respectable, honest people. This is where your initiatives should be driven.

I am spouting off and I will sign off, but I will read some of the stuff I have written, okay? To make a full and formal presentation with the lead time necessary, myself, to prepare such an article has not been possible. I couldn't do that, I should have had it done before but I have not done it. I'm sorry I haven't but I don't see a whole lot in that on which I could have improved, some I could have.

Consequently, I offer for your serious consideration what I consider is an overview of anything that may be contained in your documentation to be enacted into law. Whatever else lies within this paper, there should be a notwithstanding clause that affords to myself or the officer in charge carte blanche, where he can't be sued for trying to do his duty as he sees fit and as he sees fit at that point in time, not three days later when the columnists and the commentators comment upon it by saying, why did you do it that way. Hey, point in time is lost then. You should give consideration to affording protection. I'm not saying you cover idiotic people, you simply weed them out then but this must be done. We can't go around in fear and trepidation of doing something where you could get personally wiped out; that's not right.

There should be a notwithstanding clause that overrides any policy contained within this proposal that is before you tonight that spells out in simple terms - I don't know how many of you birds are lawyers but I am going to tell you right now - and I don't blame you for writing things in and making business for yourselves - simplicity is the basis of everything

and I am sure you guys understand and have heard this before - maybe you haven't heard it in today's school, that was 40 years ago. Simplicity is the basis of everything, we don't need to have something written here, clause such and such, article two, paper one. By the time you look at that you don't bother with paper one. I thought I would just mention that. It should spell out in simple terms the authority of the jurisdiction of the fire chief or officers or those in command.

Okay, don't take this too much to heart but I suggest to you that each and every one of you take time to study, read and re-read and to knowledgeably understand what is in that bill so if you had to write a test on it next week, next month, next year - no hurry in passing this, it is not going to change anything whether it goes through today, tomorrow, next month or next year or in five years, it won't make any difference, it is not going to change anything.

As one fellow said as he jumped aboard the truck and one of the old fellows was driving, he said geez, we have to get there in a hurry, floor it. The old fellow said to him look boy, there is one thing about it and he said what's that? It's going to burn till we get there. You can laugh at that, can I get a chuckle anyway? You would have to know these individuals involved in such a manner that you could say that and not take it and thinking, he's going to go any slower but it is a nice anecdote, I think.

Okay, I suggested that you read this bill and be as knowledgeable about it as you can. I don't know how you could possibly do it and as applicable to Nova Scotia, needed by Nova Scotia and as you, as our elected personnel, see and view it. But whatever else is written, there must be that other clause.

Great care must be enacted and exercised in enacting legislation that brings into force rules and regulations written and constructed for the large cities, the paid, professional firemen. These rules and regulations, while perhaps applicable to city departments and areas of large population concentration, may on the surface be or seem to be okay but certainly do not necessarily either aid, abet or assist areas with a population unable to financially support or to have the need to support such as what is dictated therein. That's a long sentence but it wasn't a bad sentence and it says a lot.

That is about all I have to say, to ask you for a notwithstanding clause and it should be in there, it has to be in there and notwithstanding any rules of occupation which must be relaxed when a fire chief must - and I am sure this is covered in the Act now - have tremendous authority and can order whole buildings to be bulldozed down to stop a major fire so you can't have an idiot at the helm and he can do certain things and they can be charged against the taxpayers. I'm sorry I didn't produce better for you; I could have, but I think that might get you thinking and I hope it does. You can ask me anything and I will tell you the truth, straight from the shoulder.

MR. CHAIRMAN: You certainly have the opportunity to write something and send it to your MLA, to one of us, to Halifax and we would be more than happy because we will review e-mail, faxes, letters, anything at all, we want the information. If you would like to do that, but we have certainly heard your comments. Does anyone have a question? Russell, I would be disappointed. (Laughter)

MR. MACKINNON: That's all right. Mr. Chairman, I wanted to address a rather important point that Mr. Bedford . . .

MR. BEDFORD: George.

MR. MACKINNON: . . . George, raised. You may or may not, through you, Mr. Chairman, be aware of the "Good Samaritan" Act. There is this issue about due diligence. Well, wait now, George.

MR. BEDFORD: I didn't say a word.

MR. MACKINNON: The expression says it all. In Clause 47 of this particular proposed legislation, there is a provision that says, "No action lies or shall be instituted against Her Majesty in right of the Province or an officer or employee of Her Majesty, the Fire Marshal or any person acting under the Fire Marshal's authority, a deputy fire marshal, a provincial inspector, a local assistant or a delegate . . . a fire chief, a fire department or an officer, member or employee of a fire department, including a member empowered . . .", and so on and so forth, shall be held liable, ". . . for any loss or damage suffered by a person because of an act or omission done in good faith by the person or body". So I think that pretty well addresses your concern. That is the notwithstanding clause that you are talking about. I believe that is incorporated in that. You take that in conjunction with the "Good Samaritan" Act and you have exactly the basis for the protection that you are referring to.

I think what you are saying - and you can correct me, George - is by not having that protection, you are chasing away a lot of well-intended and community-minded volunteers and people are becoming so apprehensive, it is almost as if we are becoming Americanized. Every time somebody makes a mistake, somebody runs for a lawyer and wants to sue them. It is not a question of if or when, it is how fast can you get there and get as much as you can. Am I correct on that and does that address your concern?

MR. BEDFORD: No. They tell me that there are loopholes in the "Good Samaritan" Act.

MR. MACKINNON: Okay, what about the section that says . . .

MR. BEDFORD: This I have heard . . .

MR. MACKINNON: What about Clause 47? Does that not offer you the relief or the protection that you are asking for? It states quite clearly that it can't be held liable because of something that is done in good faith.

MR. BEDFORD: Yes, I guess, but I'm not sure. I was addressing that for another reason as well. Okay, in fact a year ago tonight, lightning struck a church in the Town of Pictou and knocked out the steeple some six feet or eight feet down. Mr. Rogers came down from New Glasgow at my behest and he helped us knock out the fire. Correct, Tom? He did. He can take a bow, too, and give him a clap. He helped us. In the course of that, we get another alarm. I can't tell my guys to get aboard the truck and go. I have to say, you have to get down the street to such and such a place, there was a transformer hit or something.

I am in a bad position, if you can understand. I'm told I can't do this and yet they have to get to a fire. It does not make sense. I didn't. They humped her down themselves and that wasn't right but notwithstanding that, I'm saying I had to protect myself from what perhaps the council had edicted that we should no longer do and that is not right. A fire chief has to make decisions that are dangerous at the time and as I pointed out before, in the light of the days of fall, they could be interpreted both ways. Most things can be. It depends how you see it, on what point of view.

The guy who had the accident and he saw the car smash up, there was one on this side of the street and one on this side of the street. This guy went to court and he testified that car was white. This guy went to court and he testified this car was black. It was two-toned. That's what I am getting at. That's the point I am trying to make, if you can follow me. You need all the protection you can get.

MR. CHAIRMAN: Mr. Cormier, I believe you had some clarification, perhaps, on that.

MR. BEDFORD: I will sit beside you. I won't look you in the eye. (Laughter)

MR. CORMIER: Mr. Chairman, the situation is that the particular protection that Chief Bedford is looking for is found in the Municipal Government Act and not in the Fire Prevention Act. The Fire Prevention Act is there before the incident and after the incident. During the incident, the Municipal Government Act, and when we rewrote the Municipal Government Act, we were very careful to ensure we put the strongest language possible for the protection of the fire departments.

We also have protection from the courts, both the Newfoundland court as well as the Alberta court, even though fire departments are being held accountable at times, have both held that the community defines the level of fire protection they can afford and that an outside source should not expect more than what the community is willing to provide. That was the

result of a school fire in Belleisle where the insurance company sued for recovery of the cost of the school because they felt the fire department should have more resources.

The particular situations that Chief Bedford is referring to is an issue between the town and the department of the town, which is the fire department. No one, provincially, regulates how the fire department operates. It is a full volunteer fire department. Chief Rogers in New Glasgow certainly faces a different situation when he has paid persons present and there are laws that do kick in there. I just wanted to clarify that the protection is found under the Municipal Government Act.

MR. MACKINNON: Mr. Chairman, on a point of clarification, this Clause 47 does offer that relief as well.

MR. CORMIER: It does but it is only for the activities done under the Fire Prevention Act.

MR. MACKINNON: Yes, provincial.

MR. CORMIER: That is correct.

MR. MACKINNON: And that is what we are speaking to.

MR. CORMIER: Yes, the matter that Chief Bedford was speaking to was emergency action which falls under the Municipal Government Act, the minute that the alarm goes off.

MR. CHAIRMAN: I think it is important that people understand that Bill No. 58, as I understand it, is before and after the fire, not the actual fighting of the fire.

MR. CORMIER: That is correct.

MRS. MURIEL BAILLIE: I just want to ask George, I know it is very dear to your heart about this not allowing people to drive on the back of the truck. Now I don't know who to ask. Is that a town issue or where do we go? Can you tell me? Is that a town issue, George?

MR. BEDFORD: Right in the extra legislation for the "Good Samaritan" Act, regardless of where it is now, right in the Fire Prevention Act, this is what I think you should do. You don't have to believe me, people say you are wrong. I will just come along to this. Do that. The town issue, yes, it is an issue within the town but I don't want to expand upon it to start getting into - you start to reach a level at which I don't operate, let me put it that way.

For instance, let me give you another story. We received this call 4:00 o'clock in the afternoon. There is a power pole down on Wellington. On Wellington there is a substation, 32,000 volts - not down, forgive me, burning. Okay, Gordon, myself - and hey, Steve is here, too, correct? - and I have Steve on the back of the truck. I am in the front seat, that's okay. We run to the fire and it is 32,000 volts coming in, I believe. That is a good number, anyway. We are there ahead of the police. We are there ahead of the ambulances. We are there ahead of anybody else.

Next council meeting, I get a letter condemning me for running, with one man aboard the truck, in a total emergency situation, where people could have been killed. The pole could have gone over. There are children up there and hey, I am condemned for that, for hurrying and doing the best I can and operating with the equipment, as I see fit. It isn't right but this is what hurts. I have to make it known and make it public so you boys can perhaps write in something to stop this hurt. How would you act in such a case? It turned out safely. The Power Corporation, we were half an hour on it before they got on the scene. The RCMP, they could be on patrol over at Mount William, which is two or three miles out, but the fire department are on patrol two or three minutes away and were keeping people away.

This is one of the things which I am facing and I am asking you people to put some legislation in to stop this. We do the best we can all the time and you have to have dedicated people, whatever. That's all, really, I have to say, unless you want to put the worst - forgive me, Muriel. When I get expounding, I get carried away.

MR. CHAIRMAN: Are there any other questions? Thank you very much.

Do I have any other presenters? If not, I will ask Jim DeWolfe, our colleague, to close out the meeting.

MR. JAMES DEWOLFE: Mr. Chairman, I certainly want to thank members of the Pictou County Fire Service for attending tonight and representing your various fire departments. For the benefit of my colleagues here at the table, I want you to know that we are very proud of our firefighting services and those involved in it here in Pictou County.

I also want to thank our municipal leaders for attending - Mayor Cotter, thank you for coming - and I thank the general public and we have press here. It is certainly an important issue. I want to thank you, my colleagues of the Legislature, and the legislative staff for coming here and including Pictou County as one of your stopping points on this mission that we have set out on. I will encourage you to go back to your fire departments and if there are any submissions or questions or areas of concern, feel free to call my office or your own MLAs, if you are outside of my constituency, but my constituency is available to all of you as well. I will certainly ensure that those documents get to this committee. I would suggest you try to do that in the next couple of weeks, it would be wonderful.

So, again, thank you very much for coming and thank you, gentlemen and ladies.

MR. CHAIRMAN: Thank you and good evening.

[The committee adjourned at 8:00 p.m.]

**HALIFAX, TUESDAY, OCTOBER 2, 2001
SELECT COMMITTEE ON FIRE SAFETY**

7:00 P.M.

CHAIRMAN

Mr. Jon Carey

MR. CHAIRMAN: It is close to our starting time so we will get underway. Perhaps we could start with the introduction of the members of the committee and maybe, Ron, if we could start with you:

[The committee members introduce themselves.]

MR. CHAIRMAN: Now, one of the members of the committee, Frank Corbett, from Cape Breton, is unable to be with us this evening and Muriel Baillie is on her way from Halifax and will be here before too long, I understand. That will make up our committee.

Certainly, we are glad to be in the area. If you don't have a formal presentation, that is not the important thing. If you have comments that you feel are important for the government of the province to be presented with, this is an opportunity for you and we will take the information back and try to use it, to come up with the best possible bill that we can. That is the purpose of this all-Party committee.

What we have done in other areas to recognize and respect the loss of the lives of the 300 firefighters in the New York area is to observe a minute of silence. Perhaps we could start our meeting with it.

[One minute of silence was observed.]

MR. CHAIRMAN: Thank you very much. Welcome to this meeting of the Select Committee on Fire Safety.

The Select Committee is an all-Party committee. We have been charged with the responsibility of making recommendations to the House of Assembly on a new law for fire safety. We are reviewing proposed changes to the Fire Prevention Act, which are contained in Bill No. 58. Bill No. 58 was introduced in the House of Assembly in June 2000. Now, the government wants to widen its base of comments from the public and complete the legislation.

We're also meeting with Nova Scotians. We would like to hear from the public as well as people who will be directly affected by the new law, such as insurance companies, other businesses, municipalities and the fire service. We're meeting in nine communities across the province. This is the fourth meeting. Once we have collected and reviewed all submissions, we will make recommendations in a report to the House of Assembly.

Bill No. 58 sets up a framework for fire safety. It assigns responsibilities to individuals and organizations that work to prevent fires, people that fight fires, companies and individuals that own land, insurers, municipalities and provincial government officials, like the fire marshal. The bill also sets up an Advisory Council to advise the Minister of Environment and Labour on matters related to fire safety.

Bulleted details on Bill No. 58 are:

- it is written with the intention that it would replace completely the Fire Prevention Act that is now in effect in Nova Scotia
- it directs what individuals and organizations in the province must do to prevent fires and how they must act once a fire has occurred;
- it provides direction for making sure the Fire Marshal's Office has representation in each municipality;
- it is important for educating people on how to prevent fires;
- it helps the fire marshal determine what caused fires. This is important for insurance and crime prevention reasons;
- it assigns roles to people who are responsible for preventing fires, for putting them out, for reporting fires and for investigating them, the Fire Marshal's Office and the municipalities;
- it assigns responsibilities to people or organizations that own land or businesses. These people have certain responsibilities for preventing fires and for reporting fires that do take place. Insurance companies also have responsibilities assigned by law;

- it forbids certain activities. For example, if this bill becomes law, it would be against the law to give false information to a fire official investigating a fire or to tamper with a device that would help people escape a burning building;
- it discusses what regulations the government can write to further protect Nova Scotians from fire and to reduce the harm of fires; and
- it establishes a Fire Safety Advisory Council to advise the Minister of Environment and Labour on matters of fire safety.

Those are the highlights of the bill.

With us tonight, also, from the Fire Marshal's Office - and if we have questions that we need to have answered - is it Deputy Fire Marshal, Mr. Orr?

MR. ROBERT ORR: Yes.

MR. CHAIRMAN: Yes. So thank you for being with us this evening.

Tonight we have two presentations that have already been entered. If anyone else wishes to present, you don't have to have anything written. It can be verbal, whatever, if you just have a few comments. But if you would just give your name to Kim at the back, she will make sure that it gets registered and we would have your name for the record. If the presenters would come to the microphones in front of us here at the appropriate time, then everything can be recorded so we can get the information correctly.

The first presenter is Mannie Withrow, with the Municipality of Colchester Building Inspectors Department.

MR. MANNIE WITHROW: Thank you, Mr. Chairman, honourable members. As stated, my name is Mannie Withrow. I am a professional building inspector for the Municipality of Colchester. I have worked as a building inspector for the past 11 years.

As a building inspector, I am the authority having jurisdiction under the Building Code Act. I am responsible for all fire and life provisions in the design, construction, and inspection of buildings in my municipality.

I would like to make it clear to the committee that there is a requirement in this province to enact, for the first time in the province's history, the National Fire Code as a Provincial Fire Code.

I also would like to point out that none of my comments deal with the fighting of fires or the enabling provisions in this legislation for the volunteer firefighter, the volunteer fire service, the paid firefighters or the operation of the firefighter in dealing with fires, or investigating fires, or the provisions dealing with fire suppression issues typically administered by the fire service. My concern relates only to the fire safety provisions of this legislation and the policy and administrative provisions in this legislation dealing with fire safety.

The Building Code is more than just a code that deals with how a building is put together structurally. While it clearly deals with 2 x 4's and the rise and run on stairs, its main purpose, however, is to deal with the fire and life safety issues in the design and construction of buildings.

Matters such as the following are dealt with in the Building Code and not in the Fire Code: the installation of fire alarms, smoke alarms, fireplaces, fireplace inserts, fire rated doors, windows and glass block assemblies, the installation of standpipe and hose systems for firefighting, the installation of fire doors and fire shutters, chimneys, fireplace vents and solid fuel equipment, emergency electrical power to the building, safety codes for elevators, boiler pressure valves, pressure vessels and pressure piping codes, the installation of oil-burning equipment, the installation of solid fuel burning appliances and equipment and sprinkler systems, just to name a few.

The above-mentioned all deal with fire and life safety and are required to be designed under the Building Code, constructed in compliance with the standards enacted under the Building Code and inspected by building inspectors to ensure compliance with the Building Code.

Building Codes and Fire Codes are compatible fire and life safety documents prepared by the Canadian Commission on Building and Fire Codes. The Building Code deals with the design, construction and inspection of all fire and life safety provisions. All of the standards regarding fire and life safety are in the Building Code.

The Fire Code deals with the use of the building by its occupants, storage of materials indoors and outdoors, as well as the maintenance of fire protection equipment and the fire emergency systems, and all other fire and safety systems designed and constructed, are under the authority of the building inspector. This is why it is so important that building inspectors and fire inspectors work closely together on fire and life safety matters in new and existing buildings.

This proposed legislation has not been drafted to support a compatible working relationship in dealing with fire and life safety issues between Building Codes and Fire Codes, or building inspectors and fire inspectors.

As drafted, it undermines the role I perform as a building inspector because the authority and responsibility I have under the Building Code Act is proposed to be given to deputy fire marshals, fire chiefs and fire inspectors. This is going to create unnecessary duplication, overlaps in responsibility and confusion in the administration of the Building Code Act, a job my municipality has been responsible for during the past 14 years. I am also not aware of any problems in the administration of the fire and life safety provisions of the Building Code that requires the province to duplicate this service and get involved in doing a job that is already my responsibility as the building inspector.

If there are concerns regarding municipal administration of the Building Code, maybe we should be aware of them and sort out the perceived difficulties versus putting the same responsibility of administering the Building Code with another level of government.

I am a member of the Nova Scotia Building Officials Association and we have attempted to get clarification on this position for the past five or six years and are still unaware why this legislation was drafted in this fashion. Our association is also making a presentation to your committee and will be providing some background and recommendations as to how to make the adoption of a Fire Code consistent and compatible with the Building Code Act enacted by this province in 1987.

I would like to give you a couple of examples in my municipality for the committee to consider. We deal with a number of big projects throughout the Municipality of Colchester from assembly buildings, commercial buildings, to industrial buildings. A recent expansion of a window plant in my municipality required that there be some interpretation in the Building Code, as far as classification, the use of the building and a number of elements in the Building Code that would have to be addressed.

As the authority having jurisdiction it is my responsibility to make those calls. So the owners propose to construct a building of what they think is in compliance of the 1995 National Building Code and they submit their drawings to my office which I review for compliance and if it is in compliance I issue a permit. In this example of the window plant in Debert, sprinklers came into question, whether the building be sprinklered and limiting distance as far as construction of the exterior walls to property lines.

I instructed the owners to hire a fire protection engineer to provide me with a report and a detailed analysis of what was in the building the window plant was proposing, and to classify whether it is a medium hazard, high hazard or low hazard. The owners went back to the drawing board and hired the consultants - there is only one firm in New Brunswick that has the fire protection engineer qualifications that is certified - they do their analysis and submit this analysis and a detailed report to my office. At that stage I have to review this analysis and make a determination whether I classify them F-1, F-2, or F-3, and that has a number of requirements in the Building Code, as far as sprinklers and fire separations, exits,

et cetera. I have to make that interpretation and be comfortable with it, with the Building Code and then issue my permit.

Once that is done and the permits are issued, the way the legislation is set up now, after the building is constructed we still have fire inspectors who have the authority to go into the building. They can look at this scenario and decide maybe the building should have been sprinklered because it is their interpretation it is a medium or high hazard. Meanwhile, I have already done my calculations, as per the Building Code, with all of my relevant information and there becomes a conflict real quick, because the Fire Marshal's Office becomes involved and all of a sudden they write a letter of compliance to the owner saying we want this put in or we want this changed. Meanwhile, they don't have the history on the building, nor do they come to my office to see any of the files of how the permits were issues, or the inspections or relevant information. What happens is there becomes the conflict of the fire inspector over here and the building inspector over here. Who makes the call and who has the authority?

As it states right now in the current Building Code Act, the authority having jurisdiction is the building inspectors. We make the calls, we do all of our review according to the 1995 Building Code, it is adopted as our Provincial Fire Code in the Province of Nova Scotia, and we issue the permits and live with the consequences of issuing the permit to the best of our ability. As soon as you bring another authority in there, it just opens up a whole avenue of concern, not only for the owners, but also for the building inspector as well. That is an example where I can't see it working in this scenario.

You have to have one person responsible and the way it is set up now is the Building Code gives the Municipality of Colchester that authority to appoint a building inspector and that is his or her job. That is basically the way I see the situation working, it has worked well in Colchester County. I have never run into any trouble and our track record pretty well proves that. There are other examples as well.

As soon as you bring in another level of government within the municipal level doing the same sort of job, it is hard for the taxpayers out there. The biggest concern that we hear everyday is that there are too many levels of government to get a permit issued. First they have to go to the Department of Environment, and then they have to have this done and then that done. The bottom line is we are trying to eliminate too much red tape for people to construct today, it is expensive to build, run and start a new business today.

I just think the committee, if they would, should look very closely at the levels of government involved with this legislation. Other than that I ask that you please take my comments into consideration. I thank you for the opportunity to make these comments and I am confident you will find a way to enact a Fire Code as a necessary companion for the Building Code, to ensure buildings are maintained to the standards of the Building Code. Thank you.

MR. CHAIRMAN: Any questions? Graham.

MR. GRAHAM STEELE: Thank you very much for your presentation. It is always very helpful to all of us, I know, to hear from people who are doing this kind of work day to day. I would like to ask you a question just to make sure I understand exactly what you are saying.

I understand your basic point is that under the new Act there will be a conflict between building inspectors and fire inspectors, or there is the potential for confusion, too much bureaucracy, in not being clear who has the last word.

What I want to make sure I understand is are you saying that the new Act will cause this problem that doesn't currently exist or that it simply won't solve a problem that needs to be solved now? Without this Act in place are you currently facing this problem of confused jurisdiction?

MR. WITHROW: No.

MR. STEELE: So, if I am right, your point is that if this new Act is passed without changes we will be creating a problem that doesn't currently exist?

MR. WITHROW: Yes. Can I go to the Act?

MR. STEELE: Sure, please.

MR. WITHROW: Can we turn to Clause 13.4.

MR. STEELE: Of the proposed new Act, is that right?

MR. WITHROW: Yes, I believe so. If we are all on the same page it says there that "The Fire Marshal has the power and authority to enforce compliance with (a) this Act, the regulations and the Fire Code; and (b) all other Acts of the Province relating to the prevention and suppression of fires and all regulations and by-laws made thereunder; including any codes and enactments incorporated by reference therein." Right there you bring that level of government in. As it states right now in the Building Code Act and regulations, the building inspector has the authority, having jurisdiction. I make the call and I live by it.

If you ever review any letters from the Fire Marshal's Office, the last comment on the page, you guys have probably seen it, says these comments in no way overrides the authority having jurisdiction, which is the local building official. Anybody who has seen those letters, that is what is on there.

Your current Act says the fire marshal has this authority to be in any Act, the Building Code is one of them and he can go into this building. Right now, I make the call, the owners do what has to be done and the building is finished. It is commissioned, the fire inspections that are carried out on the building can be just carried out as far as fire protection issues like are the fire doors still in place, if there is a sprinkler system, is it tested, are the reports there, et cetera. That is my read on it.

MR. STEELE: You said your professional association is the Building Officials Association. You said they will be making a presentation to the committee.

MR. WITHROW: I understand we have an appointment with your committee.

MR. STEELE: And presumably they will be making this same point.

MR. WITHROW: They will probably have a bit of a different agenda, I would think. They will make this point as well but I think theirs will go into a lot more detail.

MR. STEELE: Are you generally aware of the recommendations the association is going to be making to us?

MR. WITHROW: Right now?

MR. STEELE: Yes.

MR. WITHROW: I am not aware of them right now of what position points they are going to go with.

MR. STEELE: But you are fairly confident then on this particular point the association will be making exactly the same point, is that right?

MR. WITHROW: I would assume, yes.

MR. STEELE: How many building inspectors are there in your municipality?

MR. WITHROW: There are two in my municipality.

MR. STEELE: Do you know how many there are in Nova Scotia?

MR. WITHROW: I believe there are 142.

MR. STEELE: Are there some municipalities that don't have any building inspectors?

MR. WITHROW: There are municipalities that do not have building inspectors who belong to our association and support the training, yes.

MR. STEELE: Are there any municipalities, to your knowledge, that don't have a building inspector at all?

MR. WITHROW: I don't think so because it is enacted by law that they are required to adopt the Building Code Act and regulations which also says they must appoint a building inspector. So I would assume if they don't have one they must contract it out.

MR. STEELE: Those are all of my questions, thanks.

MR. CHAIRMAN: Russell MacKinnon.

MR. RUSSELL MACKINNON: Thank you, Mr. Withrow, for your presentation. I am curious as to whether your association made any presentations on a previous day with regard to the articulation of this particular piece of legislation?

MR. WITHROW: To this committee?

MR. MACKINNON: No, to the various working groups that were established over a two year period.

MR. WITHROW: We have given a presentation to the red tape committee . . .

MR. MACKINNON: No, I'm not talking since the provincial election. Prior to the composition of this Bill No. 58, there was a rather extensive consultative period of more than two years, actually it was closer to four years if you look at the various breakdown components. At any point in time did you or your group make presentations or participate in any working group on the articulation of this?

MR. WITHROW: Yes, we had a representative on the working group of this bill. There was a member of our executive on that committee and there has been a number of presentations given.

MR. MACKINNON: What was the position of the Department of Municipal Affairs, vis-à-vis your presentation?

MR. WITHROW: I think the bottom line is they were not listening to our concerns.

MR. MACKINNON: The Department of Municipal Affairs?

MR. WITHROW: The way I understand it is we would submit as representation our concerns of this proposed bill.

MR. MACKINNON: I want to be clear because what you are saying is your parent body, essentially from the municipal to the provincial level, would be the Department of Housing and Municipal Affairs which is now Service Nova Scotia, they've changed the names. But at that particular point in time - through the various groups and through the Department of Housing and Municipal Affairs - your views were made known at that particular time?

MR. WITHROW: Yes, they have.

MR. MACKINNON: Did you receive any reason as to why perhaps your point of view wasn't accepted?

MR. WITHROW: None whatsoever, no. We have been in touch with the deputy minister . . .

MR. MACKINNON: So you are saying that two different government departments totally ignored what you were saying?

MR. WITHROW: Our concerns, yes.

MR. MACKINNON: And did you make any enquiry as to why they were ignored?

MR. WITHROW: A number of times our administrative officer has drafted letters asking for our concerns to be answered. This has been ongoing for a number of years, you people are aware of that, as well. We have been on the ground floor in trying to bring our concerns forward from day one.

MR. MACKINNON: Could you provide members of the committee the correspondence you sent and the correspondence you received back?

MR. WITHROW: Our presentation from the association to this committee will provide you with all of that correspondence, yes.

MR. MACKINNON: Because my understanding - having served as minister - is albeit that you could not come to an absolute conclusion because the various job descriptions have different responsibilities, ultimately, the number one concern is fire safety.

MR. WITHROW: Yes.

[7:30 p.m.]

MR. MACKINNON: And it wouldn't make a lot of sense to put a building up and then find out there was possibly something wrong structurally or in the design or whatever, that would in fact create a safety hazard, in terms of the exit of people from, let's say, a fire hall, God forbid should it ever happen. Ultimately, it was all a question of the level of responsibility.

MR. WITHROW: Yes.

MR. MACKINNON: Now a building inspector doesn't want the building to fall down on you but even more critically known is that a fire inspector doesn't want to go home and put his head down at night knowing that he didn't inspect the fire preventative components.

MR. WITHROW: Every provision in this building, as far as fire and life safety, is handled by the Building Code.

MR. MACKINNON: That is right but what specialized training does the building inspector have that would allow he or she to be able to execute the duty of a fire marshal or a deputy fire marshal?

MR. WITHROW: In regard to . . .

MR. MACKINNON: To the requirements of meeting the Fire Code, aside from having it on a piece of paper, whether it be regulation, policy, Building Code, legislation, whatever, ultimately, what specialized training would a building inspector have over a fire inspector?

MR. WITHROW: Every component in this building we are trained on what proper material goes into a separation or what type of protection you need. If I told you this wall here requires a 1-R fire separation, we are trained to tell you and to examine that wall to make sure it is in compliance with the Building Code.

MR. MACKINNON: So I want to be clear, you feel that a building inspector is able to do the same job description as the fire marshal in terms of the design and construction of a building?

MR. WITHROW: Any new building, yes, the building inspector. We don't investigate fires.

MR. MACKINNON: I'm not talking about the investigation of fires, I just wanted to be clear on that because that is not my understanding. I can't see a fire inspector, a deputy fire marshal, a fire chief, or a volunteer firefighter coming in and being an expert on the construction and design of a building, in terms of the inspection, the regulatory process. Equally so, I don't know what specialized training a building inspector would have on issues of fire safety. It is a very complex issue but that is my personal opinion.

I have one other question, if I could, Mr. Chairman. There has been some concern raised over recent years about the appeal of a decision by the fire marshal, a deputy fire marshal, or anyone within the fire services. I know different times business interests have levied pressure on myself in my previous job description as minister, that any decision of the Fire Marshal's Office should be made to the minister, whereas the legislation presently states only to a court, whether that be a County, Provincial, Supreme Court or whatever, but should equally apply to building inspectors. Do you believe that a decision of that magnitude should be allowed to be appealed only to some kind of court or quasi-judicial body, or to a political body?

MR. WITHROW: As per your Fire Prevention Act?

MR. MACKINNON: Yes.

MR. WITHROW: I believe it should be the same situation as the Building Code Act.

MR. MACKINNON: So you believe it should be appealed to the minister and not to a court?

MR. WITHROW: Exactly.

MR. MACKINNON: So you would prefer politicizing the process on the issue of fire safety?

MR. WITHROW: On an appeal board, yes.

MR. MACKINNON: I'll be honest, I am astounded to hear that.

MR. WITHROW: Let me clarify what you are asking me to reply to. As far as an appeal procedure, the way it is set up now in the current Fire Prevention Act, it is appealed to the Fire Marshal's Office.

MR. MACKINNON: Ultimately, any decision of the Fire Marshal's Office is appealed in the courts, not to the ministry.

MR. WITHROW: The way it is written in this document here?

MR. MACKINNON: No, it is to a court.

MR. WITHROW: Yes, but if this document is enacted, there is an appeal section in here, is that correct?

MR. MACKINNON: Yes.

MR. WITHROW: Can we visit that appeal section for a minute?

MR. MACKINNON: Sure.

MR. WITHROW: If we look at Clause 38(1), APPEALS, it says:

"38(1) A person who is affected by an order made by a deputy fire marshal, local assistant, or municipal fire inspector pursuant to subsection 25.1, clause 25.2(a), subclause 25.2(b)(iii), or subsection 30(3) may within 15 days after the order is served, appeal the order

(a) to the Fire Marshal, pursuant to Section 39, by submitting a written request to the Fire Marshal for a review of the order; or

(b) to the Board pursuant to Section 41.

(2) Notwithstanding anything in this Act, where the regulations provide for it, matters in addition to those set out in subsection (1) may be subject of an appeal, and the procedure for the appeal may be established or varied by the regulations.

39(1) An affected person who appeals an order pursuant to clause 38(1)(a) shall immediately serve a copy of the appeal on the fire official who made the order, unless otherwise authorized in writing by the Fire Marshal.

(2) The Fire Marshal is not required to hold a hearing when conducting an appeal pursuant to clause 38(1)(a)."

MR. MACKINNON: But that is from the initial decision. It is much the same as a decision of the Workers' Compensation Board, it then goes to an internal review committee and then it goes to a higher appeal and then to a quasi-judicial body. Am I correct on that Graham? So that is essentially the same structure and ultimately it is not a political decision, that is the concern I have.

MR. WITHROW: The way the appeal . . .

MR. MACKINNON: Ultimately what I am saying is I am concerned about building inspectors not having that specialized knowledge to allow them to superimpose that jurisdiction or take over that jurisdiction of the Fire Marshal's Office, or to try to argue that this would be a matter of redundancy. I would argue strenuously against that because my first and foremost concern would be ensuring that we have the best-quality professional training, to ensure that people are not subjected to fire. Thank you, Mr. Chairman.

MR. CHAIRMAN: Brian Boudreau.

MR. BRIAN BOUDREAU: First of all, Mr. Withrow, I want to congratulate you for your presentation. I appreciate it because I am a rookie member of the House and this is a learning experience for me. I do appreciate your taking the time to come here this evening.

I want to follow-up just a little. Your municipal unit itself has made an attempt to provide input into this bill, is that correct?

MR. WITHROW: That is correct.

MR. BOUDREAU: So far the municipal unit's initiative has fallen on deaf ears.

MR. WITHROW: They did not get a reply to their letter, is that what you mean?

MR. BOUDREAU: Yes, so really I think what I heard is that you didn't have a reply one way or the other? You sent it in, the municipal unit sent it in, and there was no reply, is that correct?

MR. WITHROW: Yes, our municipal CAO is here to answer those questions as well.

MR. BOUDREAU: And then I believe when Graham asked you a question about whether your association will be providing some information, you indicated that would be included in their proposal?

MR. WITHROW: Yes.

MR. BOUDREAU: I just want to make sure, the municipal unit is approaching Municipal Affairs, I would suggest, so why would your building association have the material from the municipality?

MR. WITHROW: What do you mean by the material?

MR. BOUDREAU: The letters that your CAO wrote.

MR. WITHROW: Yes.

MR. BOUDREAU: Are they going to be provided to the committee by your association?

MR. WITHROW: I don't believe so, no.

MR. BOUDREAU: Could you provide that information to the committee?

MR. WITHROW: The letters that my . . .

MR. BOUDREAU: From you municipal unit, yes, from your CAO or . . .

MR. WITHROW: Yes.

MR. BOUDREAU: Yes, could you provide that to this committee?

MR. WITHROW: Yes.

MR. BOUDREAU: Thank you. Now I just want to understand this, Section 28 of Chapter 172 revised, on the last page, Page 28, is that basically why you are putting your presentation in here this evening, about this issue?

MR. WITHROW: Section 28 of the Act, is that what you are asking, sir?

MR. BOUDREAU: Yes, Section 28(1):

"Every architect, designer or owner shall, prior to the commencement of construction of a building or renovations to an existing building, submit the building plans and specifications to the Office of the Fire Marshal for plan examination and approval."

MR. STEELE: Just a second, if I may, just so there is no confusion, Brian is referring to Section 28 of the existing Act, the Act that exists today. I can give you my copy.

MR. BOUDREAU: Is that the paragraph you are talking about, is that basically what the problem is?

MR. WITHROW: Is that the problem right now?

MR. BOUDREAU: Yes.

MR. WITHROW: No. I do not have any problem with the Fire Marshal's Office right now reviewing drawings. Basically, the way the system is set up now the owners send the drawings down to the Fire Marshal's Office and they have two full-time staff there to review the drawings and issue back a letter to the owners. We in the municipality, I don't hold up a

permit waiting for a letter from the Fire Marshal's Office because it has been noted that they are so backlogged on reviewing plans that they cannot get out letters in time to comply with this section in the previous Act. Basically what takes place is, we require on our permits that all owners are required to comply with this section of the Act and submit their plans to the Fire Marshal's Office and then they send out a letter to the owner and send a copy of that letter to me. That is not a problem right now, reviewing the plans, no.

MR. BOUDREAU: Does the building inspector in your municipal unit or right across the province have the ability to inspect these plans that the fire marshal usually inspects?

MR. WITHROW: Yes, that is what they are trained to do.

MR. BOUDREAU: So you would have the training ability to review and in fact I would suggest you have the same qualifications as the officials at the Fire Marshal's Office, is that correct?

MR. WITHROW: The two plan examiners in the Fire Marshal's Office, yes.

MR. BOUDREAU: So do you really feel there is a requirement for these to go through the fire marshal or can it be done locally, at the municipal unit, through the building inspector?

MR. WITHROW: It can be done locally through the municipal building inspector. The requirement in your Act, or it will come out in your regulations is, I assume, they will dictate what buildings they want to do their plan review on. Originally it was all the B occupancies, hospitals, nursing homes, jails, et cetera, high hazard. Everything else they wanted to leave back with the municipal units where it belonged. What is the sense of having two levels doing the same job? I definitely agree with that.

MR. BOUDREAU: So you feel at the local level that is far enough. You don't see the upper layer as being necessary, is that correct?

MR. WITHROW: That is correct.

MR. BOUDREAU: Thank you.

MR. CHAIRMAN: Brooke Taylor.

MR. BROOKE TAYLOR: Mannie, thanks for your presentation. During the course of your presentation my ears perked up a little when you mentioned sprinklers, sprinkling buildings and so on and so forth. We had a situation over in the Musquodoboit Valley where a farming family had designed - with a professional architect - a building that was over a certain number of square feet and consequently, they were required to install a sprinkler

system in the building. I guess everybody knows it was a dairy barn and the main occupants, of course, are cattle. Conversely and quite ironically, we have many senior citizen's homes throughout the municipality and Nova Scotia, some two and three levels, with no sprinkler systems. Maybe this is more appropriately directed to the fire marshal, I am just wondering whether or not that is the National Building Code, the Provincial Building Code, or the Fire Safety Code? To me, it doesn't seem rational that the farming community must either redesign to come in under 10,000 square feet, or else put in these expensive sprinkler systems. I don't know if that has been the experience in Colchester County, maybe there is room for common sense in Colchester County, I don't know, but over in the Halifax Regional Municipality, I know two farming families who had to deal with that serious and expensive concern.

MR. WITHROW: There are no cattle barns in Colchester County that are sprinkled, I can tell you that, that is crazy, but anyway . . .

MR. CHAIRMAN: The Fire Marshal's Office is represented. Do you have any comment on that, Mr. Orr?

MR. ORR: I don't understand that, I heard rumors of that going on or heard discussion about that particular incident but I can't really comment on that. However, the sprinkler Act we did have in our province used to address that problem but it is now under the Building Code and the building inspectors look after the sprinkler end of it. There is a certain amount of criteria that comes into play as far as sprinklers go, the size of the building, whether it is combustible material, the height of the building, occupancy load and things of that nature.

Also in fairness to your question of a barn, as I say, I don't know how that came about. There is a Farm Act for farm buildings, separate from the Building Code, so I really can't comment on that aspect of it. However, in all fairness to what Mannie Withrow has been saying, I think under the regulations, what is perceived with the plans is to put the onus on the architects and engineers. It is not up to the fire inspectors or the building inspectors to be designing or telling architects or engineers how to design a building. The plans come into our office and our plan examiners look the plans over and say you can't do this and can't do that and then the plans go back. At present there are a lot of plans going in.

It is my understanding that under this new Act, the onus will be put on the architects and engineers and then the building inspectors can certainly look at the plans from their own areas.

MR. TAYLOR: Mr. Chairman, I am as confused now as when I originally asked the question. I remember quite vividly dealing with Mr. Cormier, the Fire Marshal of the Province of Nova Scotia, regarding this concern and it was the Fire Marshal's Office that gave the farmers the hard time. It wasn't the architect who designed it calling for sprinkler systems,

the architects designed it without sprinkler systems and the plans were submitted to the Fire Marshal's Office and the sprinkler system was required unless it was downsized. I guess what I am asking is, do you believe, Mr. Deputy Minister, that there should be some distinction made between agricultural use and residential use? At present, I don't believe there is, now I could be wrong.

MR. ORR: I think there should be, definitely yes. It was my understanding there was a code for farm buildings, animals and livestock.

MR. TAYLOR: Thank you.

MR. CHAIRMAN: Would that not be between the insurance company and owner of the building? It would seem to me that a sprinkler system in a barn would be a matter of financial loss rather than safety from the standpoint of humans.

MR. WITHROW: A farm building has low human occupancy so there is a Farm Building Code. The sprinkler regulations have been adopted in the Nova Scotia Building Code regulations and nowhere does it state in here that farm buildings are to be sprinkled. As Mr. Taylor said, when the Fire Marshal's Office calls and wants sprinklers in a farm building, it becomes that same criteria again, the building inspector does his job and says no, it is not in the regulations here but the Fire Marshal's Office must deem it some sort of risk.

MR. TAYLOR: Mr. Chairman, it exceeded the threshold relative to the number of square feet. As soon as you go over that - and I think the milkhouse subsequently was downsized in this case. I think also in Cumberland County there was a situation with a cold storage where there were no occupants, I guess from time to time somebody would go in and out, there was a requirement too for sprinklers. I wasn't really involved in that but I did hear about that.

MR. ORR: That is addressed under that Act. However in all fairness, if you think back a number of years ago, McCain's lost millions of dollars because their large freezer building caught fire and that was due to the motors in the freezers that caused that.

MR. TAYLOR: No lives were lost, I don't believe.

MR. ORR: No, but millions of dollars in property. Sprinkler systems are designed . . .

MR. TAYLOR: I think myself, with all respect, we should focus on fire safety, I have no difficulty with that. Primarily, my concern is with human beings.

MR. CHAIRMAN: Kerry.

MR. MORASH: This is a very interesting discussion. Thank you very much, I appreciate the comments that have been made. I was wondering if perhaps you could give me some background or perhaps some information from a building inspector's view, we won't talk about barns, but some other building that needs to be sprinkled? What is the process you need to go through, if you could help me understand, we have already determined that we have to sprinkle the building, I guess I am wondering the design of the sprinkler system, the capacity, the occupancy, the installation and the final inspection, how you go about that? If you could give me any information on that it would be very helpful.

MR. WITHROW: Basically what would take place is an applicant would apply to build a new building and I will give you the example of an industrial building because there are a lot of industrial storage buildings out in the counties, where you guys are going. Under the Nova Scotia Building Code regulations it adopts the sprinkler rates for an industrial building. The first step you have to do is classify whether it is low, medium, or high hazard. As soon as you classify it you go to the tables in the regulations and if it is more than 15,000 square feet in one storey, it is sprinkled, no ifs, buts, or maybes; 15,000 square feet, one storey, F occupancy needs to be sprinkled.

From that stage on when the plans are submitted, if they didn't have sprinklers included, you would send them back to the drawing board to submit a set of sprinkler drawings. Of course, they would be engineer designed, according to the Building Code. They submit to me a set of engineered, sprinkler drawings and at that stage a letter of undertaking is required by the engineer who designed the system to also come in and certify the installation of the system. So we issue our permits, we have the engineers as per provincial regulations, sign out letters of undertaking for design and inspection, stating they will come in and also inspect the system on completion of the building.

The building inspector's job is to make sure they are done as per the drawings, to make sure they have them in the proper spots as per drawings, et cetera, and when the building is finalized, the system is tested and certified, all of those documents are returned to the building inspector's department before an occupancy permit is issued. At that stage everything is installed properly, certified by the people who designed the system and it is also tested. Under the current regulations they have to test them annually.

MR. MORASH: So there is a professional engineer and architect who design, they oversee or inspect the installation to make sure they have the coverage they need and they would be there for a final test, or somebody would be there to give a final inspection and give the paperwork over to you to make sure everything was as it needed to be. Now a kind of an odd question, can anyone install the sprinkler system?

MR. WITHROW: No, you have to be a certified installer, it is a prerequisite. There are joints which are either screwed joints or welded and things like that. It is quite a detailed operation they have to follow, as well.

MR. CHAIRMAN: Perhaps if I might ask one question. Do you see building inspectors and fire inspectors being the same person in municipalities?

MR. WITHROW: I think it is going to end up that way because of financial restraints being put on the municipalities. Most of them will dump it onto the building inspector as another level of responsibility.

MR. CHAIRMAN: Do you see that as alleviating some of the problems you brought forth tonight, if they were the same person?

MR. WITHROW: According to your Act, the way it is written now, that is the way you have it set up, other than there are a number of areas in there I have already identified where there are other hands in the pie. Again, the County of Colchester's CAO will speak from their point of view on the municipality but the building inspector, in most cases, I would see as the local fire inspector, as well.

MR. CHAIRMAN: Thank you.

Russell MacKinnon.

MR. RUSSELL MACKINNON: Mr. Chairman I have one short snapper for our deputy fire marshal. I was a little concerned with your comments alluding to the heavy workload of your planning inspection. Is there a shortage of staff in the Fire Marshal's Office presently?

MR. ORR: There is a shortage of staff to what was there. At this time we are short one deputy, that is for sure.

MR. MACKINNON: You are short on staff?

MR. ORR: Yes.

MR. MACKINNON: Okay, thank you very much.

MR. CHAIRMAN: The member who came in from Halifax is with us now, Mrs. Baillie, we are glad to see she got here safely.

The next presenter is Gary MacIsaac, Chief Administrative Officer for the Municipality of the County of Colchester.

MR. GARY MACISAAC: Mr. Chairman, committee members, my name is Gary MacIsaac and I am the Chief Administrative Officer for the Municipality of the County of Colchester. I am speaking on behalf of the municipality this evening. Thank you for providing

a forum this evening to express our views on Bill No. 58, it is a formidable piece of legislation which discusses a number of related but different functions.

County council has previously registered concerns about certain parts of Bill No. 58 with the minister back in September 2000. Mr. Withrow offered a scenario earlier this evening in his presentation where he registered concerns about the building inspector being on this side of the fence and the Fire Marshal's Office being on the other side of the fence. County Council's concern is about the man, woman, or company who is in the middle, who has constructed a building, or has a fire prevention issue. That is where council's concerns lie from a customer point of view.

The municipality understands that the province, through the fire marshal, has an important role to play in establishing regulations. We understand there must be uniformed regulations across the province. Further, we understand the fire marshal has an important role to play in other functions like investigation. However, we are of the belief that the legislation goes too far and that the fire marshal is unnecessarily involved in program delivery at the local level.

It appears inevitable that we will be required to deliver fire safety inspections at the municipal level. While we don't relish the idea of greater staff resources and associated costs - I must point out that council does not relish that idea - we do understand that there is a rational argument, that the inspection function should be done at a local level. Council's single, biggest concern centres around duplication of services in a convoluted regulatory structure.

[8:00 p.m.]

I have seen a couple of presentations regarding this new legislation with comparisons about what was required of municipalities in the past versus today. Let us set this aside for now. Bill No. 58 is about what will happen in the future. Therefore, we must set up the best possible structure in order to deliver these services.

Our municipality believes that the relationship between provincial and municipal governments is complex enough at the best of times. When we have an opportunity to look at delivery of services, there must be a clear definition of which level of government is responsible for delivering the service. Bill No. 58, in our view, further entangles the fire inspection function. If our municipality is responsible for delivering a service, then the Fire Marshal's Office should be removed from the delivery function.

As the legislation currently reads, the fire marshal, deputy fire marshal, fire inspector and local building inspector have a responsibility for inspection. This will inevitably lead to a difference in interpretation. When this occurs, the Act uses words like "consultation" and

"review" between the fire official and the building inspector. There is no time requirement set out in the Act, and it seems to me that this is complicating the situation.

Can you imagine the frustration of someone constructing a new building who gets different interpretations on the same building? To make matters worse, the individual must sit and wait while the two levels of government sort out their differences. In my view, this violates the principles of clear accountability and further muddies the waters for those in need of inspection services.

I must also comment that the existing legislation seems to take a paternalistic approach to the municipal inspection function. Ultimate authority still rests with the fire marshal, who is the final authority throughout the bill. For example, the building inspector is authorized, in one section, to issue a remediation order, subject to checks and balances, in the event that there is a fire risk which poses a threat to life. If this order is not complied with, the building inspector can have the work done and bill the owner. However, if the cost of the work is greater than \$1,000, he must receive approval from not only the municipality but also the fire marshal. This, to me, seems to contradict the original intention, which was to fix an immediate threat to public safety.

In conclusion, I must state that the municipality has reservations about the legislation in its present form. If we are going to deliver and pay for the service at a local level, then the fire marshal should not be involved in service delivery with the duplication and inefficiencies that result. Our municipality has competent building inspectors, and we invest significant funds in training and development each year. We are confident that the service will be delivered locally in a professional, competent and uniform manner. Thank you for the opportunity to present these views this evening.

MR. CHAIRMAN: Thank you very much. Mr. Boudreau.

MR. BOUDREAU: Mr. Chairman, the previous presenter indicated that the municipality, prior to this evening, attempted to have an input, and in fact he indicated that perhaps they were having difficulty getting input. Is that true?

MR. GARY MACISAAC: Mr. Boudreau and Mr. Chairman, through you, I do have a letter on file that the municipality wrote. If you like, I can read that, or if not I can table it. I would like to go back, before I completely answer your question, and do a complete file review to see what response we got. I just pulled this original letter today, that we wrote last year. We did register similar concerns last year. I can read that letter, if you would like.

MR. CHAIRMAN: Perhaps that would be appropriate.

MR. GARY MACISAAC: It is dated September 12, 2000, to:

"Honourable Angus MacIsaac, Minister

Department of Labour

PO Box 697."

"Dear Mr. Minister:

Re: Bill No. 58 An Act to Promote and Encourage Fire Safety - 'Fire Safety Act'

Council for the Municipality of the County of Colchester has reviewed the proposed legislation and does not support the adoption of Bill No. 58 in its present form for the following reasons:

1. The Municipality has been responsible for the administration and enforcement of the Building Code Act from its adoption in 1987 to present, and as indicated in Bill No. 58, the Province wants to be responsible for the administration and enforcement of the Building Code. Council does not support Provincial involvement which will create unnecessary duplication, confusion and time delays in the administration and enforcement of the Building Code Act.
2. We support the adoption of a Fire Code, nevertheless, with one level of government being responsible for its administration and enforcement. We do not support two levels of government being involved in this proposed bill.
3. We encourage the province to provide leadership, advice in assistance, training and certification of those municipal employees (fire inspectors) comparable to the relationship between the Building Code Act and the Municipal Building inspectors.
4. Considering this legislation without the regulations made public for review it is very difficult to see the final out come of this proposed Act and how it will affect municipalities. Therefore, our Council would encourage the revised Bill to be circulated with the regulations in advance of its second reading.

We appreciate the opportunity to review this Bill and look forward to these comments being reflected in the new draft of this legislation.

Yours truly,

Mike Smith, Warden

cc: UNSM"

As I said, I did not do a file search, so I don't know what the reply was to this correspondence.

MR. CHAIRMAN: You are going to table that. Yes, thank you.

MR. BOUDREAU: Could I ask the date of the letter, please?

MR. GARY MACISAAC: September 12, 2000.

MR. BOUDREAU: Are there other letters, prior?

MR. GARY MACISAAC: I would have to do a complete search. I am not sure.

MR. BOUDREAU: Would you undertake to provide a copy of the file to the committee?

MR. GARY MACISAAC: Yes, sir.

MR. BOUDREAU: Thank you. Just on the downloading issue, if there is in fact any downloading - I am not suggesting that there is but we never know what happens in Halifax, from time to time - do you feel that this should come with a price tag for the provincial government in the way of training, providing training to the building inspectors? The cost of the training, should that be paid for by the province, if in fact the building inspector, who is an employee of the municipality, requires any further training? It should be paid for by the province, is that the message I am getting?

MR. GARY MACISAAC: Mr. Chairman, we need to try to be consistent in what we are asking here this evening. We are suggesting that we are not crazy about getting that particular portion of the service. Having said that, we understand that if we are going to get it, it is going to be our responsibility to deliver it. In the same way that we provide training for our building inspectors for the Building Code, we will be providing training and making sure it is provided at some level. If there is funding assistance there, of course I am sure that council would welcome that, but we understand that if there is going to be a division of responsibility ultimately it will be our responsibility to provide training, and the municipality will have to do that.

MR. BOUDREAU: Mr. Chairman, just one last question. Has your municipal unit approached the UNSM with this issue?

MR. GARY MACISAAC: The particular letter I just read was copied to the Union of Nova Scotia Municipalities.

MR. BOUDREAU: But, to your knowledge, is it on the agenda? I know there is a UNSM meeting, I believe it is in Sydney, later on this month. Is this issue in fact on the agenda for that annual meeting, do you know?

MR. GARY MACISAAC: I have seen correspondence from the president, I believe this year, on the matter, but I can't tell you whether it is on the agenda in Sydney. The only resolutions I looked up today were the ones we had submitted.

MR. BOUDREAU: Thank you.

MR. GRAHAM STEELE: I would like to pursue this idea of downloading. I assume the municipality has taken a pretty close look at Bill No. 58, and maybe the best way for me to ask the question is, if Bill No. 58 is enacted in its present form, does the municipality have any estimate of whether there would be additional costs imposed on the municipality, and if so, how much?

MR. GARY MACISAAC: When we set our budget this year for our building inspection department, we usually plan for the worst. What we did at that point in time is we assumed that on April 1st this legislation would be in place. In lieu of that, not knowing, in particular, the details of what it would cost, we budgeted \$30,000. If my recollection serves me right, council has to make the final decision, staff recommendation will be that this service not be contracted out, that it will be our building inspection officials who do it. Some of the funding that I mentioned earlier will be to backfill some of their other duties. It would be them as opposed to new staff coming in who would do it, our trained people. As well, I believe that we put an allotment of funds in there for legal matters, because, once again, we are opening up liability issues. Whether \$30,000 is the number, I can't really tell you because it didn't happen this year, but our budget was increased by that amount.

MR. STEELE: To put that in context, how would that compare to the overall building inspection budget? What percentage would that be, roughly?

MR. GARY MACISAAC: I am hearing 20 per cent. We have two staff right now.

MR. STEELE: And \$30,000 would represent approximately a 20 per cent increase in the building inspection budget. Thank you.

MR. CHAIRMAN: Mr. MacKinnon.

MR. MACKINNON: Mr. Chairman, my first question is, you say it represents 30 per cent of your budget, how many building inspections are done a year, in your municipality?

MR. GARY MACISAAC: 1,500.

MR. MACKINNON: The previous speaker indicated that he was in favour of building inspectors taking over the job description of the fire inspectors. Essentially, you support that, then; is that correct?

MR. GARY MACISAAC: The municipal council will make the final decision.

MR. MACKINNON: But, certainly as a policy adviser, they would have to take some advice from someone like yourself; am I correct?

MR. GARY MACISAAC: That is correct.

MR. MACKINNON: What is your position? What would your advice be?

MR. GARY MACISAAC: My advice to my council would be that we not contract the service out.

MR. MACKINNON: No, no, I am not talking about contracting out or in or up or down, it is on the issue that was made by the previous presenter, that he supports the idea of the building inspector taking on the role of fire inspector.

MR. GARY MACISAAC: Our view at the municipal . . .

MR. MACKINNON: The duplication between the two services.

MR. GARY MACISAAC: My understanding, Mr. Chairman, is that council is not particularly pleased about having received the additional service. That having been said, our issue is to ask what is the best way to deliver it if we are going to receive it. My recommendation to council would be that it is the building inspectors who provide that function in our municipality. Fortunately, they tend to agree with us on that. Our council will have to make the final decision. Our recommendation at this stage would be that the building inspectors do it, and that is why we upped their budget.

MR. MACKINNON: I want to be clear. You support that initiative that the province is attempting to achieve by having the municipality take on this responsibility.

MR. GARY MACISAAC: No. What council's position is . . .

MR. MACKINNON: Wait now. If I could, I know I sounded a little anxious there but I want to be right to the point. What you are saying seems to be two different things, correct me if I am wrong. On one hand you are saying you support the building inspector taking on the role of the fire inspector, and you are recommending that to your council; on the other hand you are saying that the province shouldn't download that. Which is it?

MR. GARY MACISAAC: I am saying, what council is saying is that they don't want the downloading. If it is going to happen, then what is the best way to deliver the service? That is our function. If, in fact, we are going to receive the service, which council has indicated they are not crazy about receiving, if we are going to receive it, then what is the best way. In my view, we have a couple of options. The option I will recommend to council is that it be tasked to the building inspection department.

MR. MACKINNON: Mr. Chairman, if I could, two more questions.

MR. CHAIRMAN: Could I just interject? In my mind, I was under the impression that municipalities were responsible for fire inspections since the 1970's. Is that not right?

MR. GARY MACISAAC: In the current Act, I believe there have been 8 out of 55, I am not sure of the exact number, very few of them have actually been doing it.

MR. CHAIRMAN: I think it is there, is it not, that the municipalities are responsible. I guess that is where I would question, is there downloading?

MR. GARY MACISAAC: I think the reality is, with the new bill, the pressure is going to be on municipalities to do it, and that there is no getting away from it at this point.

MR. CHAIRMAN: To clarify the point, municipalities were supposed to be doing it since the early 1970's, were they not?

MR. GARY MACISAAC: Your current Act has a requirement for municipalities to do it. I would suggest to you the function has been done in different ways in different municipalities, that the province has played a role in the delivery of the service. I think it may be conflicting and maybe mixed messages have been sent.

MR. BOUDREAU: Just on a point of order, Mr. Chairman, if I may. I believe the previous presenter, his opinion was that combining the permit process would be beneficial. In fact, at least I didn't hear anything about inspections.

MR. CHAIRMAN: That was just a point. Mr. MacKinnon.

MR. MACKINNON: Mr. Chairman, first of all, I don't see anything, and I appreciate what you are saying, Mr. [Gary] MacIsaac, in terms of concern about downloading of costs. I believe that certainly would be determined as part of a budgetary process. It would really be inconclusive to state, albeit history has never been on the side of municipalities from what I have seen in certain circumstances, particularly on the issue of exchange of services, if I could be so bold to state, but the Act itself doesn't speak to actual movement of dollars on budgetary process, does it?

MR. GARY MACISAAC: No, sir.

MR. MACKINNON: And you are familiar, undoubtedly, with the roles and responsibilities process.

MR. GARY MACISAAC: Very familiar. Yes, sir.

MR. MACKINNON: The issue in terms of this additional cost, that could very well be addressed in the next upcoming budget, if the bill were enacted.

MR. GARY MACISAAC: I would be very glad to receive that news, if that were the case, that something was going to be offset . . .

MR. MACKINNON: I am sure all my Tory colleagues on this committee would support that.

MR. GARY MACISAAC: Mr. Chairman, I guess our understanding is that . . .

MR. MACKINNON: I couldn't let one meeting go by without making a political observation.

MR. GARY MACISAAC: And, of course, I wouldn't want to go down the political road, sir, so our point is if we have to deliver the service, it will cost money. If you ask our taxpayers, it is \$30,000 more in the budget to deliver services than there was last year. That is subject, I guess, to interpretation of whether or not that is a download.

MR. CHAIRMAN: Mr. Morash.

MR. MORASH: I would like to get something cleared up for my sake. I have the existing Act in front of me, and if I could just read the system of inspection, Section 19(1):

"It shall be the duty of the council of every city, town and municipality to provide for a regular system of inspection of buildings and premises situate within the city, town or municipality, and every such council may authorize other persons, in addition to the local assistant, to exercise some or all of the powers conferred by Section 16 and 17 upon the Fire Marshal, such system of inspection shall provide for the inspection at least once in every four months of all hotels, theatres, cinematographs, skating rinks, dance halls, and every other building used as a place of public resort or amusement."

I know we have had some discussion with the fire marshal, and his interpretation is that municipalities are responsible for these inspections now. As I read that, that to me is the language that holds us for that. Aren't liability concerns greater if we are not doing fire

inspections now than they would be? We do have it in the Act now and the Fire Marshal's Office may be able to clarify it for me but it seems like they are needed now, according to law. As we have heard, some municipalities aren't doing them or are doing them differently. If it is the law, don't we need to abide by it now anyway?

MR. GARY MACISAAC: The view of our municipality, respecting this legislation, is there is no arguing that there is not a need for fire inspection to be done. That is not what the municipality is arguing. We are arguing, what is the best way to deliver the service. We are saying, if the best way to deliver the service ends up at a local level, and that is what is determined to be the best way to deliver the service, then it should be delivered at the local level. As it stands right now, it will be delivered at the local level, there is an appeal mechanism to the fire marshal, there are a couple of different organizations delivering the service, in our view, at the local level under your current legislation.

We are not arguing the point that it should be delivered. Our council understands that. The service will be delivered. The question is, how is it best delivered, and what is the appropriate division between levels of government?

MR. MORASH: I am looking at Bill No. 58. If Bill No. 58 weren't to come in for a period of time, your council would still have to look at some type of fire inspection system to comply with the existing Act?

MR. GARY MACISAAC: Yes, although it is interesting that I don't know the number of municipalities that have actually been doing it. I know Queens has done it. HRM, CBRM come to mind. It has largely not been followed by municipalities. The issue would still be out there. I would suggest to you that there must be ambiguity in some ways. Bill No. 58 will clear that up and it will be done by one level of government. We are just suggesting that it should be done by both levels, the actual service delivery.

MR. CHAIRMAN: Okay, thank you. Brooke.

MR. TAYLOR: Just one quick question, Gary. Do you recall how many volunteer fire departments, brigades are in Colchester County?

MR. GARY MACISAAC: I would say 17. I could be corrected; 17, yes.

MR. CHAIRMAN: Ronnie.

MR. RONALD CHISHOLM: Just a quick question for Gary on the issue of, who does he feel is the best one to be involved with the fire inspection, should it be the province, the Fire Marshal's Office or the municipalities?

MR. GARY MACISAAC: When it was looked at, through roles and responsibilities - and roles and responsibilities can be a difficult term for some folks - they tried to look at, what is the function that should be delivered by each level of government? I guess it is our view that in the overall scheme, if our building inspectors are involved in building inspection, then it does seem to make sense that the fire inspection be done locally. We would see it as a local issue, if it is a provision of a local service. We do understand that the role of the province is to ensure uniformity across the province to their legislation.

MR. RONALD CHISHOLM: There is, right.

MR. GARY MACISAAC: But our issue, particularly tonight, is that if this service is going to be delivered locally, we don't want to be encumbered by another level of government involved there.

MR. RONALD CHISHOLM: I guess I have to go back a number of years when I was on council for 11 years in Guysborough County and St. Mary's, and from day one that I was involved with UNSM or any of the municipalities, you know, the roles and responsibilities was a major issue. I don't know how many meetings that I have gone to that - resolution after resolution - the municipalities wanted to pay for property services and let the province pay for people services. I would just like to know what you would consider fire inspection is, a property service or a people service?

MR. GARY MACISAAC: I find that very interesting. I was in Sydney in 1989 when, I think, that first resolution. . .

MR. RONALD CHISHOLM: That was the first one that I was at too. I remember that. I recall that.

MR. GARY MACISAAC: . . . came forward and there was a lot of debate on it. I see that, through roles and responsibilities, the property versus people tended to get dropped as part of broad principles and what they adopted at roles and responsibilities was the local versus general. Now, you could argue the whole local versus general as well.

MR. RONALD CHISHOLM: Yes.

MR. GARY MACISAAC: Coming back to your specific question, is it a property service or is it a people service, the inspection of a building? I tend to say property, if asked philosophically. I think you can argue almost any service on one side or the other and that is what happened with people versus property.

MR. RONALD CHISHOLM: The cost of Community Services was taken over by the province a few years ago and there are still other issues as well. I guess the fire inspection is one. I think, probably, in my mind, I guess, fire inspection to me would be a property service

that would be the responsibility of the municipality, for training. But I can see what you are saying, if you are going to be responsible for it, you should be responsible for it.

MR. GARY MACISAAC: That is the position, that if we are going to have to deliver the service - right now, we find it confusing in the way that the bill is setting out - there seem to be roles at both levels of government in the delivery. If we are going to be tasked with delivering we would like it to be more clear.

MR. RONALD CHISHOLM: I think, in all fairness to a lot of the municipalities, shared building inspection. I know in Guysborough County, there is one building inspector for three municipal units. Definitely, there is going to be extra training if that is the route they decide to go.

MR. GARY MACISAAC: I think it will be much more difficult for other municipalities than us, as you say, where they have big geographic areas and they have lower population levels and, therefore, less inspections.

MR. CHAIRMAN: Thank you very much. Do we have any other presenters, anyone that would like to make comment? As I said, it doesn't necessarily have to be written. It can be short, it can be comments regarding the Fire Service Act, whatever you would like to share with us.

MR. STEELE: It is not very often you get a chance to tell eight MLAs whatever you want, about fire safety. (Laughter)

MR. CHAIRMAN: Having none coming forward, I would ask that the local MLA, Brooke Taylor, would conclude our meeting.

MR. TAYLOR: Thank you very much, Mr. Chairman. On behalf of the Select Committee on Fire Safety, I would like to thank everybody for coming out this evening. I would like to thank our presenters, of course, Mannie Withrow and Gary MacIsaac.

We also have a number of local county dignitaries here this evening with us: Councillors Bob Taylor, Deputy Mayor Hugh Matheson and Earl MacKenna, Councillor. Thank you for coming out. I know there are a lot of volunteer firefighters there. I see Ronnie Wolfe back there. He used to sell me a few truck parts to keep some of those old rigs going up and down the road. Thanks very much for coming out.

I would just like to point out to my colleagues in the House that the Salmon River Fire Brigade certainly provides a very good service to its citizens and the businesses in this area. It is a very active fire brigade. They train hard, they have invested a lot in equipment, they hold several fundraisers through the year. If you are ever up this way, especially during the spring time, pancakes and maple syrup are first rate, certainly rival some of the pancake

suppers in Cumberland County and Cumberland County likes to think they are famous. We don't want to hear anything from Guysborough or Cape Breton or down in the Valley, or Halifax and Queens. (Laughter)

Thanks a lot, folks, for coming out and thanks to the staff that is also out working with the committee.

We were joined, I should point out - I'm not sure, Mr. Chairman, if we introduced our very capable member for Pictou West. That is Muriel and she likes to be called "Fluff", Muriel "Fluff" Baillie. Thanks very much and good evening.

MR. CHAIRMAN: Thank you.

[The committee adjourned at 8:29 p.m.]

SPRINGHILL, WEDNESDAY, OCTOBER 3, 2001
SELECT COMMITTEE ON FIRE SAFETY

7:00 P.M.

CHAIRMAN

Mr. Jon Carey

MR. CHAIRMAN: Good evening. My name is Jon Carey. I am from Kings West and am Chairman of this Fire Safety Committee. It is an all-Party committee and perhaps we can start with introductions, starting with Brian.

[The committee members introduced themselves.]

MR. CHAIRMAN: This is our fifth meeting. At the previous ones we have taken a moment to recognize the loss of the 300 firefighters in the U.S. and to sort of reconfirm the commitment we know that firefighters make every day all around the world. So perhaps we could just take a few moments at this time, in silence.

[One minute of silence was observed.]

MR. CHAIRMAN: Thank you very much.

Welcome to this meeting of the Select Committee on Fire Safety. The select committee is an all-Party committee. We have been charged with the responsibility of making recommendations to the House of Assembly on a new law for fire safety.

We are reviewing proposed changes to the Fire Prevention Act which are contained in Bill No. 58. Bill No. 58 was introduced in the House of Assembly in June 2000. Now the government wants to widen its base of comments from the public and complete the legislation. We are also meeting with Nova Scotians. We would like to hear from the public, as well as people who will be directly affected by the new law, such as insurance companies, and other businesses, municipalities and the fire service. We are meeting in nine communities across the province and this is our fifth meeting.

The input we gather will give us the best possible fire protection legislation for Nova Scotia. The new law will take into account changes in municipalities in the last couple of years. A law can last for years so it is important to get things right from the beginning. Once we have collected and reviewed all submissions, we will make recommendations in a report to the House of Assembly.

Bill No. 58 sets up a framework for fire safety. It assigns responsibilities to individuals and organizations that work to prevent fires, people who fight fires, companies and individuals who own land, insurers, municipalities and provincial government officials like the fire marshal. The bill also sets up an advisory council to advise the Minister of Environment and Labour on matters related to fire safety.

Bulleted details on Bill No. 58:

- written with the intention that it would completely replace the Fire Prevention Act that is now in effect in Nova Scotia
- directs what individuals and organizations in the province must do to prevent fires and how they must act once a fire has occurred
- provides direction for making sure the Fire Marshal's Office has representation in each municipality, important for educating people on how to prevent fires
- helps the fire marshal determine what caused fires. This is important for insurance and crime prevention reasons
- assigns roles to people who are responsible for preventing fires, for putting them out, for reporting fires and for investigating them, the Fire Marshal's Office and the municipalities.
- assigns responsibilities to people or organizations that own land or businesses. These people have certain responsibilities for preventing fires and for reporting fires that do take place. Insurance companies also have responsibilities assigned by the law
- forbids certain activities. For example, if this bill becomes law, it would be against the law to give false information to a fire official investigating a fire or to tamper with a device that would help people escape a burning building
- discusses what regulations the government can write to further protect Nova Scotians from fire and to reduce the harm of fire
- establishes a fire safety advisory council to advise the Minister of Environment and Labour on matters of fire safety.

So this evening we are looking for presentations. They may be written or verbal. If you have any comments that you feel you would like your elected officials to know and to take back to Halifax, we certainly are anxious to hear them. It doesn't have to be a long presentation. Whatever your comments might be concerning the fire safety or involving fire departments in the province, we are interested in your concerns.

At the present time, we have one presenter registered and it is Tom Bremner, so if Tom would come to the microphone. These proceedings are recorded so that we can get the information correctly written, so if you would give your name and position and go from there.

MR. TOM BREMNER: Thank you, Mr. Chairman. I am Tom Bremner, Fire Chief for the Town of Amherst, also 1st Vice-President of the Fire Officers Association of Nova Scotia.

Committee members, fellow firefighters and public, thank you for the opportunity to address you this evening. The Fire Safety Bill. Most of this, the committee and the chairman have heard before, I am sure, in travelling around. It has been moving for years and years across this province and I had the pleasure, when it was first being put together, to attend several meetings and travel the province. At this point, I will speak both from the town aspect and the fire services I represented through the fire officers, who were ready for the new Act.

The Fire Safety Bill that is being presented is, in the opinion of myself and many others in this service for a number of years, the best we can do at this time. We need change. We need to modernize and, as you know, the Fire Prevention Act that is presently in place is a very old Act. It needs to have backbone. As a fire chief in a progressive town, I have many challenges day after day that need to have some meat and potatoes behind them so we can deal with the issues that are out there - complexes that are not safe, buildings. As I said, there are so many issues but to go to the Fire Prevention Act that is in place now, compared to what could be in place, is a whole different world. We need this bill passed.

If there is any confusion of what is being labeled as some separation between building inspectors and fire inspectors, we need to stop that. We need to work united in the cause. If there is any misunderstanding by either side, the fire inspectors will be hired down the road. Fire inspectors are in place now. There are great numbers of building inspectors in the province but it seems, in my opinion, there has been a loss. We are not trying to push anybody aside. There is no intention of that. It is to unite, to stay in each other's pockets so we have the safety of the public at hand.

I work closely with the building inspector in the Town of Amherst, and most of the time it is issues that are brought to his attention that end up on my table and I have to act on them because they are more fire safety issues than they are building safety issues as a Building Code. But I need something to back me and that is what this bill would do; it would bring forth modernization and a clear understanding of responsibilities and I think to back up a little

bit, the roles and responsibilities committee of the province should be looking at those details instead of any misunderstanding of the Act overlapping in anybody's yard or territory, that committee could bring forward the actual direction of what is to be done by each group.

We see so many years go by now that this bill has been sitting around, introduced once, left on the table. I would strongly encourage you to bring this in the fall session. We have lots of turmoil within the fire service. This is one that would be cleared up and meet, with pleasure, the fire service members in majority at this time. We have approximately 8,000 firefighters in this province. We have a right to be protected. We have a right that everyone knows their role - government, Fire Marshal's Office, all the players. It is very key to our future. Change is happening as rapidly as anywhere else in the fire service and we need that direction.

We look at the direction of the fire protection. We know that buildings will be built and they must meet the Building Code. Once that Building Code is met, then it is the responsibility of the fire inspectors or the fire service people in general to make sure they meet and are maintained in the Fire Code. That has to be totally recognized as one of the major stumbling blocks, I believe, and why we are meeting again in this process.

Straightforward. There should be no arguments who does what job. We should be working together and I am sure you have heard this many times in many different communities. I would ask you also to realize that the way I understand it, your committee has one mandate, to go out and learn and understand about the Fire Safety Bill, not about any other turmoil that may be in the fire service in this province, which I mentioned earlier, there are numerous issues. I want to make sure you keep it perfectly clear, we deal with the biggest one, and the biggest one for myself and many of my fellow colleagues is the Fire Safety Bill. Get it through the House. Do it for us and the people who need protection.

We have had a great tragedy in New York that wasn't the result of safety issues in the respect that we are looking at but if we fail to remember that the safety issues are the most important things we are addressing in this bill, then we will not succeed in anything. I would again reiterate that if we drag this on a whole lot longer, we are going to totally frustrate very positive notations that have been made in the bill and very positive personnel that have been involved. Again, if you travel four, five and six years and wait for something to be done, it is exhaustive, it has covered every issue that it can.

May I ask a question?

MR. CHAIRMAN: Go ahead.

MR. BREMNER: When your mandate was put down, were you given a direct set of questions you were to look for besides just the issue of what the public may want to say?

MR. CHAIRMAN: We were to come out and simply gather information. We were given no specifics, although we have discussed the bill with different groups. We met with the fire marshal prior to coming out and were informed of various things and everyone, of course, had the bill presented to them and Greg Clark was in with the advisory council but for specific questions, no.

MR. BREMNER: I think you have got my message. I think it is loud and clear. I wait for some positive movement. As a person who makes my living protecting the public of Nova Scotia in my town and other communities, which I have colleagues here, I again ask you, please take this message back loud and clear. We need this Act. We can deal with other things down the road but if we don't have the Act, what is in place now doesn't define and is not modern, so we need it. Thank you.

MR. CHAIRMAN: Does any member have questions? Russell.

MR. RUSSELL MACKINNON: Not so much a question, Mr. Chairman, as an observation. I want to compliment yourself, Tom. I have had the pleasure of working with you over the years on this particular issue and I know you have put a lot of work into it, your entire team of volunteers and on the advisory council. I concur exactly with the observation you made. I think without belabouring the point, what you have said is self-explanatory.

MR. CHAIRMAN: Graham.

MR. GRAHAM STEELE: Last night in Truro, or actually precisely in Salmon River, we heard a presentation from a building inspector who I don't think would disagree with your observation that the most important thing is to work together. His concern, and I want to try to say it almost exactly the way he said it, was that currently under the Fire Prevention Act there is no confusion about the respective role of the building inspector versus the fire inspector and that he was afraid that the new Act would introduce confusion by not making it clear of the respective roles of the fire inspector and the building inspector. So he was afraid that the new Act would introduce confusion that doesn't currently exist. I wonder if you would care to comment on that.

MR. BREMNER: Well, I find that a bit hard to swallow without knowing exactly where he is coming from on that because he is an active building inspector, I assume, at this point and I have talked to many of them over many years. There has never been, and has not been to me at this point any directive that there is going to be confusion. Common sense plays a large factor and we have a job to do. Both of them are inspection jobs but in my terminology it is clear and simple, when you look in the Building Code, it gives you what the building must meet to be a safe building in today's standards.

Again, to back up to what I said before, once that building is built, then we, as the fire service, maintain and take it from there. I don't think that leads to any confusion. There are

definitely overlapping areas but I just can't imagine any person justifiably causing grief to each other in the areas of overlapping inspections. I don't know where the gentleman would come from. It would be hard to know without talking to him for a certain period of time.

MR. STEELE: One example that he gave was a situation where the building inspector reviews drawings and comes to a certain conclusion under the Building Code about things like sprinkler systems. He said it is not helpful to the building inspector, certainly not to the building owner, if the fire inspector comes in and perhaps draws a different conclusion and issues an order that is different from the order of the building inspector.

This building inspector who spoke to us last night, he thought that an important value here was with certainty that building owners are entitled to a certain amount of certainty so that if they are proposing a new building and they get an order from the building inspector or a decision, an interpretation of the Building Code, they shouldn't expect anyone else to come in and come to a different conclusion. He believed - I hope I am not misunderstanding or misquoting him - that the new Act might introduce precisely that kind of confusion. Does that clarify any better, sir, where he is coming from?

MR. BREMNER: I would deal with that in two phases. One, in my view - and I am sure it is shared by many - is when it is a drawing issue and a building issue, it goes to the building inspector for approval. At that point, if he wants fire participation, he should be requesting it. Otherwise, he approves it as he sees in the Building Code. Once it is an issue of a building is built and you are going to do it, again that is when you work combined, together, which I do in the Town of Amherst on a daily basis in many ways and shapes and forms. They get a call, the building inspectors, they request us to go with them. It is not unusual. Maybe what he is saying is that there is interference from a particular individual.

What is unclear now in the Act is, who is responsible for what, but I don't see it as being unclear in the new bill. It says, I believe, on the very first page, a building inspector is one who follows the National Building Code Act. It doesn't intervene that the fire service takes any part of that.

MR. STEELE: This particular inspector is a member of the Building Officers Association of Nova Scotia and you are an executive member of the Fire Officers Association. Have there been any meetings between the two associations to see if there is a meeting of the minds about issues like this?

MR. BREMNER: I have not participated in any and I am personally not aware. There may have been but I wasn't involved in any at this point. I have heard rumours, like everyone else, that there has been overlapping in certain communities of one trying to do the other's job but that is where it should stop. That should not happen. That is not what the Act is about. The Act is to clear that up and that is the point I want to make. If that gentleman thinks that is happening, I think he would be very well to take in and look at what this Act is

supposed to do. Again, break them apart. This job is that person's job and this person's job is here. Roles and responsibilities, bottom line, nothing else.

Could I ask a question?

MR. STEELE: Oh, please.

MR. BREMNER: Did you hear that in any other communities you visited that there was such a concern?

MR. STEELE: It was the first meeting I attended so I would have to ask other members of the committee.

MR. BREMNER: So it seems to be an isolated question and maybe an isolated situation.

MR. STEELE: I have other questions but I will defer to other members.

MR. CHAIRMAN: We have Fire Marshal Bob Cormier with us tonight. Bob, would you like to make a comment on that? We need as much clarification . . .

MR. ROBERT CORMIER: I think this is a point that is worthwhile making because I am sure you are going to hear it on a number of occasions following your opportunity to meet in the communities. It will either be written submissions or a separate submission. I understand you are meeting with the Building Code Advisory Committee, of which I am a member, on October 17th, so certainly these issues will come forward.

The concept behind plans - and I am starting at the very beginning, before the building is built - examination is that both the fire official and the building official review plans to ensure that the fire safety aspects are met as well as the Building Code requirements are met. The fire safety aspects have as much to do with a lot of things that are of no concern to the building inspector, such things as the ability of the local fire department, the type of occupants that are going to be in that building, the activities that they are going to undertake, items such as that that the fire inspector is supposed to be involved in. The fire inspector is an advisor to the building inspector at that point in time.

At the present time - and this comes previous to 1988 when we had the provincial Building Code Act - all plans outside of single family and two family dwellings are required to be submitted to the Fire Marshal's Office. Plans were also required to be submitted to the building inspector. So, yes, there are times when the building inspector receives plans, the Fire Marshal's Office receives plans and there could be two different opinions on the plans.

Under the proposed Act, the Fire Marshal's Office will no longer have authority to approve building plans. What we will be doing is reviewing those plans that have a direct impact on the province - nursing homes, residential care facilities, things where I have to give approval for them to be used and the manner in which they are used. We will review those if there is a permit taken out for them and the Province of Nova Scotia does not always take out permits on buildings. They are not covered under the Building Code Act. If there is a permit taken out, the Act says I must advise the building inspector of our information and what our expectations are. The building inspector is then responsible to ensure that the Building Code requirements are met.

We do have situations where buildings get built and equipment is not installed for one reason or another, not the building inspectors' fault and certainly not other people's but it does occur. When that occurs and the fire inspector goes in and it is a large building and it requires a fire alarm, the fire inspector has the right to expect that fire alarm to be put in. This creates animosity and problems, there is no doubt about it. The solution to that is that the fire and building inspectors carry on a joint inspection, a final. The building inspector now hands it over to the fire inspector who is responsible for the rest of the life of that building. That way there is no second guessing. The fire inspector is saying, yes, we have everything we need so there are no orders required in order to complete it.

On a particular issue that was brought up last night, my staff had been in direct consultation with the individual and what had happened was, they were in that vicinity of that building on another matter and a contractor approached them and asked them the solution they had come up with and my staff discussed it with them. That is where the crossover came. My staff and the building inspector were both in agreement as to what the outcome was to be but it was my staff who informed the contractor. (Interruption) Not the dairy barn, that is a different situation. I haven't come to grasp with that one yet.

MR. STEELE: I don't recollect that the building inspector was actually talking about any one particular building.

MR. CORMIER: It was brought up, but anyway all I am saying is the situations are there. What we have done is split that. There is no overlap now. The one place that is a concern is - and we approached and worked with Municipal Affairs very closely on this - if a fire inspector presently orders work to be done on a building because there aren't adequate exits or whatever it happens to be - and these are normally buildings that have been around for a while - the order that is made goes to the owner. The owner carries out the repairs. What we are going to require is he must take out a building permit in order to carry out those repairs.

Now, the way we work in some municipalities with the fire inspector, we will order an exit put on and, by the way, the building inspector quite often calls us in. I just did an appeal on an apartment building where the building inspector called us in to look after it for

him because they were unable to do it. We require the work to be done but the individual must take out a permit. The building inspector has a right to comment on a permit, but the fire official at the end of the day is responsible to ensure that that work is done. It is done under the Fire Prevention Act. There is some confusion.

Some individuals feel that because the building inspector is involved that it should go back to the Building Code. We can't take it back to the Building Code because that is not a 1995 building. That is not a new building. What we are doing there is trying to meet fire safety, not bring it up to a new building. So there is a difference there. So there is a very defined split between the responsibilities of the building inspector under the Building Code Act of the Province of Nova Scotia and the fire inspector under the Fire Safety Bill.

MR. CHAIRMAN: Do you have a question?

MRS. MURIEL BAILLIE: Yes, first of all I want to thank you for your positive comments tonight. It is nice to hear some positive comments. I also like the part of working together. I think that is very important in all walks of life, especially in government today, working together.

My concern is more with the volunteer firefighters. Sitting through these sessions, as the fire chiefs or members from the fire departments come and speak, they seem to think that we are putting a lot on volunteer people and if we continue we won't have volunteers. They talked about how expensive it is to train firefighters. They talked about not being able to have people on the back of a fire truck anymore. They also spoke about if - now I think this is right - the fire marshal does not think that the fire chief is competent, he can elect or appoint someone himself. My question to you is - and you seem to think that once this bill is passed all those things will work themselves out - do you see any of those concerns in the fire departments, or how would you speak to those?

MR. BREMNER: Let me return to my earlier comment. I believe your mandate was to deal with the Fire Safety Bill. Those issues that you are addressing me on, ma'am, are not Fire Safety Bill issues. Those are internal issues that may happen in fire stations. Those are issues that are out there and what I referred to earlier about other frustrations, those are the frustrations that happen in different communities throughout our province. Those will not be cured by this bill, but the people who need a directive and a responsibility to do the job will be covered by this Act. There will be direct legislation saying this is where this sits, this is where that sits.

For the issues you brought up in the later part, the riding of the fire truck, dealing with the Fire Marshal's Office, the other things, those are local issues that you will find varied in every community and those will have to be addressed by local governments and local fire services to deal with those.

[7:30 p.m.]

MRS. BAILLIE: So this bill has nothing to do with it. That is what you are saying.

MR. BREMNER: No, ma'am.

MRS. BAILLIE: Okay, thank you, sir.

MR. CHAIRMAN: Kerry, did you have any questions?

MR. KERRY MORASH: Yes, probably to follow along with what Mrs. Baillie was talking about. In sitting through the meetings so far, I have had a concern probably with the communications with regard to the Fire Safety Bill and I have heard that this has gone on for a long period of time. I also realize how difficult it is to communicate with all the volunteer fire departments and the different departments that are around but it has become apparent that an awful lot of people aren't fully aware of the Fire Safety Bill, regardless of how long it has been in the making, and also are confusing the Occupational Health and Safety Regulations for paid firefighters with the Fire Safety Bill. Also, from a municipality point of view with regard to appointing fire inspectors, they have had some concerns that they would have to appoint a fire inspector now and it is my impression that they have had to do that for a number of years anyway. There just seems to be a lot of confusion over all these things. I am just wondering, could you give us any advice as to what we might be able to do or anyone might be able to do to try to clarify some of these things, just because we see it as a problem even though it isn't the direct mandate of this committee?

MR. BREMNER: You have directed about four different issues to me all in one short paragraph and I will try to deal with them the best I can. I was fortunate enough to be a volunteer for 25 years before I took the full-time position. We can travel this province and hear each and every one of the last two questions that were asked to me in every fire station throughout. We have a high turnover of volunteers in this province so one gentleman is leaving knowing a little bit about the Fire Safety Bill, it is put to rest for a while, and when a new member comes in, he really doesn't know much about it. That can be at any level, an officer, a volunteer or any other person who comes in the service.

When it comes to what will be dealt with by this bill, I state again, it will be for the people who are in government positions and authority positions to have backbone to what is requested to be done through the Municipal Government Act and through this legislation. It does say there shall be a fire inspector. I would ask this committee, what has government and what have the municipalities done that don't have fire inspectors? It has been in the Act, shall have fire inspectors. I can count them on two hands, I would say, how many fire inspectors in most municipalities there are and you know we don't have the backing of some of the local governments that we should. With this, it gives us some clear directives.

MR. MORASH: Maybe if I could ask just one more question on a communications point of view. If Bill No. 58 were enacted tonight, if it became law tonight, how would the different people who I mentioned who have some confusion over the bill, how would we communicate the contents of the bill to help them understand and help them make Nova Scotia a safer place for firemen and for buildings and for people in the public?

MR. BREMNER: I am not sure that you can but they can if they want to take an interest. There is a difference between being a volunteer with education and being a volunteer. If someone wants to move up and take responsibility for legislative things, they have to study it. You could travel to many volunteer fire services in this province, and there are a number in each department who understand the legislative side of it, but there are many who are there because they are strictly volunteers, to respond to the emergency issues. So you have to understand that there are two sides of the fence but for the people who are administrative, the administration is in that legislation. They will know where to go to get issues dealt with.

MR. CORMIER: I will just add that we have a program called roles and responsibilities that includes the Municipal Government Act, because their authority for fighting fires comes from there; the Fire Prevention Act; the Motor Vehicle Act; the Workers' Compensation Act; the Volunteer Services Act, which is their protection. We have a program on that. We have to present that at least every three years to the fire chiefs so that we constantly have them aware of what the Act is. This communications program, even the 1976 Act is not understood by a number of the volunteer fire chiefs.

MR. MORASH: So if the fire chiefs in Nova Scotia now have been constant for a three year period or longer, all of them would have received some training from your office.

MR. CORMIER: That is correct. On this one, what it does is the fire chief will not hold the authority to carry out certain activities under the Fire Prevention Act until they have received that training. That is our enticement to get them in, to get that understanding, because right now what the Act says is that as soon as the fire chief is elected, they become a local assistant to the fire marshal which gives them basically the same powers I have which is tremendous powers, especially in an emergency situation. So we don't want that just given carte blanche. They have to at least have an understanding of what their authorities and responsibilities are.

MR. MACKINNON: Just one follow-up to my colleague, the member for Halifax Fairview, just on a point of clarification, a question to Mr. Cormier. Last evening the building inspector who he referenced tonight, indicated that he was in favour of switching an appeal of any decision of the fire marshal or deputy fire marshal or any employee therein, should be appealable to the minister and not to the court. What is your view on that? I know where it stands in the existing legislation but I was a little surprised to hear him say that he would be more in favour of politicizing that process.

MR. CORMIER: The individual may not understand the full process of administrative law to start, but basically the process is to try to keep the activity as inexpensive for the person who wants to appeal and as fast as possible. Certainly in my meetings with the red tape committee today, one of the concerns is any improper or unjustified activity that creates economic problems for the entrepreneur.

In going to the minister, the minister himself is not going to make that decision. They are not a building or fire inspector and even an attempt to weigh the information before them would be very difficult because it is normally a technical issue. So it would be like asking a minister, who has no legal background, to rule on a legal matter. You have to have the background to understand it. So the appeal process presently in place, one of the things that some of the individuals are a little bit hesitant about is that the first level of appeal is to the fire marshal himself. What we found with that is it cleans a tremendous amount of the issues up very cheaply and very quickly because it can do that within a couple of days. I have ended up ruling both ways. Even when it is my own staff, they do make mistakes and when they do, it has to be rectified. The second level of appeal is to a full appeal body. That, in some cases, can take a little bit of time.

So based on the fact that it has to be an independent body, it has to have some understanding of the issues and it must be able to draw conclusions or provide a solution, that is a technical issue and therefore has to be a technical body to make those decisions. That is one of the reasons for the appeal process that we have, as cumbersome as it is at times.

MR. MACKINNON: So you are in favour of keeping that type of appeal process?

MR. CORMIER: It has worked very well for the Building Code issues that have been brought forward, and I sit on a number of those, and it has worked in all the other jurisdictions as far as Fire Code issues go.

MR. MACKINNON: The idea is to keep politics out of fire safety.

MR. CORMIER: That is correct. It is a neutral body.

MR. MACKINNON: Yes. One final question, since we seem to be a little strong on time, the regulations, obviously, are the working component of any Statute. Has there been any effort toward drafting regulations?

MR. CORMIER: There was a rough set of drafts for the regulations. They were in line with the regulation outline that was submitted with the Act. They follow the basic principles that I have discussed and that is the division of responsibility between building and fire marshal, a building official and the Fire Marshal's Office, division between the municipal responsibilities, the province's responsibility and the school board and private industry.

MR. MACKINNON: Would you, Mr. Fire Marshal, through you, Mr. Chairman, be prepared to recommend to the minister that these draft regulations be provided to members of the Legislature and perhaps even to various volunteer fire departments across the province, to be able to make sure that I realize what the legal process is but certainly it would be a help, I would think, to address some of the misunderstanding that my colleague, the member for Queens, and certainly my colleague, the member for Pictou West, . . .

MR. CORMIER: Certainly from the regulations, there is nothing that has to do with the fire departments operations as an organization.

MR. MACKINNON: But certainly from a policy

MR. CORMIER: That will spell it out.

MR. MACKINNON: But it would certainly help to clarify the understanding for those who are not . . .

MR. CORMIER: There should not be a difficulty with that. That initial set went out to numerous individuals for review and comment back so that it should not be difficult to send that to you. Again, it is in very rough draft form. It has not even been through legal yet.

But it does lay out some of the concepts that do lie within the regs.

MR. MACKINNON: I think given the uniqueness and the importance of this particular piece of legislation, as Mr. Bremner has indicated, time is of the essence to ensure the value. I think that would be very helpful. Thank you.

MR. CHAIRMAN: Graham.

MR. STEELE: I have another question for Tom. Before I do, I just wanted to echo what Russell was saying, that it is always helpful when the Legislature is being asked to pass legislation to contemplate regulations for the members of the Legislature to have a pretty good idea of what the regulations are going to say because in this day and age it is very common for really skeleton Acts to be passed. We don't really know how it is going to be implemented and practiced without the regulations. So anything you can do to help move those forward so that not only we but others can see the complete package would be very helpful.

My question, turning to Tom, also last night we heard from the Chief Administrative Officer for the local municipality in Salmon River, the Municipality of the County of Colchester. He said that if his municipality is going to, as they certainly intend to do, implement the new legislation properly and conscientiously, it would impose a certain additional cost on their municipality. I know you are not the chief administrative officer of your municipality but do you have any information or thoughts on whether your fire service

or your municipality will incur additional costs as a result of implementing the proposed Fire Safety Act?

MR. BREMNER: It is according to the angle they take. We have full-time staff in the community that I am chief of and it may incorporate some of those people on a cost recovery basis to certain outside areas or they may hire a fire inspector separate. They may hire one jointly with a county and the town. As for what implications it will have is according to how it is delivered jointly or however it is set up in cost recovery.

MR. STEELE: On the subject of cost recovery, if I am understanding you right, you are just pointing out that one of the options available to the municipality is that if any additional costs are incurred that that could be passed on to the building owner, for example.

MR. BREMNER: I am not sure how they would handle it. If it is an outside agency, if it happens to be the town I represent and we go outside under a contract, there would be some kind of payment arrangement but as we know, someone has to be paid to do it, right?

MR. STEELE: So would you say that it is likely or possible or just that you are not sure whether additional costs will be imposed. Let's leave aside the question of cost recovery or whether it would be added to municipal taxes or some kind of user fee.

MR. BREMNER: Obviously, if you hire someone, you are going to pay them.

MR. STEELE: Do you think it is probable or possible that somebody additional is going to have to be hired in order to implement this Act?

MR. BREMNER: That is an internal decision that would have to be made. The MGA and others say that there is to be a fire inspector.

MR. STEELE: Okay, fair enough. Thank you.

MR. CHAIRMAN: Thank you very much. Do we have any other presenters? If there are no others, perhaps I would ask Murray, as the host MLA, to conclude our evening.

HON. MURRAY SCOTT: Thank you, Mr. Chairman, and just before I do, if I could, I would like to recognize Fire Chief Terry Porter of the Springhill Fire Department who is here with us this evening and as well Fire Chief John Fredericks of Pugwash is here and His Worship Mayor Doug Robinson of Parrsboro.

I would like to thank, as well, the committee for coming to this area of the province, Cumberland County, to allow people in the fire service and the community to have an opportunity to come forward and make presentations and share issues and concerns with the committee in regard to the new Fire Safety Act. I do want to say that although we may be

small in number in regard to presentations tonight, I think a lot of times the same thing doesn't have to be said over and over again by 100 people that one or two people can say very strongly and very clearly, which I think has been the case here this evening with the chief from Amherst.

You don't have to be a firefighter in this province, and I know the people around this table feel the same way because I have heard them speak in the Legislature about this very issue, but you don't have to be involved in the fire service personally, yourself, to respect very much what the people throughout this province, for the majority of the time, give voluntarily of themselves. This county is no stranger to, for example, we have seen seven people, emergency responders, leave this county and go to New York and put their lives and families behind them to go to an area to assist people who very much needed them. This community of my own right here, 40-some years ago we had disasters where firefighters from all over the province came here and stood by families and the mines for days on end. The training and equipment back then I am sure didn't compare to what we have today in this province.

I heard mention this evening about how do you keep people in the fire service? Harold Nicholson, who some of you have met here this evening, 49 years in this fire department. Dean Emmerson celebrated the other evening 40 years in Oxford. I think those people have a lot of history and probably could share a lot with us but how do we, in the future, encourage people to stay with the fire service and provide a service like that to these communities? I think very simply put, it is by listening to what is being said, what was said here this evening, what you can hear throughout the province and by offering our support as politicians and as policy makers and ensure that their voices are heard and ensure that if this is what is needed to ensure that we have a safe community, safe province, that we have to do what we can to ensure that the concerns that they brought forward are addressed and are brought forward in this new bill.

On behalf of the people I represent I want to thank the committee for coming here. I want to thank the people who took the time to come this evening and, as I say, I think a lot is said most times in a very short, few words and I think that was here tonight. I think the message is clear and I am sure that the comments and the concerns brought forward tonight will be taken into consideration when the final analysis of this whole process is done.

Mr. Chairman, and the committee, I would like to thank you for coming and wish you all the best in your endeavours and your travels throughout the province. Thank you.

MR. CHAIRMAN: Thank you very much and thank you all for coming out this evening.

[The committee adjourned at 7:48 p.m.]

**HALIFAX, THURSDAY, OCTOBER 4, 2001
SELECT COMMITTEE ON FIRE SAFETY**

7:00 P.M.

CHAIRMAN
Mr. Jon Carey

MR. CHAIRMAN: Some of our members have not arrived yet. I believe we are past our starting time so we will start, even though there are a few members of the committee who are still on their way.

My name is Jon Carey. I'm the MLA for Kings West and Chairman of the Select Committee on Fire Safety. Perhaps we can start with introductions of our members that are here.

[The committee members introduced themselves.]

MR. CHAIRMAN: We have, I understand, a couple of members who are still on their way. Maybe they are having trouble finding the fire hall, I'm not sure.

MR. RUSSELL MACKINNON: The Tories are lost.

MR. CHAIRMAN: The Tories are lost. (Laughter) Thank you, Russell.

In the past meetings we have had, we have taken a moment to extend our appreciation and sympathy to the 300 firefighters who lost their lives in New York. I know, having been a firefighter for a number of years, the close brotherhood that it is and the loss of one anywhere is felt by all. Perhaps we could just take a moment tonight and stand to recognize them.

[One minute of silence was observed.]

MR. CHAIRMAN: Thank you very much. Ron, you were a little late coming in. Would you like to introduce yourself as part of our committee.

MR. RONALD CHISHOLM: I'm the late Ronnie Chisholm and I am from Guysborough-Port Hawkesbury.

MR. CHAIRMAN: Welcome to this meeting of the Select Committee on Fire Safety. The select committee is an all-Party committee and we have been charged with the responsibility of making recommendations to the House of Assembly on a new law for fire safety. We are reviewing proposed changes to the Fire Prevention Act which are contained in Bill No. 58.

Bill No. 58 was introduced in the House of Assembly in June 2000. Now the government wants to widen its base of comments from the public and complete the legislation. We are also meeting with Nova Scotians. We would like to hear from the public, as well as people who will be directly affected by the new law such as insurance companies, other businesses, municipalities and the fire service. We are meeting in nine communities across the province and this is the sixth meeting.

The input we gather will give us the best possible fire protection legislation for Nova Scotia. The new law will take into account changes in municipalities in the last couple of years. A law can last for years so it is important to get it right from the beginning.

Once we have collected and reviewed all submissions, we will make recommendations in a report to the House of Assembly.

Bill No. 58 sets up a framework for fire safety. It assigns responsibilities to individuals and organizations that work to prevent fires, people that fight fires, companies and individuals that own land, insurers, municipalities and provincial government officials like the fire marshal. The bill also sets up an advisory council to advise the Minister of Environment and Labour on matters related to fire safety. Bill No. 58 is written with the intention that it would replace, completely, the Fire Prevention Act that now is in effect in Nova Scotia.

Details on Bill No. 58:

- written with the intention that it would replace completely the Fire Prevention Act that is now in effect in Nova Scotia
- it directs what individuals and organizations in the province must do to prevent fires and how they must act once a fire has occurred
- provides direction for making sure the Fire Marshal's Office has representation in each municipality

- important for educating people on how to prevent fires
- helps the Fire Marshal determine what caused fires. This is important for insurance and crime prevention reasons
- assigns roles to people who are responsible for - preventing fires - for putting them out - for reporting fires and for investigating them - Fire Marshal's Office - and the municipalities
- assigns responsibilities to people or organizations that own land or businesses. These people have certain responsibilities for preventing fires and for reporting fires that do take place. Insurance companies also have responsibilities assigned by the law
- forbids certain activities. For example, if this bill becomes law, it would be against the law to give false information to a fire official investigating a fire, or to tamper with a device that would help people escape a burning building
- discusses what regulations the government can write to further protect Nova Scotians from fire and to reduce the harm of fires
- establishes a Fire Safety Advisory Council to advise the Minister of Environment and Labour on fire safety

We are here tonight to gather information. If you have given your name as a presenter and have a formal presentation, we are looking forward to that. If you just want to come forward and have any comments regarding the fire service, fire safety, this bill, anything, as your elected all-Party committee, we are interested in hearing from you and we will take back whatever information that you provide us with.

Again, tonight, I am pleased to have the Fire Marshal, Bob Cormier, with us. Welcome, Bob.

MR. JOHN HOLM: A former fireman with the Sackville Fire Department.

MR. CHAIRMAN: Yes, really, I know. He was with Sackville, yes.

MR. HOLM: The Fire Chief.

MR. CHAIRMAN: So having gone through that, we will start with our first presenter. We would ask that you come forward to the mike and give your name, and if you are representing an organization, so that Hansard can get a copy. If anyone has not already

registered and wants to present, if they would see Kim at the back. She will certainly be happy to get the information from you.

Our first presenter is Mr. Gordon Smith.

MR. GORDON SMITH: My name is Gordon Smith. Before I retired in the late 1980's, I had been a paid firefighter for 42 years. I served as a firefighter, Shift Chief, Deputy Fire Chief, Fire Chief and for 18 years, as the Deputy Fire Marshal, Chief Training Officer for the province.

In looking through Bill No. 58, one reads as its purpose, ". . . to educate and encourage persons and communities to apply the principles of fire safety so as to prevent fires, preserve human life and avoid unwarranted property loss due to the destructive forces of fire."

If we are looking to preserve human life and avoid unwarranted property loss due to fire, one has to presume that no matter how careful and knowledgeable we are in fire prevention matters, accidental fires will occur and fire suppression activities will be necessary. When the fire is small and can be safely attacked, this fire suppression activity may be performed by the building occupants. However, when the fire cannot be safely extinguished by the building occupants, then the local fire department is called.

The effectiveness of the responding fire department in saving human life and fire control and extinguishment is not only determined by the equipment responding and the qualifications of the personnel manning this equipment, it is also very much decidedly determined by the time factor involved between receiving the call and the arrival at the scene. In the fire department we call that the response time.

Bill No. 58, as it is presently worded, attempts to regulate an acceptable level of fire protection by stating in Clause 13(1) "The Fire Marshal may . . . (h) make recommendations, including guidelines, respecting (i) fire suppression, fire prevention, fire protection and the training of persons involved in the provision of these services as well as rescue and emergency services and the delivery of these services and matters related to any of them,"

I won't go any further in that section. However, the two words that create a problem in my mind are "may" and "recommendations" because "may" and "recommendations" are not compulsory or mandatory. The fire marshal also may not, if time and personnel are limited. Equally, a recipient of recommendations may or may not act on suggestions if circumstances dictate otherwise.

So the word "may", in my estimation, should be changed to "shall" and the word "recommendations" should change to "requirement", making it, the fire marshal shall make requirements, including guidelines respecting fire suppression.

At present, there is no minimal standard of fire department response, either urban or rural set by the province. Such a standard would be necessary if the fire marshal or any other provincially-appointed authority is to regulate fire safety. It would also help the fire insurance industry when determining premium adjustments.

Surveys by a competent authority should be carried out in the area served by a fire department and a satisfactory response should be determined as a result of these surveys. If the fire department is not able to provide a response appropriate to that determined by the survey, Building Code requirements should be increased beyond the minimum and possibly require greater use of non-combustible construction, additional fire walls and the installation of automatic sprinkler systems.

Referring, again, to the requirements for the performance of a fire department, Bill No. 47, An Act Respecting Municipal Government. Under Part X, it states "Fire and Emergency Services, Clause 295, "A municipality may maintain and provide fire and emergency services by providing the service, assisting others to provide the service, working with others to provide the service or a combination of means."

Again, "may". There is not, at present, a requirement that a municipality shall provide this service, so that we have ended up with fire departments - many, many years ago - be informed within a small area and quite capable, and well-equipped enough to attend any fires within that area.

Several years ago, I was asked by Halifax County to attend a meeting where fire suppression was being discussed and, coincidentally, Sackville came up at that time - in fact, it was revolving around Sackville. I believe my suggestions didn't sway the committee. However, I do believe that the opinions of Sackville Fire Department were supported by my comments.

As a result, Sackville - well, Sackville had been saying, the town is growing up, it is growing longer and longer along the highway and here we are with one fire hall which cannot respond in time, the responsibilities of firefighters. When they join, they more or less dedicate themselves to the idea that they will be there to save lives, limit the spread of fire and to extinguish or to control fire. They do provide other emergency services but, principally, the one is the saving of life in fire and the control and extinguishment of fire.

The Sackville Fire Departments, as many other fire departments in this province, are experiencing a growing up of the area and they are extending their range to a point where they can no longer provide the service they originally promised to provide to the communities.

That is my concern. At the moment, we have fire departments who have an area and that area is growing larger, and perhaps more complex and condensed at the extremities of the area, and they cannot provide the service they are designed to provide.

People in remote areas - not in remote areas - people in new subdivisions are paying quite a high rate of taxes but, honestly, if you were to ask the fire department that services that area, they would agree that, really, they cannot do the job that the community thinks and expects of them.

My presentation is only in handwriting but it will be available to your secretary if you wish any copies of this. I will leave that with the secretary after this evening.

MR. CHAIRMAN: Thank you very much. Any questions from our members? The gentleman who came in late was Kerry Morash, the MLA for Queens.

MR. KERRY MORASH: My apologies.

MR. CHAIRMAN: Any questions for Mr. Smith? Graham.

MR. GRAHAM STEELE: Thank you very much, Mr. Smith, for taking the time to come out tonight. You certainly have a great deal of experience that we can all benefit from.

The one thing I wanted to ask you is about cost. Now, you were saying that a service like Sackville may not be able to serve as well as might be desirable of the area because, as everybody knows, Lower Sackville and surrounding area has been a very high growth area. The same is true of other parts of HRM and elsewhere in the province.

One of the concerns municipalities have is cost, that, you know, if the province is going to pass a new piece of legislation that imposes additional duties, perhaps higher standards, a certain cost is associated with that and they feel they may not be able to bear the costs, which affects their decisions about what gets done or how it gets done. Do you have any thoughts on that about, if extra money is needed, where it should come from?

MR. GORDON SMITH: No, and I don't know - actually, I've been divorced from fire service now for the past 12 years so I am not quite sure what it is costing to provide a service.

However, in some instances, some fire halls in the province are not located in the correct position to provide a service. It would be costly but not horrifically costly to move

those fire halls and perhaps upgrade those fire halls. It is very possible that one large fire department could service several small fire halls, as such, so that the administrative costs may only be quite small considering that there was only one headquarters to maintain, rather than several, as we have with many individual fire departments. Costs might be able to be reduced by more consolidation, perhaps.

MR. STEELE: Based on all your experience, over 42 years I think it was, what is the one thing that would more than anything else improve fire safety in Nova Scotia? If we could do one thing, what do you think it would be?

MR. GORDON SMITH: At one time, when I first built my home out in the Head of St. Margaret's Bay, automatic sprinklers were available for assembly buildings, industrial, commercial buildings and, also, institutional. However, the underwriters at that time were requiring the automatic sprinklers discharge copious, tremendous amounts of water and they were still demanding, at that time, very high standards, basically because of industrial strengths, not for domestic usage. So there were no such things as domestic sprinkler systems at that time. Later on, they have become available.

I would say that my experience was that I never had a fatality of a person in a building protected by an automatic sprinkler system who was not directly involved in the fire. When you had an explosion immediately, then there could well be a casualty before the automatic sprinklers came in. But I never experienced a casualty within a building when they were not directly in the area of the fire, in a sprinkler-protected building.

If a standard can be developed that will make them attractive to householders and not too conspicuous, if the insurance industry does not demand too great a water flow, because some homes could be protected by an automatic sprinkler in a rural area where they only have a well to provide that water and others could be in an urban area where they have municipal water supplies. So the costs would vary according to where they were located.

Still, an automatic sprinkler system in a dwelling still should not cost more - original construction, mind you - than, perhaps, a good quality wall-to-wall carpet throughout the building.

MR. STEELE: Thanks very much.

MR. CHAIRMAN: Thank you very much. The next presenter is Miss Elizabeth Publicover.

MS. ELIZABETH PUBLICOVER: I am here this evening as a result of a phone call I made. I have a written submission here.

My name is Elizabeth Publicover. I own a house and lot with storage shed in Lower Sackville, Halifax County, Nova Scotia. I also own a woodlot in Blandford, Lunenburg County, Nova Scotia. I wish to make the following comments on the proposed Bill No. 58. This is mostly to do with my woodlot.

When you mentioned land, I own land, so I phoned up the committee, they talked with the lawyer, and they came back a couple of days later and what they mean by land with this is somebody who is storing something. They gave me the example of somebody who stores tires and things that are man-made.

So what I wanted to find out was, when I saw land, how this applied to forest, trees,

and they didn't know. So they said, that is a very interesting question, go to the meeting and bring it up. So here I am.

I had a couple of other comments so I will just read them off. On Page 3, Clause 3(w) says, "land and premises', or 'land or premises', includes a part thereof and buildings, structures and things situated on, or attached to, the land or premises;" I would like to see the word "land" defined clearly as to the type of land - i.e. cleared, agricultural, commercial, industrial, wood, et cetera - so owners of land will know if this Act applies to them.

On Page 9, Clause 17 says, "Unless this Act or the regulations otherwise prescribe, every owner of land or premises, or a part thereof, and every person shall take every precaution that is reasonable in the circumstances to achieve fire safety and to carry out the provisions of this Act, the regulations and the Fire Code." A person who contravenes this Act is guilty of an offence; however, I see no clause outlining an educational program for owners of land and premises so they know how to carry out the provisions of the Act, regulations and Fire Code and, thus, avoid being guilty of committing an offence.

On Page 10, Clause 19 says, "A municipality shall . . . (b) appoint a municipal fire inspector who shall carry out the inspections;" My concern is with owners of woodland, if wood should be included with land, who have fallen trees, if a municipal fire inspector would be inspecting woodland, and the training these inspectors would have regarding trees. Fallen trees give nutrients to the soil and provide shelter for animals and birds. An inspector, not knowing this, could consider them to be a fire hazard and order them removed. The Department of Natural Resources should instruct municipal fire inspectors on woodland as fallen trees are distinctly different from things situated on or attached to land and premises.

If you are looking at Bill No. 58, the Fire Prevention Act, to apply to everything except woodland, then you have the Department of Natural Resources responsible for fighting fires in forests and woods. You are having a separation there. So I called them to see what they were thinking and what they were doing and they are interested in this process. They want me to supply a copy of my comments to them to see how they are going to get involved in the forest end of the fires.

If you are going to have the municipalities responsible for hiring fire inspectors, they have to be - there is a separation there between houses and land surrounding houses, or commercial, or whatever, and to forested land. You have to know where you are going to inspect. They are interested in seeing that process and how they are going to fit into it.

I am concerned because I have a few fallen trees on my land. I don't think that they are a hazard but if you have somebody coming in there who doesn't know trees, I mean, that is a separate training area. People go to university and they learn about trees and forests and that sort of thing, and somebody who doesn't understand that might think that something is a hazard; whereas somebody who is trained in that would know it is all right. So I just want to see, because I wouldn't want somebody coming in . . .

MR. CHAIRMAN: Perhaps what we could do, the fire marshal is here and we will use his expertise because I am sure he can explain the difference here and where Natural Resources would be different from the fire inspector and what would be under his jurisdiction. So, Bob, if you would come up.

MR. BOB CORMIER: As with many Acts, it would be very nice if we have very nice divisions that we could draw with long black lines and say everything on this side is one and everything outside is on the other. It doesn't quite work that way.

You are absolutely correct. On your particular woodlot with no structures, no storage on-site, et cetera, that certainly is not the privy of the fire inspector. That is not their role. However, we have a tremendous fire problem in North America right now called the Wildlands Interface. It has to do with the wooded areas where we are building our homes right in the middle of those wooded areas and we are building other structures in the middle of those wooded areas.

Certainly, if there were large amounts of brush, large amounts of fuel load in the immediate vicinity of a building, even if it is on lands, then that becomes a concern of the fire inspector. But the fact that a piece of land - for instance, I have got about 800 feet behind me. I am sure there are some fallen trees in there that is certainly nobody's concern. That is part of nature for that to drop and die.

There is a division there but it is not black and white. Again, it is up to the government to ensure that we work together. Natural Resources and the Office of the Fire Marshal are both part of the same organization. It is not up to us to create more problems for the owner than are necessary to secure safety.

MR. CHAIRMAN: Is it fair to say, Bob, that the intent of the Act is not to have fire inspectors checking into Natural Resources' territory?

MR. CORMIER: Absolutely. I doubt - no, not that I doubt, but we do not supply our fire inspectors with gum boots to get them into the woods to check them. That is not their intent.

MS. PUBLICOVER: I was just curious to see . . .

MR. CORMIER: Yes, but if there is a need to clarify the definition there, except on lands controlled and overseen by the Department of Natural Resources or under the Forests Act, or something, it could be done.

MR. CHAIRMAN: Thank you very much.

MS. PUBLICOVER: Thank you.

MR. CHAIRMAN: Our next presenter is Sandra Vidito.

MS. SANDRA VIDITO: My name is Sandra Vidito. I am the Deputy Chief with Halifax Regional Fire and Emergency Service. I do not have a formal presentation. I am just here to make a comment.

In August 2000, our fire service had a problem with 40 issues in the bill after we had reviewed it. We did submit those immediately to the fire marshal and he, very quickly, provided us with clarification. Then in September, we did provide another written submission to the Minister of Labour in which we had 13 outstanding issues. Since that time, we have been working with the fire marshal for clarification on that.

I wish to state publicly that Halifax Regional Fire Services does support, in principle, the bill.

MR. CHAIRMAN: Thank you. You are going to get some - Graham won't let you get away. (Laughter)

MS. VIDITO: Sorry. Too quick. (Laughter)

MR. STEELE: That would have been the quickest presentation in history, I think, but what you have to say is very interesting. It is good to know that the fire service is behind it. But I am interested in knowing - and I am sure other members on the committee are interested in knowing - what are the other issues that are still remaining on the table to be resolved?

MS. VIDITO: Some of the issues still on the table are unclear, needing clarification. Some of the times that we reviewed it, we did not have the regulations and without those regulations not being put out at the same time that the bill was, it led for some fuzzy

interpretation on ours. Some of it was just - we had some clarification we were seeking on, like intent of certain articles that were in the bill, such as what constitutes a qualified chief, are there going to be prerequisites set to state what is a qualified chief? We have since been told, yes, that will happen.

Some of the other ones were just about some of the things around the municipal inspectors. Will they be appointed local assistance - we sought clarification on that - under what circumstance would the local assistance status be revoked? It states in there, it can be revoked, so we would just like to know the guidelines to state how that would be revoked.

So those issues are being clarified with us. And that is why I said we reviewed it prior to a lot of the regulations coming out, because they didn't come out at the same time.

Also, we were concerned about entry. There are several areas related to entry which we thought should be read very clearly because we didn't think it was clean as to what buildings we could enter and did we have to have permission of the fire marshal to enter buildings. That can be a very long process if we feel that someone is in danger and we want to enter a building. We asked for clarification on those issues and we have gotten those.

As I said, we just didn't even know who the Fire Safety Board was at that point, so we asked for clarification there. Also, we had some issues around the smoke alarm bylaw, the language being used in the bill concerning that bylaw.

The ability to recover costs, that is mentioned in the bill, we had concerns over that. Was it hampering our abilities, if we had to go in and board up a building, could we then recoup the cost if it was a cost to us as a municipality, or was the province then going to recoup those funds and we would be left with that bill? We got clarification.

Some of those are still outstanding but Bob Cormier is working with us on that so it is more for clarification on our part than actual concern that this is going to cause us problems.

MR. STEELE: Okay, it sounds to me like with most of the concerns, you just wanted to be sure about how the Fire Marshal's Office was going to interpret certain things.

MS. VIDITO: That's right. Their interpretation and how we interpret it so that we are not overstepping our boundaries.

[7:30 p.m.]

MR. STEELE: Also, that you would prefer, I suppose, to see the regulations in advance so that you could look at the Act and the regulations together.

MS. VIDITO: That's right.

MR. STEELE: That has come up in other meetings and we are certainly encouraging the Fire Marshal's Office and the government to bring forth the regulations at the same time so that everybody can look at it as a complete package.

MS. VIDITO: That would have stopped us from having 40 issues initially if we had had that.

MR. STEELE: Okay, thanks very much.

MR. CHAIRMAN: John, did you . . .

MR. HOLM: All my questions pretty well have been answered, thank you.

MR. CHAIRMAN: Go ahead.

MR. RUSSELL MACKINNON: Ms. Vidito, you will recall a couple of months ago - maybe a little longer - the fire at the Joseph Howe Building, across from the Legislature. I raised on a previous day, at this committee level, the issue of aluminum wiring. I still haven't been able to get an answer as to whether there is aluminum wiring in the Joseph Howe Building. Does anyone in your Halifax fire service have knowledge of what type of wiring is in that building? I recall asking the fire marshal that question and I haven't been able to receive an answer to date.

MS. VIDITO: I can't answer yes or no at this point, but I can certainly check into it for you and see if we do have knowledge of that.

MR. CORMIER: In response to that, it did go over to the Committees Office.

MR. MACKINNON: The only response I received, Mr. Chairman, was in general nature of all the buildings. My question pointed specifically to the Joseph Howe Building.

MR. CORMIER: I sent a memo over - I believe it was on Monday. We had finally got the responses back from Public Works and, yes, the Joseph Howe Building does have aluminum wiring in it, as does One Government Place.

MR. MACKINNON: Okay. Thank you.

While I have you there, maybe we will keep in the same forum here. With regard to sprinklers, as we know, sprinklers are a big issue for a lot of the older buildings, particularly in and around the metro area of HRM. Are there many significant issues surrounding sprinkler systems, let's say in senior citizens' complexes, facilities that are privately owned but yet rented out to the government type thing, whether it be municipal or provincial? Are there

many of those issues outstanding that, somehow, this Act may be able to deal or not deal with?

It seems like everything was going along fine and dandy until that fire up in the North End, with the loss of life and so on. I realize at that particular juncture we were in government and then all the government departments, the technical people, came together, prepared a report and everything seemed to be going great guns and then seemed to have died off. I am just wondering what the situation is and what the implications of this proposed Bill No. 58 will be on that particular issue.

MR. CORMIER: There is no change from what it is presently. That particular building - the only change we had asked for the seniors' complexes, because of the age of the individuals who were in there, was that we have door closures placed in the doors because the codes of the day did not require them.

The number one reason for loss of life in high-rise and for apartment-type structures is a lack of door closures. That building reacted exactly as it was designed when it was built. It contained the fire within the structure. However, the door to the apartment had been left open and that filled the hallways and, subsequently, the stairwells with smoke.

We had other issues there of which we have taken some steps to try to alleviate, such as we had very senior people on the top floors and as these people reach a period where they are no longer as mobile as they should be, they should be moved to lower floors. These are seniors' apartments, not regular apartment buildings. So there is an onus there.

That building is being sprinklered but that is a voluntary compliance. No one has ordered that nor would we have ordered it, because the building did react in a way it was designed to react.

MR. MACKINNON: One final question, if I could, Mr. Chairman, with regard to fire inspections. My sense is that the Fire Marshal's Office would like volunteer firefighters to have an increased role and duty on doing basic fire inspections. Does HRM have any knowledge of that? Have they analyzed Bill No. 58 in such an initiative and what are the implications on the ability of volunteers to be able to carry out such a function?

MS. VIDITO: Our belief is that volunteers could definitely carry out that function. Our firefighters in the core area do carry that out under the direction of our Fire Prevention Unit. They are given a check sheet and given an education session on how to do that.

In fact, we are working with the Fire Marshal's Office and we are looking at hiring - well, we have it in the budget - for January, a new fire prevention officer who would coordinate activities in some of the rural areas, so that we can start providing more of those services that are not being provided in those areas.

MR. MACKINNON: I guess my final question, Mr. Chairman, that is the dichotomy that we are dealing with, see, because prior to the amalgamation, a lot of volunteer fire departments seemed to be operating quite well. I have noticed over the last year or so, there appears to be a considerable friction between the rural part of HRM versus the urban. It all comes down to paid versus volunteer. What you are suggesting here today is that you are going to increase the paid service to be able to supervise the volunteer. Is that what I am interpreting?

MS. VIDITO: That is not right. It is to help coordinate and provide materials because we are a larger unit and have access, sometimes, to educational materials that some of the rural areas cannot afford. We are able to do things such as train the trainer programs or we can help those individuals deliver services that they can't now. It is to sort of standardize the service but it is in no way to force our beliefs or standards on others. It is to help them so that they are able to expand their service out into those areas.

MR. CHAIRMAN: Brian.

MR. BRIAN BOUDREAU: Thank you, Mr. Chairman. I just want to ask the deputy chief a question. First of all, I want to congratulate you because you, being a woman, it is a pretty good rank and it is obvious that your efforts are being recognized. I want to congratulate you for that. Before, when you indicated that you had a concern about the cost . . .

MS. VIDITO: Recovered costs?

MR. BOUDREAU: Yes, you indicated that you had assurances that the regional municipality would not be pinpointed with this cost.

MS. VIDITO: Well, our clarification from the fire marshal is that if we go in and board up a structure and we incur the cost, then we could recover that cost as we have been doing in the past. If it was in a provincial jurisdiction and we did that, then it would be provincial and we would probably get the money back. So that was clarified. That was our thing.

Right now, if we do buildings that have sustained fire damage that do not have insurance and we feel they are a safety issue to the public, we go in and board those up. It has come back at quite a bit of cost to the municipality so we like to have other avenues that we can pursue to recoup our costs. But if we knew that we had to then turn that over to the province, that is a concern to us but that has been clarified.

MR. BOUDREAU: Are you concerned about any additional costs, other than circumstance of cost, like administration of appointing a fire inspector, or . . .

MS. VIDITO: No.

MR. BOUDREAU: That could be handled with your present . . .

MS. VIDITO: We already did a budget submission for some of the activities that we will be taking over from the Fire Marshal's Office, so we have already had that approved through council.

MR. BOUDREAU: Okay, but is it an increase, overall, from last year as a result of these new . . .

MS. VIDITO: Yes, it is.

MR. BOUDREAU: It is. And the municipality is not concerned about those costs?

MS. VIDITO: I am not going to say they are not concerned. It is up to us to work within the envelope that we are given within our municipality. We may have to then alter some other service delivery, but we believe that we wish to move towards offering the service in co-operation with the Fire Marshal's Office.

MR. BOUDREAU: I am just wondering, did you indicate before that you had approximately 40 issues that you had concerns with?

MS. VIDITO: Yes, that was before, as we stated, we had the regulations.

MR. BOUDREAU: I am wondering, would you be willing to table the letter with the committee, so that we would be aware of what your concerns were?

MS. VIDITO: Certainly.

MR. CHAIRMAN: Mr. Holm.

MR. HOLM: Just briefly, Ms. Vidito, you indicated a number of concerns and mostly, although some of them are still being worked on, they have been satisfied as a result of interpretations. I guess my question is, are you satisfied with the verbal interpretation, clarification, or do you think that the regulations and/or the legislation need to be amended to make the language more clear so that whether it is Mr. Cormier or somebody else who is occupying that particular chair that there would be a consistent interpretation in the future?

MS. VIDITO: There was some concern over that in our submission that we did to the Minister of Labour, stating that very point, that Bob Cormier, we could certainly understand his verbal interpretation and agree with it, but if there was another fire marshal, where would

that stand us? We did put that in our submission when we sought clarification of the other 13 issues.

MR. HOLM: And you haven't had a response back yet about a willingness to . . .

MS. VIDITO: We haven't at this time, and in fairness to the fire marshal, he wasn't cc'd on ours. So, today we issued that to him, and he has already started working on some of the issues and bringing that clarification to us.

MR. HOLM: Hopefully the others, who would have to make the final decisions, also may be in support of doing that. I guess the last question is, you indicated that certainly you have budgeted for an envelope to provide the additional services that are going to be required but that if you don't get the monies that you are hoping for there might be some other services that would have to be cut back to do that. I am wondering if you could tell us, if it is possible, the amount of additional cost to the municipality that you think it would have to assume as a result of this? Also, what kinds of services could have to be cut? I know it is very early in the budget process and so on, but what are the kinds of things that may be being looked at in order to come up with the funds necessary if additional funds aren't approved by council?

MS. VIDITO: We did have the one position approved in our budget for this fiscal year, to be approved to be hired starting in January. We may delay that hiring only because of things that have happened to us within the municipality that were beyond our control, and we may not hire until April, but we will go forth with the one hiring that we have been approved for. As for the cost of that, it is the salary of an officer, we have to have a vehicle for that officer, and then we have to have a computer system for that fire inspector.

MR. HOLM: But that is a total increased cost . . .

MS. VIDITO: Last year we had to go for a modification to our budget to ask for that increase.

MR. HOLM: The legislation and the new responsibilities, that would be the total additional . . .

MS. VIDITO: That is what we are looking at at this time. It is just one additional officer. As it comes down, we may require more additional staff to do that. We are looking at a coordinating effort at this time, to use the resources that are already in the rural areas, because we know there is a lot of expertise and experience in those areas and that they can do the functions, to have someone who coordinates it, standardizes it, that is what we are looking at.

MR. HOLM: So you don't see this as a major download?

MS. VIDITO: It is a download. I am not going to say that it's not because it is a huge area now that we are going to have to move into and provide services to, but we still know that we can also rely on for assistance from the Fire Marshal's Office. We have had discussions over that.

MR. CHAIRMAN: Perhaps, Bob, would you clarify. My understanding was that back in the 1970's, legislation was in place where municipalities were responsible for fire inspection, so I would just like to have it clarified about downloading.

MR. CORMIER: In 1976, the legislation required that every municipality have a system of inspections. In fact, what we have done with the Act is decreased the type and the number of times the facility has to be inspected. At the present time, it is four times a year that every assembly has to be inspected. They would require one inspector in Halifax, the downtown area, just for the bars alone, to be able to do that. They would just rotate from bar to bar, in order to be able to get them all cleaned up. (Laughter) I know it sounds like a pleasant occupation, and I applied for it but didn't get it.

The truth of the matter is that it is unrealistic. In response to the Union of Nova Scotia Municipalities, we decreased that to where we did a risk evaluation. The number of inspections are based on the occupant load of the structure. So the more people who are in there, the more inspections that would have to be done. For instance, the four inspections a year included a 14-person restaurant, mom-and-pop restaurant, and that was never the intention. We have decreased it to try to bring it down to a realistic amount. What that will do is allow multiple municipalities to share one inspector, or for the responsibility to be carried out by the building inspector in those areas where there are downturns in the economy or construction off-seasons.

Yes, it is a download, but we are trying to keep it as easy as possible. In the Halifax core area, Sackville, Bedford, Halifax, Dartmouth, Cole Harbour, Eastern Passage, all had fire inspectors since the early 1970's, even previous to the previous Act. One of the problems that happened with the confusion over the legislation was those people who served on the committee, this has taken so long to do, are now retired and are no longer with HRM and were unable to bring back the reasons that we did many of those things. They are all contained in the explanation.

Yes, it does appear to be a form of downloading, the form of downloading is that we have said now it is time for you to do it, no longer can you just say no, we're not. What has happened with HRM is we have had a five year fold-over time that we agreed to originally, that they would continue to look after the core, we would look after the outside area. Now Halifax region is beginning to move its operations into the outer core area. That is a change, it is not a download; it is what should have been carried by the old Halifax County originally.

MR. KERRY MORASH: That answers what I was going to ask.

MR. CHAIRMAN: Mr. Holm.

MR. HOLM: I will just ask this one question. Talking, obviously, about the number of inspections, and yes, it seems quite logical that, depending upon the number of patrons or people who would be using particular facilities, some facility, a bar that has many attending each night versus a mom-and-pop restaurant, there may be different requirements in terms of frequency. However, do you have or is there, that could be made available to the committee, a breakdown or information on what the divides are going to be on when it would be for, when it might be to, and what about other public structures like schools and hospitals and all the kinds of facilities of that nature?

MR. CORMIER: Where the province is directly involved in licensing, my office will continue to be involved because the province is responsible for placing the people in there. Therefore, we are the loss prevention organization for the province.

MR. HOLM: Would that include schools?

MR. CORMIER: No. Schools have, since 1976, been the responsibility of the school board. When we requested that it be taken over by the municipalities, the Union of Nova Scotia Municipalities put forward a resolution requesting that they not be burdened with the responsibilities of inspecting and looking after the schools within their districts. What we have created is an inspection responsibility on the school boards with my office acting as the auditor of that system. In other words, they have to maintain records, we will go in and go through their records, train their staff to do that work, and ensure that the safety is maintained in those facilities.

Some municipalities will continue to inspect those schools. Halifax region is very proactive in the school system. That is not true across the Province of Nova Scotia. In some jurisdictions the municipality will continue to - other municipalities have asked not to be involved.

MR. HOLM: Those municipalities where they asked not to be involved, they will have to train and use their own school board staff?

MR. CORMIER: That is correct. We have met with the Nova Scotia School Board Council, and the process has been worked out. They do have an expectation for us to provide the training to their staff. We are not talking about high-level inspections, but to make sure that the exit doors aren't damaged, they are operable, that the exit lights are working, that there is no damage to the furnace room, items such as that. We are not talking about a high-level fire inspection. The desire is to turn a building over that meets the code requirements. The fire inspection merely keeps that building in the maintenance condition it was designed in.

MR. HOLM: Just the last one, if I can, and I know this is nitpicky, but you talked about doing audits and audits of the records and so on. Will there be any actual spot inspection of . . .

MR. CORMIER: That is included, an audit includes an on-site inspection. For instance, we have just over 540-some odd schools in the province right now. There is no way we could even attempt to do 10 per cent of those along with all of the other duties we have, so it would be an audit function.

MR. HOLM: The only ones, and certainly your department in certain situations, the municipality, the fire service and, I guess, school boards, nobody else would be given responsibilities to do audits or inspections?

MR. CORMIER: Every facility is required to do self-inspections.

MR. HOLM: I appreciate they are supposed to . . .

MR. CORMIER: But as lump groups, only the universities. Again, for the same reason. The universities have been very co-operative with us. We have had a great deal of concern with the boarding houses and other facilities universities have used for their students. There is now criteria for that. They inspect them previous to going on their list. That doesn't mean we don't have people living in improper facilities right now, but the major work in relationship with the universities has been excellent.

MR. CHAIRMAN: Our next presenter is Jack Leedham.

MR. JACK LEEDHAM: Mr. Chairman, I have a lot of stuff for you, this is just going to take a second. Good evening. My name is Jack Leedham, and I am here as a representative of the Nova Scotia Building Officials Association. With me are members of the executive, Glen Lelacheur, who is a building official with HRM; Jim Donovan, a building official with HRM; Gerard Donahue, who is a plans examiner with HRM and is zone rep for our Zone 2; and John Healey, who is a building official, previously with CMHC and now Scotia Homes.

Our association is a non-profit society established in 1963 under the Societies Act. One of our association's objectives is to promote and encourage a high standard of inspection services in the profession of building inspection, and to ensure that the essential elements of public health, fire and life safety, structural sufficiency and accessibility are in keeping with the objectives of the Nova Scotia Building Code.

I have been employed with the Nova Scotia Building Officials Association for five and a half years as their executive officer, retiring in 1995 from the Province of Nova Scotia. When I worked with the province I was part of the Senior Management Team in the

Department of Municipal Affairs and had responsibilities under the Building Code Act and the Planning Act.

Part of my responsibilities under the Building Code Act required that I sit on a variety of provincial and territorial committees dealing with public health and safety issues. I sat on the Nova Scotia Disabled Persons Commission; I was a provincial representative on the Provincial Territorial Committee on Building Standards, which was a committee that provided policy advice to the Canadian Commission of Building and Fire Codes; I represented the department on the Nova Scotia Fire Prevention Advisory Council; and I did the executive secretary work for the Nova Scotia Building Advisory Committee, a committee that provided liaison with the National Research Council and heard appeals on fire and life safety matters, with respect to the design and construction of buildings.

My responsibility here today is to provide the committee with the concerns that our members have regarding the proposed Fire Safety Act. I want to make it clear to the committee that there is a need in this province to enact, for the first time in the province's history, the National Fire Code as the Nova Scotia Fire Code, and our association supports that. I also want to point out that none of my comments deal with the fighting of fires or the enabling provisions in this legislation for the volunteer firefighter, the volunteer fire service, the paid firefighter or the day-to-day operations of the firefighter in dealing with fires, investigating fires or provisions dealing with fire suppression, issues typically administered by the fire service.

Our concerns with this legislation pertain to the fire and life safety provisions, and the policy and administrative provisions dealing with fire and life safety as it relates to the Nova Scotia Building Code. The Nova Scotia Building Code is the National Building Code of Canada adopted in Nova Scotia under the Building Code Act.

We read with interest the Hansard of your first meeting held on September 6th and wondered how the committee is going to work through the first objective of your mandate, which is to review the proposed changes to the Fire Prevention Act as reflected in Bill No. 58 and the relevant reports of the Fire Prevention Advisory Council. In an earlier life I was a land use planner, and I often went into communities to write planning documents and bylaws or amendments to these documents for the province or the municipality. We spent a lot of time at the beginning of the process educating and enlightening these communities of their responsibilities in preparing these documents and what was required to do the task at hand, ensuring they understood the legislative environment and its limitations, the purpose of the laws they were creating, and to ensure that the document was reasonable, workable and enforceable in law.

A lot of what I am going to say today could be interpreted by this committee that our members have a grudge or a desire to be in control of this legislation. That is not the case at all. We are putting forward issues that should have been worked out before this legislation

was prepared. As a result, we have no choice but to bring these concerns forward to ensure that we end up with an effective piece of legislation on fire and life safety.

From reading the Hansard of September 6th, we are of the opinion that the select committee is not getting the information it needs to complete its mandate, and the author of the report is not providing the essential information. The questions you ask are not answered, and there is no distinction made between fire safety and fire operations. If you don't understand the purpose of the legislation, its historical context on why this legislation is with the committee, how can you fulfill this mandate? The Fire Prevention Advisory Council, in our opinion, did not get this information, and that is the reason why this legislation didn't proceed beyond first reading and why this committee was established.

You are reviewing proposed legislation that does not provide a clear, workable administrative framework under the Building Code and the Fire Code, for its administration and enforcement. There is existing provincial policy on fire and life safety, and that is in the Building Code Act. It is a piece of legislation that deals with fire and life safety and requires municipalities to administer and enforce it. I guess our bottom line is that if this legislation is enacted as drafted, there is going to be an unworkable fire and life safety system established with nothing but administrative problems ahead between two levels of government and their respective inspectors.

[8:00 p.m.]

If the province is of the opinion that they want to be directly involved in the administration and enforcement of the Building Code, because the municipal level of government is not competent or capable of administering these fire and life safety provisions, then the province should eliminate the duplication and overlap that will exist under this legislation and hire the 200 building officials, and fire inspectors then do the job. Don't create a mess and confuse the public, building owners and developers. For the record, we don't support this and we will attempt to make some recommendations to the committee to ensure that a workable system of fire and life safety is put in place.

For the record, the Fire Prevention Advisory Council did not reach a consensus or have unanimous approval of this draft legislation, but it moved forward without it. We are here today because of that.

In an attempt to get a much broader discussion of the issues, our association has responded to all discussion papers and draft legislation; we have met with the Union of Nova Scotia Municipalities, the red tape reduction task force, and Municipal Affairs, Health, and Community Services Departments; and we contacted all municipal units in the province last July, informing them of our concerns and requesting that they respond to the minister.

The red tape reduction task force, in its interim report of November 2000, indicates that it is willing to take a closer look at the issues we have raised because they see that there is a considerable amount of overlap and duplication between the two processes.

Our letters and reports to the Department of Labour get acknowledged, just as the Assistant Fire Chief with HRM said, but we don't get answers to the questions we raise. Other departments, indirectly affected by this legislation, appear to understand our concerns but there is no vehicle or committee established to deal with the issues related to these overlapping responsibilities. For example, fire marshal approval for fire and life safety provisions addressed in the Building Code is also required for licensing certain activities such as nursery schools, daycares, small options facilities and country inns, to name a few. Those are responsibilities under the Building Code Act and are also addressed by municipal inspectors at the time the building permit is taken out for those facilities.

When we approached the municipalities last July, we had about six of those municipalities respond under the short time frame that we had because we didn't get our letter out until July. I think the responses had to be back around August 15th. We had about six or seven of those municipalities respond with concerns that we were concerned about, with the overlapping responsibilities and duplication, and the downloading, of course, but that is not a concern that our association has. They wanted to see the regulations before the legislation was enacted in the House.

Before I go on to other issues, I am going to provide you with some of the background that our association believes you should have in order to make recommendations on this very important piece of legislation.

In 1987 the province enacted the Building Code Act, which requires municipalities to administer and enforce all of the fire and life safety provisions dealing with the construction, design and inspection of buildings. Prior to 1987, only 50 per cent of the municipalities in this province had adopted various versions of the Building Code. To deal with that reality, where there were so many versions of the Building Code Act, there were buildings that were designed without having any input under the Building Code.

The province in 1974, under the Fire Prevention Act, required that all plans for buildings larger than single-family dwellings be approved by the Office of the Fire Marshal for conformity to the National Building Code. Sprinkler regulations were adopted under the Fire Prevention Act because there were so many units in the province that did not adopt the code and those that did, there was no consistent standard in place.

When the province enacted the Building Code Act in 1987, it should have addressed these matters but we didn't at the time. We have kind of had an overlapping responsibility since 1987. We have dealt with that in a small way. The sprinkler regulations that were originally prescribed by the Office of the Fire Marshal have now been moved over to the

Building Code and are administered under the Building Code regulations by the municipalities of this province. That was done in 1993.

The plan approval process, to a large extent, has also been dealt with in the sense that there were five plan examiners in the province who examined all buildings. Since building officials are responsible for that activity as well, the fire marshal doesn't do all of those buildings. They do provincial buildings to a large extent and whatever plans are forwarded to them. They have one staff person, I believe, that does that activity on a full-time basis and that is because municipalities do that responsibility. That is the overlap. Building permits applied for at the municipal level, the building official has to review those plans for fire and life safety. The applicant is also forwarded to send the plans to the Office of the Fire Marshal for the same approval.

The Building Code is the blue document and the Fire Code is the red document. I can leave these with you if you need them, but I am sure you have them though. This document, the Building Code, deals with how the building is put together, structurally. It clearly deals with two-by-fours and the rise and run on stairs. However, its main purpose is to deal with fire and life safety issues in the design and construction of buildings.

Matters such as the following are dealt with in the Building Code: the installation of fire alarms, smoke alarms, fireplaces, fireplace inserts, insulated steel doors, fire test doors, windows and glass block assemblies; the installation of standpipes and hose systems for firefighting; the installation of fire doors and fire windows, chimneys, fireplace vents, solid fuel fire equipment; emergency and electrical power to the building; safety codes for elevators; boiler pressure valves; pressure valves; and pressure piping codes; the installation of oil-burning equipment; the installation of solid fuel burning appliances and equipment; and the sprinkler systems, just to name a few, are all addressed under the Building Code. All of those requirements have to be designed and reviewed by a building official and are inspected by the building official prior to the building being occupied.

Building and Fire Codes are compatible pieces of legislation. Mr. Cormier has addressed that and you will see that in your Handsard on Line 23. This document deals with the design and the construction of the building. This building maintains the standards that are in this document. For example, the exit light requirement is under the Building Code. The panic hardware on the door over there is in the Building Code. The Fire Code allows the fire inspector in the building to ensure that those assemblies are maintained.

As I said earlier, you probably think we have a grudge or something, and it has also been a concern of ours that there is a 'who's in charge' question. We believe, as building officials, that there is a 'who's in charge' question in this matter of fire and life safety. We believe that we are responsible for this book and the fire inspector is responsible for that book. The Building Code Act, which is a provincial document, requires municipalities to

administer and enforce it. We are hoping that this document gets enacted and requires fire inspectors to administer it and that they are municipal employees.

In order for fire safety to be successfully accomplished in the province, the Building Code Act and the proposed Fire Safety Act must address the policy question of which level of government is responsible for the administration and enforcement of those documents.

Different levels of government administering these documents will not work. There is such a relationship between the Building Code and the Fire Code in protecting public health and safety, that that issue is the foremost issue that must be addressed by this committee.

Nova Scotia is very unique in the country because we have 54 municipal units and there is no place in this province which is unincorporated, as is the case in a lot of other jurisdictions and territories in this province, which is why the province is involved in the day-to-day administration of this document outside of its own buildings. We don't have to have that situation here because we have no unregulated land. It is all turned over to municipalities and they are responsible for those areas.

I know at first blush it would appear that the Fire Safety Act is requiring municipalities to administer the Fire Code, but when you review the proposed legislation - and I am going to give you a bunch of clauses here - Clauses 7(a) and 7(b), 13(4)(a) and 13(7)(b), 18(1)(a) and 18(1)(b), 27(1)(e), and 51(1)(i), (ii), and (iii) - clearly show that the authority, direct or enabling, is in the hands of the province to amend and administer the Building Code and the Fire Code. Further, the language in Clause 27 allows the amendment to the National Fire Code by the province. This can create conflicting requirements by putting in place requirements that would normally be contained in the Building Code which, as already stated, include the requirements commonly accepted to make the building safe for the intended use and occupation.

Keep in mind that municipal building officials are in charge under the Building Code Act to issue building permits where there is accepted conformance with the Building Code. This part of the proposed legislation ignores the fact that there are established procedures to enact amendments to the Building Code which are in force in the province. In other words, the legislation opens a back door to enabling additional requirements that building owners would have to meet and they are not in the Building Code, they are in the Fire Code.

Admittedly, there are some situations, as the fire marshal has alluded to, where you may have an existing building that is not undergoing a renovation or a change in occupancy classification, where there is a good reason to be concerned that people may be in an unsafe condition. However, the Building Code Act and the Municipal Government Act both address unsafe conditions and allow municipal building inspectors and bylaw enforcement officers to enter and inspect these issues, issue orders and correct the unsafe condition.

These are examples where we feel the legislation is in conflict and is creating an overlap in duplication of the existing legislative authority. We agree that there is a need for fire inspectors; however, their role does not need to duplicate the existing authority already legislated by the Building Code Act and the Municipal Government Act. The roles and responsibilities of fire inspectors and deputy fire marshals ought to be limited to safe use of existing buildings. If they identify perceived Building Code infractions, these should be turned over to the appropriate authorities, the building inspectors, to ensure that the appropriate remedial action is taken.

It is the Building Code Act that establishes the procedures to adopt and amend the Building Code in force in the province. This process works well. The Building Code Act requires that any amendment to the code be thoroughly vetted by the Nova Scotia Building Advisory Committee - the fire marshal is a mandatory appointment to that committee - they are then taken to the public for comment before an amendment is adopted by the minister, into the Building Code, via the Building Code Act regulations.

This Act is enabling those amendments to be done just by regulations to amend this document.

With respect to the ability of building inspectors to do their jobs, I want to advise the committee that there are certified building officials in place in almost every municipal unit in the province. Other than the odd complaint about the day-to-day administration and the fact that applicants don't always like to apply for building permits, there have been no problems with the administration of that legislation in the past 14 years that I am aware of.

For your information, I am going to provide you with a copy of our National Occupational Standard for the Professional Building Official, a copy of our Professional Studies Program which outlines the activities for which building inspectors are required to go through in order to be certified, and a copy of our bylaws and constitution. Our Professional Studies Program outlines a whole variety of courses that are required, that building officials must take in order to deal with fire and life safety issues. There is also a mandatory maintenance requirement once you are certified, that you have to continue to take courses in order to maintain your certification. We don't want building inspectors responsible for fire and life safety without taking mandatory training to maintain that certification.

It is also important for the committee to have an appreciation of what the future holds in the administration and enforcement of fire and life safety provisions of the Building and Fire Codes. These existing codes are, for the most part, prescriptive codes, which means the requirements used to determine compliance are laid out in the text of the document and there is very little flexibility available to the inspector when someone is proposing something outside the norm.

In 2003, which is two years from now, the Canadian Commission on Building and Fire Codes is publishing an objective-based Building Code and an objective-based Fire Code, as well as the prescriptive documents. Objective-based codes will enable building owners, through their professional engineers or architects, to propose alternatives to those requirements for consideration. They deal with fire and life safety issues.

If there is not a close working relationship between a building inspector and a fire inspector, the building inspector who enables a building to be built, meeting the objective of the new Building Codes - and that is not fully understood by the fire inspector - the fire inspector walks into the building and says, oh, gee, this doesn't meet the prescriptive requirement of that document. We have to create a change, so it is really important that both the fire inspectors and building inspectors are well versed and have a good working relationship in order to appreciate what is going to go on in the next years, because of the change in these documents.

That is why, in our opinion, it is imperative that these documents are administered at the municipal level of government with the province having a leadership role to support municipal inspectors in doing a competent job. This is the relationship between the province, who enacted the Building Code, and municipalities, who administer and enforce the Building Code; that relationship is there, and that is a provincial policy, in our opinion, on fire and life safety. We think it should be consistent.

You should also be aware that the Fire Code is proposed to be amended around the same time that the objective base codes are published. The building feature provisions contained in this document are to be removed and put into the Building Code. There are provisions in the Building Code that deal with the maintenance of the building, and they are to be transferred into the Fire Code, so that it is clear. Even though the documents will remain compatible, this is going to be the document that is going to be fully responsible for the design and construction of the building, this is going to be the document that is going to be used to maintain those buildings. That is supposed to happen around 2003, with the next rounds of Building Codes and Fire Codes.

One of the arguments against having municipalities responsible for the administration and enforcement of Fire Codes is that the province requires control over its own buildings. This has been achieved with respect to the Building Code Act as the province, as a matter of policy adopted by Cabinet, does not apply for municipal building permits, and the fire and life safety requirements of the Building Code are addressed by the province. If this policy, under the Building Code Act, can exist under the proposed Fire Safety Act, we have a very workable system. We have municipal building officials and municipal fire inspectors working at the municipal level, dealing with all buildings in their municipality, and the province working under the Building Code Act and the Fire Code Act for the buildings that it has control over.

If that is the way this is to be set up, and we think that is the way it is to be set up but it is unclear to us because we can't get detailed answers to our questions, we don't have much of a problem here. Because we don't get answers to our problems, we think we have a real problem. There are so many enabling provisions in that legislation to amend the Building Code without notice to the public, which is required under the Building Code Act, additional requirements for sprinklers, way above and beyond any other standard in the country. We just don't think that should happen without it being enforced under the Building Code Act, because that is what that Act is intended to deal with.

The most difficult part in delivering this presentation, when you want to convey so much background and information in such a short period of time, as you try not to lose your audience while delivering details on this very dry and complex material, is hoping to remain objective and supportive of the adoption of a Fire Code for the province in a process which has to date ignored the basic policy issues and questions with who is responsible for the administration of those documents.

We have done this believing that the issues we raise and the questions we pose are in the best interests of the legislation. We hope we have not appeared negative, because we do support the fabulous role which the fire service does for our communities, but the administration and enforcement of the Building Code is the role and responsibility of the building inspector under the Building Code Act and it is not the responsibility of the fire service. Adopting the Fire Code which is a companion document to the Building Code is necessary to maintain the fire and life safety standards for all buildings, that is enacted in that document.

In summary, I am just going to give you a couple of pages here. Again, prior to the adoption of the Building Code Act, the Office of the Fire Marshal administered the Building Code, approving plans and administering sprinkler regulations. The Building Code Act was enacted in 1987, requiring all fire and life safety provisions under the Building Code Act be administered by municipal building inspectors, notwithstanding provincial properties. An alignment of those responsibilities should have been reviewed in 1987, and they are being entrenched in this legislation with no real justification.

We have some questions:

Is it the purpose of this legislation to adopt the Fire Code and to require municipalities to administer and enforce it?

Does the province want to administer and enforce the Building Code and the Fire Code with respect to provincial properties?

Why is it necessary for the Office of the Fire Marshal to become involved in the day-to-day administration of the Building Code?

When an order is issued under the Fire Code, that deals with a Building Code matter, why should the appeal be enabled to be heard by two advisory committees, i.e. the Fire Prevention Advisory Council and the Nova Scotia Building Advisory Council, as the Nova Scotia Building Advisory Council is already mandated to hear appeals with respect to Building Code matters?

Why do private facilities, such as nursery schools, daycares, homes for special care, nursing homes, bars, restaurants, nightclubs, colleges, et cetera, which require a municipal building permit and the licence from the provincial department to operate for the approval for fire and life safety, have to be reviewed by the Office of the Fire Marshal?

We have some recommendations. A policy regarding the adoption and administration and enforcement of the Building Code and the proposed Fire Safety Act must be decided and then the other details, which complement this policy, can be established in these pieces of legislation.

Where the Building Code Act deals with the front end of fire and life safety, and where it is enacted by the province, requiring municipal administration and enforcement, and where it would appear that the proposed Fire Safety Act was drafted, requiring municipalities to administer and enforce the Fire Code, notwithstanding the identified areas of duplication and overlapping responsibilities, therefore it would appear to us that there is an identified provincial policy regarding the administration and enforcement of the Fire Code, which implies that municipalities should be responsible for the administration and enforcement of the Building Code and the Fire Code, subject to the province being responsible for the administration and enforcement of the Building Code for its own properties.

Our recommendations have been formulated in response to that implied policy framework. Those recommendations are:

1. Enact the Fire Safety Act adopting the Fire Code as the Nova Scotia Fire Code, requiring municipalities to administer and enforce it.
2. Remove all references to the Building Code and the Building Code Act from the proposed Fire Safety Act. The provisions in the Fire Safety Act are not necessary to administer the Fire Code, because when you adopt the Fire Code you bring this with it because it is a companion document to the Building Code, and vice versa. It gets you into the Building Code for the day-to-day administration.
3. The Fire Safety Act should not enable the Office of the Fire Marshal to amend the Building Code regulations or establish regulations on which plans must be submitted to the fire marshal for review. If it is the intent of Clauses 18(1) and (2) and 51(1) to regulate only provincial properties, it should be clear and state that.

4. There should be a provision in the Fire Safety Act which requires a fire inspector, who issues orders that require buildings to be renovated or changed, to comply with a provision of the Fire/Building Code that involves new construction or the installation of fire equipment regulated under the Building Code that the administration and enforcement of that order is regulated under the Building Code Act with input from the fire inspector.

Those are our four recommendations. I thank you for your patience.

[8:30 p.m.]

MR. CHAIRMAN: Mr. MacKinnon.

MR. MACKINNON: I thank Mr. Leedham for his comments. There is some rather substantive material in your presentation, I will certainly take it under advisement. One thought went through my head as I listened to you make your presentation, the turf war comes up in my mind. I think the biggest losers on this are the people of Nova Scotia. I may be wrong, but I am reading it as a turf war between two government departments and, by extension, perhaps down to other agencies, the municipal building inspectors or whatever. That is my perception of it, right or wrong.

In the municipality where I live, I recall when I first started land surveying back in 1978, the cost of a building permit was \$5.00, today it is approximately \$350. The cost of a subdivision plan was \$15 and now it is \$200 plus the HST. The cost of getting a lawyer to make up a deed was \$35, now it is over \$100, maybe \$125, depending on the lawyer, whether he or she has their Q.C. or not. Then, to register that, it was approximately \$10 plus 10 cents or 20 cents for every page, now it is \$70 plus \$1.00 for every page. How much more are the people of Nova Scotia going to have to pay for these turf wars because government departments are not getting out of the box? When are they going to start working together?

The first thing that went through my head, as well, is the very same minister who introduced this particular piece of legislation, is now the minister responsible for the Building Code that you are referring to. If he was happy enough with it in one department, why wouldn't he be happy enough with it in another department? Are things that fragmented that the people of Nova Scotia will continue to suffer?

Maybe it is more of a frustration from a policy-making point of view. I know you have worked quite extensively in Public Service, the provincial government. It seems to me, the question comes to my mind, who is really the loser? Whose interests are being served? I raise that generally, and I think you can appreciate my frustration.

MR. LEEDHAM: I don't really know how to respond to the issues of the costs for the permits, the pages, the recording of deeds and so on, because those are things that continue to go up and change in time. I think one of the concerns that I observe is, why was

a minister in one department who was also responsible for the Building Code Act not aware of this conflict? I think most people don't realize that the Building Code Act deals with fire and life safety matters. I think they believe it is responsible for the design and construction of single-family homes, and that there are provisions in it that deal with accessibility to get disabled people into buildings.

I don't think they appreciate the fact that all fire and life safety provisions are contained in that document, they don't see that, they continue to believe that they are addressed under the Fire Code by fire people. Typically they are issues that are required to be designed into buildings and maintained in those buildings under the Fire Code. I think there is just a lack of appreciation of the scope of the Building Code.

MR. MACKINNON: Mr. Chairman, I will ask one more question and then I will rest, because it is becoming very self-evident that we have two government departments, civil servants, professionals, high-level professionals, that can't get their act together. That bothers me. (Interruptions) Wait now, I am not finished. Politicians take advice from these senior civil servants, experts, and you can't be second-guessing your experts. Having served in Cabinet, I know you can't be second-guessing your experts every time you turn around. You have identified yourself as a senior civil servant.

You are saying that for years, you and another government department could never see eye to eye. What you are saying here is an administration, or the fact that two different personalities can't develop a meeting of the minds. Only one of two things can happen, either they get their act together, or you clean the slate and get a body that can, whether that be political or civil servant or a combination of both. To me that seems to be the resolve to what is happening here.

MR. LEEDHAM: I guess my response to that is I haven't been in government for six years, and I am not going to say that if I was in government that this legislation would be better but I would hope it would have been. It really bothered me to have to come here tonight, it would have even bothered me to have had to go to the Law Amendments Committee to raise this. As I said, we are not trying to raise these from a turf war, we are trying to raise them to ensure that we end up with the best piece of fire and life safety, so that the people of Nova Scotia know where to go for that and get well served.

We had a Fire Prevention Act in the province long before we had a Building Code Act in this province. We have only had a Building Code Act in this province for 14 years. When we brought the Building Code Act in, I had nothing to do with buildings or Building Codes. Subsequent to that I have had an awful lot to do with it because governments get downsized and you get that responsibility. Then I was employed on a part-time basis with this association. I appreciate what these guys do in order to protect public health and safety.

I think all we are trying to do is to ensure that we have a workable piece of legislation. I don't think we are really far off, I think there are just so many enabling provisions in this legislation that deal with the Building Code that aren't necessary. If they are necessary and someone can prove to me that they are necessary, hey, case closed, we don't have any concerns. As we see it, we don't think they are necessary because we have a provincial Building Code in place in this province.

MR. CHAIRMAN: Mr. Holm.

MR. HOLM: A few, hopefully, short snappers. First of all, have you seen the regulations, the draft regulations?

MR. LEEDHAM: No, we haven't.

MR. HOLM: Have you asked for those?

MR. LEEDHAM: Yes.

MR. HOLM: I don't know if they will address any of the issues or not, they may or may not. Secondly, am I correct in that you think that, obviously, the building inspection should be done by municipal employees? Did I hear you saying that?

MR. LEEDHAM: Yes.

MR. HOLM: Do you think that the fire inspections, except on provincial buildings, should also be done by those same building inspectors?

MR. LEEDHAM: No. You are not hearing me say that building inspectors should be responsible for fire inspection. What you are hearing me say is that fire inspection, as with building inspection, should be a municipal responsibility. If the municipality wanted to appoint the fire inspector as the building official, with the appropriate training, they could cross-train and do that job, the same as a building inspector may be able to do fire inspection. I don't see how they could do that, because there is such a volume of work here that it could be quite impossible.

MR. HOLM: I guess that really comes to another point, in terms of the volume of work and in terms of the building inspections. I know that most building inspectors that I have come across are pretty well run off their feet as it is, and to assume that additional responsibility without significant additional staff strikes me, in most areas, as a virtually impossible task. Is one of your concerns, however, that the Fire Marshal's Office could sort of override what a building inspector might or might not determine needs to be done?

MR. LEEDHAM: No, because typically they are not involved in the day-to-day administration, they are involved in the building after it is built. There are provisions in this legislation which would enable additional requirements under the Fire Safety Act for the building inspector to administer, as we read it.

MR. CHAIRMAN: Thank you very much. The next presenter is Gerard Donahue. (Interruption) Certainly, we are here and we would like to hear from you. I see our MLA from an adjoining constituency, Barry Barnet. I don't know, Barry, if you would like to join us.

MR. GERARD DONAHUE: My name is Gerard Donahue. I am a certified building inspector and I am presently employed with Halifax Regional Municipality. Part of my duties as a building inspector is to review plans for Building Code compliance when a building permit is applied for. The review can range from a deck on a single-family dwelling, to a multi-million dollar hospital or nursing home and everything in between. My responsibilities in plan review cover a whole gamut of fire and life safety provisions, to ensure that all major building components are examined, to determine compliance with the Building Code.

My review addresses the following Building Code requirements: building classification, or how the building is going to be occupied; building size, both area and building height; access routes for firefighting, including streets, hydrants, hose connections, firefighters' elevators, smoke controls and exits; and voice communications systems. I determine whether the building falls within the scope of Part 9, which is traditionally smaller buildings, or within Part 3, which is the larger buildings.

I determine the type of construction, whether it be combustible or non-combustible construction. I determine if a sprinkler system is required, and also the type of sprinkler system that is required. I deal with occupant loads of buildings, to determine exit widths, whether it be corridors or stairs, or doorways. I determine the requirements for fire alarm systems and panic hardware and doors. That is all related to occupant load.

With the fire alarm system, I deal with the type of fire alarm system, and also whether it has to be monitored or not. I deal with standpipe systems in buildings for firefighting purposes. I deal with fire separations in buildings, including structural separations, suite separations, public order separations, exit separations, elevator shafts, service rooms, and vertical and horizontal service bases.

I deal with fire protection of adjacent properties. I deal with exiting facilities for these buildings. I deal with exiting and emergency lighting. I deal with type, size and location of fire extinguishers. I deal with fire pumps and back-up diesel generators. These diesel generators can boost the sprinkler or standpipe system, or they can be used for emergency power in the building. I deal with all types of heating appliances, including solid fuel, oil, propane and

natural gas. I deal with exhaust systems for appliances producing grease-laden vapours in restaurants. I deal with fire stopping of all mechanical, electrical and plumbing systems.

Besides all that, the Building Code regulations have identified 36 alternate compliance methods that can be used instead of the Building Code for heritage buildings and buildings that existed prior to March 13, 1987 that were undergoing renovations where there was no change of views, or the occupancy had a reduced risk. So when I read the proposed Fire Safety Act, in particular Clauses 13(4) and 51, I feel that it takes my ability to do my job away from me and it also possibly increases the municipality's liability when changes to a building that were done under a permit have been ordered to be changed. So it puts the municipality at risk.

MR. CHAIRMAN: Any questions?

MR. STEELE: I take it that you agree with everything Jack said before you.

MR. DONAHUE: Yes, pretty much.

MR. STEELE: Okay. Thanks very much.

MR. CHAIRMAN: Thank you. Our next presenter is Dave Barrett.

MR. DAVID BARRETT: Mr. Chairman, members of the committee, ladies and gentlemen, first I want to thank you for the opportunity to speak here. I have a long background in the fire service, including my father. In fact, my father had a petition around Beaver Bank to have a fire department here in Beaver Bank and Sackville. That was the time when the citizens had a say on how the municipality spent their money. I had to have a plebiscite. I was a volunteer for 10 years and I have been active in the community and concerned about the fire thing ever since.

There was one thing that Elizabeth Publicover brought up, the thing on forestry. There is a saying in the forest industry. These parks and protected areas are parks and neglected areas because they are just planning on letting the timber fall down making a fire hazard. I would just pass something along to you. When the government made the Occupational Health and Safety Act, no way did they think they would be sued for the highways being unsafe. So I think somewhere along the way, you should make sure that you don't back yourself into a corner.

Fire is a motherhood issue. Like here in Sackville and Beaver Bank, we have had a cadillac fire department, as you see. We have the fire marshal; a lot of the people from our fire department have moved up the ladder and have done a 100 per cent service, we think.

Back in the 1970's, when we were expanding so fast and didn't have enough funds, I think we had maybe one or two deaths in the fires. But we had one of the highest suicide rates for young people. The thing was that all the money basically, at that time, went to the fire department and there wasn't money to fund the others. So somewhere in your thinking, it has to be balanced because when you are dealing with motherhood - I mean, if I was a fire chief or the fire marshal, or something, I would be focused on the one thing. There are only so many funds, so you have to have a balance.

The thing is, I am in small business and on this one where it says the fire marshal may, I agree with that very strongly - the backbone of rural communities is small business. I was on a planning committee in Sackville in the mid-1980's. One chap said, how many businesses in Sackville would be able to even get off the ground if they had all these rules when they started? The same thing goes on the fire protection.

The one thing that comes to mind, I heard a speech from the President of Oxford Frozen Foods. For 10 years he made most of his capital expenditures in Maine because he couldn't make a freezer plant in Oxford because of the sprinkler system, where the Town of Oxford didn't have enough water to feed it. There was very low rest, from what he told us, on big freezer motors, and the rest.

So somewhere along the way, there has to be - if some industry wants to go to rural Nova Scotia where we really need them - and I don't want to take it away. Things change and, I mean, HRM is expanding so much and the same rules for HRM. I mean, you have to have it. You are getting people jammed in tighter and tighter. But when you have rural Nova Scotia, there should be some balance in it.

I have had experience with fire, to my regret. I was burnt out on Christmas Eve, in 1992. I phoned the fire department and I had a fireman at my door in less than five minutes. He happened to be visiting his girlfriend who was next door. (Laughter) But the volunteer fire department, to me - I mean, with all due respect to you politicians, I think this country would fall apart if we didn't have the volunteers. I mean, they just see a need and they fill it. They don't ask for money. They don't do that.

I was very - what would you you say?- upset, I guess, is the word, when I found out last year that volunteer firemen were instructed by their union not to volunteer. I think part of this law should be the right to volunteer. I think that it is just as much of a need to have that. There should be no one - I mean, if someone was - especially in the rural areas of Halifax County and what I understand is, whether they are professional firemen in the city, with all the training - living out in the rural area, they are basically saying we have to deny giving a service and that is wrong. So I think that part of your system should have the right to volunteer.

Another thing on the volunteers is that we don't appreciate the volunteer firemen enough. I know we do but you jump at 2:00 a.m., in the middle of winter, into a cold car, and you go immediately to a fire. Now, you know what that does to a motor. You can just cook a motor pretty quick. Yet, the government in power decided to tax the honorarium that the fire department is doing. I just think that no matter what honorarium we give them, there are expenses that they are putting into the services they are giving to us. Well, as a lot of them would say, if I was paid, I wouldn't do it.

Anyway, I haven't had a chance to read this whole bill, but somewhere along the way I think it is just as important that you make the right to volunteer, and somehow or another to appreciate them the way they should be.

I want to thank you very much for giving me the opportunity to speak.

MR. CHAIRMAN: Thank you. John.

MR. HOLM: It is not really a question, Dave, but I just can't let it go by without saying that, yes, indeed, this community has been extremely well served by the volunteers; not only in the fire service but, as you well know, with the community's activities. If it wasn't for the volunteers, so much of what we have within this community wouldn't exist because it was done through volunteer efforts in the actual planning, the fundraising, often the construction, and the purchase of much of the equipment that we have within our fire department. For so many years, the majority of the force was volunteers and they worked extremely well with the paid members.

I just want to say that I think that at least the majority of people in the community may not necessarily always understand who is and isn't a volunteer, and regrettably, the numbers of volunteers have decreased over the last few years. I won't get into some of the reasons for that. But I think that the community recognizes that we have had, within the greater Sackville, Sackville-Beaver Bank area, a pretty good bunch of dedicated men and women, whose families have made tremendous sacrifice as well; not only the volunteers, the family makes them as well.

If I could say, I think that Barry would agree with those comments, that we know that we have been well served by the men and women of both the professional and volunteer fire services for many years. We look forward to that again in the future.

MR. BARRETT: Just one comment. When we had our fire on Christmas Eve, from 10:20 p.m. to 3:00 a.m., there were 30 volunteers that worked their heart out to save our home. I thank them. I will never forget it. Thank you very much.

MR. CHAIRMAN: Thank you. Do we have any other presenters? (Interruption) Certainly.

MR. LAURIE WALKER: Mr. Chairman, my name is Laurie Walker. I work for Atlantic Alarm & Sound. Basically, what we are going to get involved with is fire alarm service. At the present time, the legislation of the province is that any electrician, anybody who has electrical experience, is qualified to work on fire alarm systems. It is even getting to the stage now where the systems are being bought through distributors. They are being installed. Electricians are installing them and they are verifying them.

Prior to this, verification was something that the engineer called for when the building was constructed. He would call for the manufacturer of the product, the fire alarm system, to do the verification, to make sure that the system was installed as per the manufacturer's recommendations. The people doing the work were trained by the manufacturer. However, this now can be done by anybody. Again, I reiterate, the service can be done by just about anybody.

We would like the committee to look at the possibility of accepting a standard for fire alarm inspections for service technicians who work on fire alarm systems. The systems today are not like they were years ago. They are computer-based, multiplex, addressable systems and we don't feel it is being done in the proper manner. That is primarily all I have to say.

MR. CHAIRMAN: Any questions from the members?

MR. STEELE: I have a question. It is probably best directed to the fire marshal, if you don't mind coming back up to the front. It is an interesting question that is raised here. I am just wondering whether the Fire Prevention Advisory Council has considered this issue.

MR. CORMIER: Yes, this is a growing problem right across Canada. Probably the most severe place, in our consideration, is apartment buildings, where there is a requirement for 75 db - decibels - at the head board when the room is occupied. If you can't reach that through the wall alarm, then there has to be a piezo or an alarm put within the unit. On a 200-unit apartment building, not putting those into those apartments saves a tremendous amount of money. We don't have the decibel readings. We don't go around and do that. We need the verification agencies to do that for us.

It is part of the regulations which you will see when you get back. Those were released to everybody back in - I believe the date I ran off today was September 2000 that they were mailed out. They are on your desk, when you get back to the committee room. Part of that is a requirement that people carrying out service work or installation of fire protection equipment - whether it be sprinklers or fire alarm systems - must meet a standard.

Our problem is we will have to have a time period to allow people to reach that standard, especially in the sprinkler industry. They do have an excellent training program but we have not been overseers of the process in the proper manner. So that is in the proposed regulations.

MR. STEELE: Thank you.

MR. WALKER: Could I ask a question?

MR. CHAIRMAN: Sure.

MR. WALKER: What would be the standard for the person to work on fire alarm systems?

MR. CORMIER: That would have to be set by the industry. We would probably follow the Ontario standard. We are working very closely with UL out of the United States and ULC out of Toronto, to come to grips with the standard. We are also working with the community colleges to provide that training.

MR. WALKER: Excellent.

MR. CHAIRMAN: Kerry.

MR. MORASH: One question. So from a fire marshal's point of view, what would you take for verification of an alarm system that is being installed today? My signature, that it meets what it should meet, or . . .

MR. CORMIER: I dare say that the Building Code is a responsibility of the building inspectors. I have been very clear and very thorough with that from the first moment that I met with this committee. The Building Code does state that the initial verification and the annual testing must be done to the manufacturers' standard and must be done by the company that is the manufacturer of that, or the supplier of it. It is a ULC standard. There is a specific standard for carrying that out.

MR. MORASH: So if I buy a system from this gentleman, then I must have him do the annual inspection in order for it to be . . .

MR. CORMIER: What I have been told by the industry is that one of the problems is that if they don't allow some of the weaknesses in the system, when an individual buys from me, if I go in and I verify it and I say, this doesn't meet, and you've got to put all those piezos in, the next order will not go to that company, it will go to another company. So what we have is a race to the bottom. We have to get a grip on that.

One of the ways of doing it, as we have done with some of our others, is to have control on the tradespersons who are doing this work so that we bring the quality of the trade work up and the requirements for the activity. This has been successful in Ontario and they had tremendous problems with their fire alarm industry there.

MR. MORASH: Do we have the same problem with sprinkler systems currently, or do we have .
..

MR. CORMIER: At the present time there are no requirements outside of pipefitters' requirements. There is an individual from the sprinkler manufacturers here who could probably answer that question best. They do have good training programs, but there is nothing to say that that person going in to install that sprinkler system has to be licensed in the Province of Nova Scotia to do so.

[9:00 p.m.]

MR. MORASH: So anyone can go in and install a sprinkler system in the Province of Nova Scotia currently?

MR. CORMIER: Basically, under legislation, yes. There is no trade requirement.

MR. DONAHUE: Under the Building Code Act regulations, there is a sprinkler engineer who certifies that system and we get the certification at the end of the job, as well as an electrical engineer certifies the electrical work and the fire alarm system in these buildings, when there is a permit involved.

MR. CHAIRMAN: Are there any other questions? Thank you very much.

Are there any other presenters? John, as the host, I would ask you to conclude our meeting.

MR. HOLM: Thank you very much and certainly on behalf of all the committee members, I extend a very big appreciation that everybody came out. I am not going to attempt to try to summarize what everybody said. Fortunately, we have Hansard here, who is recording what has been said so we will have a verbatim transcript of all the ideas, concerns and issues that have been brought forward. So again I want to thank you all for coming. I am not a regular member of this committee but this has been - and it is not a surprise because, of course, this is Sackville - the largest meeting that has been held to date. Thank you all very much for coming.

MR. CHAIRMAN: Thank you very much for coming.

We are adjourned.

[The committee adjourned at 9:02 p.m.]

BRIDGEWATER, TUESDAY, OCTOBER 9, 2001
SELECT COMMITTEE ON FIRE SAFETY

7:00 P.M.

CHAIRMAN

Mr. Jon Carey

MR. CHAIRMAN: Good evening. My name is Jon Carey. I am the MLA for Kings West and the chairman of this committee. We are still waiting for a couple of members who are on their way but we would like to get underway and certainly encourage all, even if you haven't a prepared, written presentation, if you have anything that you would like to say, take this opportunity to come forward and give the information so that we, as an all-Party committee can gather the information and take it back and try to get the results that you would like to see. So perhaps we could start with Kerry with introductions.

[The committee members introduced themselves.]

MR. CHAIRMAN: We have a couple of members who have told me they would be here, so when they come they can introduce themselves at that time.

The meetings that we have had in the last couple of weeks, we have taken a moment of time just to recognize the sacrifice of the 300 firefighters in New York who lost their lives and also to recognize that in Nova Scotia the sacrifice of the fire service and that there have been members lost here as well, certainly not in those numbers. So I would ask at this time we just take a moment of silence.

[One minute of silence was observed.]

MR. CHAIRMAN: Thank you very much.

Welcome to this meeting of the Select Committee on Fire Safety. The select committee is an all-Party committee. We have been charged with the responsibility of making recommendations to the House of Assembly on a new law for fire safety.

We are reviewing proposed changes to the Fire Prevention Act which are contained in Bill No. 58. Bill No. 58 was introduced in the House of Assembly in June 2000. Now the government wants to widen its base of comments from the public and complete the legislation. We are also meeting with Nova Scotians. We would like to hear from the public, as well as people who will be directly affected by the new law, such as insurance companies, and other businesses, municipalities and the fire service. We are meeting in nine communities across the province and this is our seventh meeting.

The input we gather will give us the best possible fire protection legislation for Nova Scotia. The new law will take into account changes in municipalities in the last couple of years. A law can last for years so it is important to get things right from the beginning. Once we have collected and reviewed all submissions, we will make recommendations in a report to the House of Assembly.

Bill No. 58 sets up a framework for fire safety. It assigns responsibilities to individuals and organizations that work to prevent fires, people who fight fires, companies and individuals who own land, insurers, municipalities and provincial government officials like the fire marshal. The bill also sets up an advisory council to advise the Minister of Environment and Labour on matters related to fire safety.

Bulleted items on Bill No. 58 are - these are not all, but many of them:

- written with the intention that it would completely replace the Fire Prevention Act that is now in effect in Nova Scotia
- directs what individuals and organizations in the province must do to prevent fires and how they must act once a fire has occurred
- provides direction for making sure the Fire Marshal's Office has representation in each municipality
- important for educating people on how to prevent fires
- helps the fire marshal determine what caused fires. This is important for insurance and crime prevention reasons
- assigns roles to people who are responsible for preventing fires, for putting them out, for reporting fires and for investigating them, the Fire Marshal's Office and the municipalities
- assigns responsibilities to people or organizations that own land or businesses. These people have certain responsibilities for preventing fires and for reporting fires that do take place. Insurance companies also have responsibilities assigned by the law

- forbids certain activities. For example, if this bill becomes law, it would be against the law to give false information to a fire official investigating a fire or to tamper with a device that would help people escape a burning building
- discusses what regulations the government can write to further protect Nova Scotians from fire and to reduce the harm of fire
- establishes a fire safety advisory council to advise the Minister of Environment and Labour on matters of fire safety.

Tonight we have three people who have given their names for presenting. If anyone else would like to, if you would give your name to Kim at the back so that we can have a record of the presenter. When you do your presentation, if you would come to one of the microphones at the front, giving your name and position so that Hansard will have a record of who we have here tonight.

The first presenter, I am not sure if he is here yet or not, but we had Craig Rafuse.

MR. CRAIG RAFUSE: Good evening. Craig Rafuse, I am the Chairman of the Fire Commission District No. 4 Chester Basin. I don't have too much to say in terms of a written submission. I am making a presentation in support of the bill. Being involved with the fire service and having listened to the fire advisory and the officers in the Province of Nova Scotia, they have supported changes. In reading the Act, it is somewhat old and antiquated and it is time that these Acts were revised.

It is known that all changes do not support everybody but one of the most important changes that I feel is necessary is the change to put the fire inspection in the hands of the municipality at the local level, rather than have such responsible positions being either overlooked, reduced by government services or asked by volunteers in the fire service. I have seen changes in the municipalities take place affecting what I feel were not such important items such as a fire inspection Act would in fact possibly reduce losses in lives.

Again, I can only say that I support these changes. I am sure out of legislation there will be changes forthcoming down the road but it is time these changes were made. Thank you.

MR. CHAIRMAN: Would any member have any questions of Mr. Rafuse before he leaves us? (Laughter)

Mr. Rafuse, if you don't mind answering a few questions, some of the members wouldn't mind asking, if you don't have a problem with that. If you would just come back up so we have a record of it, please.

MR. DONALD DOWNE: Thank you, Craig. One thing about us in Lunenburg County, we are short and to the point. One of the issues that you mentioned here, that it is about time that the Act is updated and the changes that are being made and you support the principles of the bill and more of the power back into the hands of the municipalities, is that what I understood in regard to the bill? The question I have is, when that happens, should there be fiscal responsibility of the municipality or the town, or should it be cost-shared with the provincial government with regard to the costs associated with the different applications and training and things of that nature that will be associated with that?

MR. RAFUSE: That cost would have to be cost-shared, yes.

MR. DOWNE: Currently, you think it should be a cost of the municipality/town and the province on an equal basis, 50/50 basis?

MR. RAFUSE: Yes, I could support that 50/50, being a taxpayer and being a provincial taxpayer as well. Yes, I would support that.

MR. DOWNE: Or do you think it should be just all provincial?

MR. RAFUSE: No, I would say 50/50.

MR. DOWNE: All right, thanks very much.

MR. GRAHAM STEELE: I have a question as well. I have a question very much along the same lines. One of the issues that has come up as we travelled around the province is cost. Some of the changes contemplated by this new piece of legislation are going to cost money and the question is, who is going to pay for them? I guess my question, very similar to what Don was just asking is, do you believe that this new legislation, if passed, will cost your district extra money and particularly your fire department? If so, do you have any estimate about how much that will be?

MR. RAFUSE: The cost to the fire department, I see it as possibly a cost saving for the fire department. As a taxpayer I see it as a cost that I am prepared, as a taxpayer, to accept.

MR. STEELE: Which level of government do you see this bill imposing costs on? The municipality . . .

MR. RAFUSE: Historically, I see everything usually passed down from the province to the municipalities, but I would like to think that it could be started off at least as a 50/50 cost-sharing arrangement.

MR. STEELE: Do you have any idea at all, any estimate at all about what extra costs will be imposed on your municipality by this legislation?

MR. RAFUSE: No, I can't comment on that.

MR. STEELE: Okay, thanks.

MR. CHAIRMAN: Kerry.

MR. KERRY MORASH: This might be something that we might need the fire marshal to help out with. Since we have been going around the province, it has come up on several occasions with regard to the fire inspectors that the new bill is requiring and requesting. In some cases we have had some discussion and some definition of what was included in the old Act. My understanding is it is the same from a fire inspection point of view or fire inspector point of view that there isn't a change from what exists today to what is proposed in Bill No. 58. Maybe Mr. Cormier could come up and help me out on that.

MR. BOB CORMIER: The 1976 Act stated that every municipality shall provide for a system of fire inspections and may, in addition to the fire chief, hire a fire inspector for that purpose. A number of municipalities never bothered doing either one. The requirements under the 1976 Act were four times a year for inspections of all assemblies, orphanages and other such structures. Under our proposed bill, the requirement is still the same, only it is very explicit that the municipality is responsible for the fire inspections and cannot be perceived as being a responsibility of the volunteer fire service. In areas where the fire department already provides those inspections, that is merely an appointment by the council to the fire chief of those responsibilities.

At the request of the Union of Nova Scotia Municipalities, the number of inspections were decreased to an annual basis and if you have received the very early draft of the regulations, you will note in there with many of them, some of those inspections are now in a five year or a three year basis, depending on the size and risk associated with the activity.

MR. MORASH: Maybe another question, if I could. So we do have municipalities that have fire inspectors now. Are they doing that to fulfill their obligation under the existing Act?

MR. CORMIER: Yes, they are. We have inspectors in Lunenburg, Mahone Bay, Lunenburg County, Bridgewater, Yarmouth, Truro, part-time in Wolfville, part-time in New Glasgow. They have just hired two fire inspectors in Cape Breton County.

MR. MORASH: What additional costs can those areas expect if this new bill becomes a law?

MR. CORMIER: That depends on the salary scales that they set but our rough estimate would be wages plus benefits plus training costs would work out to approximately \$40,000 to \$42,000 per year. Again, depending on salary levels, because salary levels vary from the Halifax Regional Municipality to the smaller regions.

MR. MORASH: Okay, thank you.

MR. CHAIRMAN: Our next presenter is John Craig.

MR. JOHN CRAIG: Good evening, gentlemen. My name is John Craig. I am the President of the Fire Officers Association of Nova Scotia. I have been a volunteer firefighter for 27 years; three years with Milford, six years with Sackville and 18 years with Chester Basin. I have also been a paid firefighter for the last 23 years with Sackville and now, since amalgamation, the Halifax Regional Municipality. I have held a number of officer positions with Chester Basin Volunteer Fire Department. Among others, five years as a chief and the last two as a training officer.

The Fire Officers Association of Nova Scotia had their annual meeting on September 30, 2001. At that meeting, a motion was made and passed that I was to make this presentation supporting Bill No. 58, An Act to Promote and Encourage Fire Safety, in its present form and to request that Bill No. 58 be introduced in the fall sitting of the Legislature and be passed as quickly as possible.

I attended the meeting in Sackville last Thursday and have some comments on some of the presentations. I consider all firefighters as professional. Some are paid, some are volunteer. As I stated, I have been both a paid and volunteer firefighter for the last 23 years. On the paid side, I have been a union vice-president for six years and a secretary for four years. At no time in my 23 years have I been asked by the union or any union representative to stop being a volunteer firefighter.

Regarding the presentation made by the building inspectors, they had ample opportunity, when this bill was being prepared to voice their concerns and were apparently unsuccessful in convincing the members of the Fire Prevention Advisory Council to change their minds as the present Bill No. 58 was passed by the majority of the members. They are correct in saying it was not unanimous but you, as politicians, know very little is ever passed unanimously. If the government was forced to wait for a bill to be passed unanimously, the province would be in a lot of trouble. As for the legal wording in the bill, it has gone before the province's lawyers to be written as Bill No. 58 and they did not see any obvious problems.

This presentation is to reinforce Past-President Greg Clark's comments from the September 6, 2000 meeting with the Select Committee on Fire Safety. In conclusion, I have heard many times from all three political Parties represented here tonight how great the volunteer fire service is and how we do such a valuable service to the communities in which

we serve. In return, at this time, all we are requesting is that this piece of proposed legislation, Bill No. 58, be passed into law as soon as possible as we have been waiting for approximately five years.

MR. CHAIRMAN: Are there any questions for Mr. Craig?

MR. DOWNE: I just want to compliment you, John. I have seen you run before in bed races and now I see how good you are at giving public speeches. This is the first time, I should say to the members here - it is my own riding - I am filling in, actually, for Russell MacKinnon who is in Cape Breton tonight. So I normally have not been a part of this committee. I have been asked to sit in by the chairman and by the member opposite.

One question I have, John, with regard to getting this in and through as quickly as possible, I have heard comments with regard to the fiscal issues and whether or not at the end of the day the training that is required, upgrading and some of the costs associated with inspection and things of that nature, any comments with regard to the volunteer fire department's point of view, any additional costs associated to them? You can only sell so many breakfasts and dinners and suppers and there are only so many things you can do and they are all working hard to do that. We have fire tax and so on and so forth. These additional costs, where do you see the responsibility of those lying?

MR. CRAIG: As far as the volunteer fire service, I don't see additional costs. The inspectors have been - as the fire marshal mentioned, since 1976, they have supposedly been in effect. That should not be a cost. If the municipalities haven't been providing it, it is a cost but is it additional cost? No, it is a cost that they have gotten away for 25 years without paying so they should have that much money built up to make the payments now. (Laughter)

MR. DOWNE: Thank you very much.

MR. CHAIRMAN: Kerry.

MR. MORASH: With regard to training, as we travelled around, there was some misunderstanding with regard to - and the misunderstanding, I think, is mine - volunteer firemen and paid firemen and to the level of training they must reach. The NFPA standard was what was mentioned a couple of times and I guess just maybe you could clarify, do if volunteer fire departments need to train to the NFPA standard, as opposed to paid firemen who come under the Occupational Health and Safety Act?

MR. CRAIG: The NFPA 1500 is a guideline. It has not been passed by the province and we have been told it will not be, as far as the volunteers; the new one that is in draft form now will not be enacted into legislation, it is a guideline. You are to work to what you can achieve. There is going to be more training. It can be done locally by the fire department.

There is a lot more paperwork but as far as direct additional costs, the costs are not a huge burden on the department.

MR. CHAIRMAN: Graham.

MR. STEELE: John, thank you very much for coming out tonight. When we heard from Greg Clark on September 6th, I believe he was the president of your association at the time . . .

MR. CRAIG: Yes.

MR. STEELE: . . . and some time in the interim you have taken over?

MR. CRAIG: Yes, on September 30th at the annual meeting Greg stepped down and . . .

MR. STEELE: So you are in the second week of your presidency, so congratulations on that.

I am going to ask you some of the same things that we asked Greg when he appeared before us on September 6th because I am interested in your reaction. It is very clear to us that the Fire Officers Association is 100 per cent behind the proposed legislation that was introduced by the Conservative Government on June 6, 2000. You were 100 per cent behind it. In fact, when Greg appeared before us, he made it clear that he didn't understand very well why it has taken this long to bring it forward. His message to us was basically, what are you waiting for, why are we having another round of hearings?

MR. CRAIG: That was the consensus at the meeting on September 30th.

MR. STEELE: The question naturally comes up, why exactly is this legislation being delayed because it was introduced in the Legislature a year and a half or so ago and you said, well, what exactly is the delay? I want to run by you a couple of places that not exactly opposition is coming from but questions are coming from. The first one is one you have talked about already. That is that from municipalities, and I believe that just a little later we will be hearing from somebody from the Municipality of the District of Lunenburg. But other municipalities are saying this new legislation will definitely impose new costs. They are not opposed to the legislation but what they are saying to the province is, if you require us to do more stuff that costs money, you have to expect to kick in a little bit of money - maybe a little, maybe a lot, maybe all of it - because you can't expect to give municipalities responsibilities without a corresponding increase in the amount of money being transferred.

I guess my first question to you is simply, could you comment on that concern which may be one of the reasons why things are being delayed just a little bit?

MR. CRAIG: I think there could be additional costs to municipalities but I think that is something the UNSM and the government can work out themselves. I don't think the safety of the people of this province should be held up because the municipalities think they have a little extra cost and basically that is what it is doing. There are things under the old Act where the fire chief was the only one who was allowed to conduct certain parts of the investigation. He was not allowed to download that or to assign somebody else with that position. Under the new bill, it is the officer in charge who has that responsibility. So there are parts of it, as far as gathering information and evidence, there is more power under this new Bill No. 58 and you are talking people's lives. If the municipalities and the government can't get together and come up with some kind of funding formula that is going to protect the volunteers and the people in this province, then we are in trouble.

MR. STEELE: The second source of questioning - I won't even call it opposition - is the building officers, the building inspectors. They made it very clear during the presentation in Sackville, they are not opposed to the legislation but they have some serious questions about it. Their main concern, and I hope I am not simplifying it too much, is that the new legislation may cause confusion between the role of the fire inspector and the role of the building inspector. Their belief is that there is currently no confusion but the new bill might introduce confusion between the respective roles of the fire inspector and building inspector. What is your comment about that concern?

MR. CRAIG: I think Bob Cormier would give you a better answer. (Laughter)

MR. STEELE: I think you should run for office. (Laughter) The main source of concern about this bill is coming from the building inspectors, there is no doubt about it. Do you care to say anything else about your view on the concerns that they have raised?

MR. CRAIG: They brought concerns to the Fire Prevention Advisory Council when it met to draft up this bill. Apparently whatever concerns they had, they weren't able to convince those people when the bill was drafted that changes were needed and, as I said, it has to go by majority vote and it did and they lost out. Sooner or later, we can't wait for everyone in this province to agree that a bill is proper before it gets passed or we won't have any bills in this province.

MR. STEELE: To your knowledge, has there ever been a meeting between the Fire Officers Association and the Building Officers Association on these issues?

MR. CRAIG: Not to my knowledge in the last four years.

MR. STEELE: Do you think it would be of any help at all in helping to resolve some of their concerns if there was a face-to-face meeting of the two associations?

MR. CRAIG: Possibly, I don't know.

[7:30 p.m.]

MR. STEELE: I will just leave that with you to consider because it certainly would be easier and helpful if the building officers were on board with this. Although I understand that a lot of what they have had to say is passed through the Fire Safety Advisory Council, and they did get what they wanted. It still concerns me, to say the least, that this association still has substantial concerns about this legislation and I just wonder if maybe some of them might not be able to be ironed out if there were a face-to-face meeting. Those are all my questions, thank you.

MR. CHAIRMAN: Two of our members have arrived who are part of our Select Committee on Fire Safety. Perhaps you could introduce yourselves.

[The committee members introduced themselves.]

MR. CHAIRMAN: Our next presenter is Gary Mailman.

MR. GARY MAILMAN: Good evening. Mine will be brief as well, but I would like to comment on a couple of the questions you have already asked, perhaps. I am making this presentation to show my support in having Bill No. 58, the proposed Fire Safety Act, passed in its current form and content without further undue delay.

The current Act is outdated and does not meet the present needs of the fire services and others in this province. I cite a couple of examples where the existing Act fails to address current conditions and needs. It does not permit local fire department personnel the powers to properly secure, investigate, and secure evidence at fire scenes. It does not allow the fire chiefs to delegate/transfer the investigation powers to another member of their department in the event of the fire chief not being available to attend a fire scene.

Proper site security has costs associated with it and as fire departments may not have the resources or finances to cover these costs. Fire scenes often are not adequately secured which results in lost evidence or public safety issues due to accessibility to the scene. Departments need a means of recouping costs associated with scene security. The proposed Act addresses these issues.

I have focused on just the above issues as a partial indicator of why there is a need for updated legislation. The need of further debate and discussion is long past. The review process was started in February 1996. The review board responsible for this process had a wide and diverse membership. The membership, in my opinion, offered adequate representation and input to address the concerns of parties impacted with the rewriting of the Act.

Several hundred discussion papers were distributed for feedback on the proposed changes. This feedback was reviewed and addressed. The final report was distributed in August 1997 and again allowed for feedback. The draft of legislation, I believe, was finalized in 1999 and went to a first reading of the House in 2000, after which all activity ceased until this present process was begun. Excuse me if I don't have the dates correct, it has been almost six years since the review process began. Too long.

There has been ample opportunity for all concerned to have their views known. The time for further debate is long past. The proposed Act is designed to allow for future changes to other Acts and requirements in a way which will not compromise public fire safety. It best represents the intent with which the original Act was implemented. It is now time to implement the revised Act. Thank you.

Now, you were making comments about costs associated. A lot of these costs with fire inspections and so on delegated them down to the local fire inspection down to the local fire chief. The majority of the departments in this province are volunteer. Those with the old Act of passing that down to us, who replaces our costs in providing those? It comes out of what tax base we have, our fundraising dollars. Nobody hands us out money. We will take all you want to put our way, but nobody has been doing that.

The municipalities and the province have been getting a lot of free service from the fire service with very little protection on our behalf. Oftentimes, as I cite here, with the site management after a fire scene, it is by bluff and bravado that we maintain security on a scene. We may be bluffing the homeowner, you can't go in there yet, it is not safe - that is all we are doing, bluffing the guy away - but we can't keep him out of that building. If he wants to go in there, who is going to stop him? Legally, we can't. We don't have the powers to do that. In these days, with litigation and everything else, we are treading on very loose soil, our footing is getting weaker all the time. The lawyers are reading these old Acts and saying, hey, you don't have that right. You misused my guilty client here so now he is going to get away scot-free. Give us some protection; this is what this bill does. Give us some rights that we should have, that a lot of people think we do have but we don't.

There are going to be costs incurred. There is nothing we do these days that doesn't have costs. The province and the municipalities, you guys fight that out, those issues. You will banter them back and forth. You have been doing it for the last few years and you are not through yet. This is just another part of that process.

The fire service in this province needs legislation that gives them a leg to stand on. We don't have it now. It is time to get this in place. My views.

MR. CHAIRMAN: Don.

MR. DOWNE: Thank you. I just want to first say, Gary, that was an excellent presentation. It is nice to have it typed up, excellent points you have made. I guess the bottom line here you are saying, it is time to fish or cut bait. We need the legislation, we need the bill through. It is a good piece of legislation. It has been good for quite a number of years. It has been dealt with so many times. I remember all too well in 1996, in 1997, in 1998 and in 1999, but the bottom line here is don't get hung up between the municipality and the province on the issue of safety for the men and women in the fire departments and the men, women and children in our communities. It is really between the province and the municipality to hammer out how they are going to pay for that part of it. On behalf of the firefighters, for God's sake, do the job and get this thing forward and quit playing politics with it.

MR. MAILMAN: That is my view. As I say, we have had to bluff our way along through many a fire scene until we had representatives there with authority, whether it be the Fire Marshal's Office or the RCMP, whoever, to maintain scenes. A lot of things we don't have a legal leg to stand on. The old Act: the chief, the chief, the chief. As a volunteer, I take a vacation. Those two weeks, I can't put anybody else in charge. So if they have a scene, there is not a guy there who can do a thing. So it is time to give us a legal leg to stand on.

MR. MORASH: Thank you very much. We certainly appreciate the comments with regard to the legal matters and where you stand. I was wondering if you could help me understand, if the bill is passed tomorrow, what it will do from a safety point of view for firefighters. It is called the Fire Safety Act and I was just wondering, in your opinion, what you think it will make better.

MR. MAILMAN: What will make it better? From the point of firefighters if we - well, let's go back to the legal aspects of it. Right now we can have an arsonist running around and we may know that that guy is an arsonist and he is setting these fires. You go back to the scene security. Technically, there is very little we can do to protect evidence. We can't collect evidence. We may see something there, it is raining that night. If we don't get that now, we lose it. Technically, we can't remove a bit of evidence from that, we don't have the powers to do that. Here is an arsonist running around. He sets a fire at night, two weeks later he sets another one, he sets another one, he sets another one. Every time a firefighter goes into one of those situations, their lives are in danger, it is the nature of the game. Help us get some legislation that will stop that guy. You stop him from setting fires so those firefighters aren't responding to another needless, unaccidental situation. That is firefighter safety.

MR. CHAIRMAN: Thank you very much. Our next presenter is Pierre Breau.

MR. PIERRE BREAU: Good evening. My name is Pierre Breau. I am the Director of Engineering and Public Works for the Municipality of the District of Lunenburg. I am an appointed staff person as opposed to an elected official, although many of my employers are in the audience here. Building inspection and fire inspection are part of Engineering and Public Works and I recently - actually, as early as this afternoon - presented a paper of some

of my findings with respect to this Act and its implications for municipalities. I noted that there were some questions with regard to the fiscal responsibility and liability of municipalities.

I am going to take the liberty, I have already distributed this paper to one of your assistants in the back and it will form part of a written submission we will send forward to your committee by the end of next week. I am going to read portions of it and I will provide some editorial comment. It will give the perspective from the municipal administrators who are going to have to put in these new inspection systems.

First, I will preface it to say that the bill we are discussing, the Fire Safety Act, Bill No. 58, has been passionately supported by many people in the fire prevention and fire safety industry and the services, and you heard that today. Certainly the deputy building inspector that we have employed at the municipality, who is also our fire inspector, is passionate about fire safety. Any time I talk to Andy Wentzell, it is clearly something he feels strongly about and I see that often in people in fire services, labour safety inspectors, people who deal with saving the lives of other individuals who have had to be first responders. They have seen tragedies and horrors that the rest of us only read articles about in the newspaper. So it is understandable that they feel that this is an important bill to put through.

I want to make just a few comments about how it is going to impact myself, as an administrator, and the council that I have to negotiate money with and where that money is going to come from. First, I'll mention that the bill provides for increased responsibility by the Fire Marshal's Office for fire prevention education and training. Indeed, it sets a mandate for it that wasn't put in the previous Act, the Fire Prevention Act. It sets training standards for firefighters and for enforcement of these standards. The bill provides for setting the 1995 National Fire Code as the provincial construction standard, with respect to building fire safety and by regulation can set its successor documents as a provincial code.

The bill provides additional investigation powers to fire department chiefs, as well as powers to recover such fees from convicted offenders and substantially increases fines and imprisonment terms for persons and corporations convicted of offences under the Act - substantial fines, by the way; we are talking \$25,000, \$50,000, a quarter of a million dollars for chief executives of corporations. You heard some of these comments here. The fire chiefs want those powers. It is interesting, though, that few of them have commented, really, on this.

With regard to new training and equipment standards for fire departments, it is unknown if the Fire Marshal's Office will assist in the cost of the department's compliance, which is not unusual for us at municipal council to have to underwrite the acquisition of assets of new fire pumps and this kind of thing for a lot of the fire departments. Yes, the area rates support them, but often they look to the municipality, essentially, to underwrite the financing of these issues. I can easily see that when the new regulations come forward from the Fire Marshal's Office.

All this is, is an Act that allows a framework to issue regulations. I know from working with the Department of Environment, the Environment Act is just one document. Out of it came regulations. Under those regulations, come policies and guidelines. That is where the bucks have to come. That is where I have to find money to be able to comply with those standards.

I suspect both municipalities and fire departments are going to find dollars because Mr. Cormier - with all due respect to Mr. Cormier - says this is the best standard we should have for Nova Scotians. Well, the fact that we are here at this standard, and now, all of a sudden we are here, even if it takes three or four years, you have to be able to find the money for that.

Taxpayers, as you well know from your provincial responsibilities, will only pay so much on an area rate or a property tax rate. Then they have to go to the municipal politician and complain, how come my rate is going up? They might not necessarily see that increased service because, heaven forbid, they haven't had a fire. They haven't had to use the service, right?

There are two particular clauses of concern, specifically regarding municipal operations. Again, I will read through the paper and make some editorial comments. The first is a Fire Marshal's Office review-only for building plans and fees for same:

Clause 13(7) of the proposed Act, it will permit the fire marshal, with the minister's approval, to provide contract services to a municipality. In the subsequent Clause 13(8), it will permit the fire marshal to charge a fee for contracted services for Clause 13(7). This means that the Act hasn't said what the fee is. It just says that we can contract with the municipality legally, it is enforceable, and we can charge a fee to recover costs pursuant to that contract.

Clause 18(1) states that where required by the regulations, construction plans must be reviewed by the fire marshal so that the fire marshal can provide critical comments, not approval. It mentions that in the editorial comments to the Act. The fire marshal doesn't approve plans anymore and that is a big issue. He doesn't approve them anymore. He provides critical comments of the plans to the building owner or the building inspector. Now, the content of these future regulations is unknown. Therefore, we are unsure as to what level of free plan review service, if any, our building inspectors can expect in the future.

As well, it is important to note that the Fire Marshal's Office will no longer approve plans for compliance with fire safety construction codes, but merely only indicate issues of non-compliance on his/her mandatory reviews. So they have to review them. They don't necessarily sign on the dotted line. They say, we found these different - the way that I understand it, (a) (b) (c) (d) don't comply with the 1995 code. So the building inspector will say, oh, okay, Mr. Building Owner, you have to comply with these things, but we approve it; not the fire marshal anymore, the municipality will approve it.

So that makes me think, as a specifying engineer - something that I do to earn a living - the municipal building permit will then become the legal approval for both the National Building Code, which it is today, and the National Fire Code. In other words, the municipality - the way I read it - will bear the liability of issuing the approval for building construction and conformance to both codes and, ostensibly, the site inspection of the compliance of the work in process to both codes.

It is interesting to note that with respect to sewage disposal systems and municipal land-use and development controls, the building permit is not the legal approval. We only issue the building permit once we know that the respective approvals have been obtained by the applicant. If Don decides to build a house and there is going to be an on-site sewage system, the building inspector will not issue the building permit until he knows that there is a valid health approval from the Department of Environment. The same thing if there is a culvert that has to be put there by the Transportation Department. We will not issue the building permit unless we know that he has a culvert permit from DOT. But we are not responsible.

Our due diligence is that we didn't issue the permit that would allow him to build that infrastructure until we have these two other agencies that he or she has shown, that they have permits for them. Those two agencies are responsible for looking after their permits. We just cooperated with them. We only issue the building permit, like I said, once we know the respective approvals have been obtained by the applicant. Inspection for compliance of the permits issued for sewage disposal systems and land-use controls rests with the agencies and departments that issued them. Therefore, while it is clear there are building inspectors who must inspect buildings during construction in order to ensure NBC compliance, well, we also have to conduct inspections of fire safety systems during construction in order to ensure National Fire Code compliance.

If a contractor asks a building inspector about a change of the prescribed fire plan, will we pay for an additional consult with the fire marshal, much as the owner would for a design consultant? At this time, we have not discussed with our solicitor what the magnitude of this additional liability may be. I want to change that sprinkler head and put it in the closet instead of where he said on his paper to put it in the bedroom. Because we are issuing approval, do we make that call? If we make that call, do the people that we have employed have the knowledge and training to make that call?

As a final comment, it is interesting to note that the Honourable Ronald Russell's December 29, 1999 reply to the UNSM in its Resolution No. 38, regarding the future fire plan review by the Fire Marshal's Office, indicated that there would be fees charged for these kinds of services, when we asked that specific question.

The second item that we have is the municipal system of fire inspection. Clause 19 of the bill provides for regulations to be established that will stipulate what type of fire inspection service municipalities will be required to provide in their jurisdiction. This is a subtle but important difference from Section 19 of the current Fire Prevention Act which explicitly states the requirements in the body of the legislation. The fire inspection of schools, power plants, provincial premises will continue to be done by those agencies themselves. In this case, it is written in the bill.

For better comparison, I will just read to you what the current Act says with regard to what municipalities do:

"It shall be the duty of the council of every city, town and municipality to provide for a regular system of inspection to buildings and premises situate within . . .", same, ". . . and every such council may authorize other persons, in addition to the local assistant, to exercise some or all of the powers conferred by Sections 16 and 17 upon the Fire Marshal, such system of inspection shall provide for the inspection at least once in every four months of all hotels, theatres, cinematographs, skating rinks, dance halls and every other building used as a place of public resort or amusement."

Now, look at the same section in the bill, it is written this way. And think of it from our perspective - if you were a municipal councillor, and some of you have been, may have been in the past - or think of it from my perspective as a gentleman who has to say, okay, now we are responsible for a new system of inspection:

"A municipality shall (a) establish a system of fire and safety inspections of land and premises situate within its jurisdiction, as required by the regulations . . ." , which we haven't seen yet, ". . . to provide for compliance with this Act, the regulations and the Fire Code; (b) appoint a municipal fire inspector who shall carry out the inspections;" All we appoint now is another person and he or she is only responsible for Sections 16 and 17 of the existing Act. "(c) ensure that the Fire Marshal is notified, in writing, of the appointment of the municipal fire inspector and the revocation of any such appointment;" Clause 19 (2) says, "A municipality that is required to establish and conduct a system of inspections . . . ", that we have a record of every inspection made. The records are available on request to the fire marshal, deputy fire marshal and we have to keep them for five years.

It is interesting to note that Mr. Cormier - and we have a good relationship with Mr. Cormier - essentially confirmed what we have suspected for most rural municipalities. I can't speak for the towns. Most rural municipalities don't have a system of inspection, other than the free service that has been provided by the volunteer fire departments. Many municipalities don't have trained fire inspectors. Some of them don't have certified building inspectors, even though they have people who have been providing building inspection services on their employ for some time, but they don't necessarily have a certification as issued by the Building Inspectors Association.

So we have a situation here where regulations, which we haven't seen yet, are about to be coming down the pipe. This bill allows this to happen. How will municipalities react when they don't really have a system of inspection to begin with? So when Mr. Cormier makes the comment in his editorial comments to the bill that this will not be onerous to municipalities because we are actually reducing the four month requirement to one year, well, the fact is that most municipalities don't even check it every four months.

As of March 13, 2000, municipal council authorized Andrew Wentzell, a certified building inspector, to conduct regular inspections of public assembly buildings in the municipality, as another person under the existing Act. Other fire safety inspections are done on a per request basis only and then we do keep such records.

We have a relatively sophisticated computer system. We can keep track of inspections. I don't know if other rural townships do in Nova Scotia. We happen to be able to provide that service relatively cheaply now, given what we know. I don't know about other municipalities. Some of them struggle to be able to get their building inspections done.

Another issue is that the prosecution of orders - we can issue orders but the prosecution of the orders is done through the Fire Marshal's Office. So far, these current duties, exclusive of training, employ about 150 hours of Mr. Wentzell's time, about 8 per cent of his time. He is primarily a building inspector. So we are uncertain if future regulations will require a system of inspection beyond what is in place now.

The explanatory notes of the bill indicate that future regulations will likely require annual inspections of assembly buildings. Municipal councils will be permitted to decide on what level of regular fire inspection for other premises can be decided upon. If so, then our current system of inspection in Lunenburg Municipality will suffice, except that we will initiate prosecution on orders not complied with, as opposed to the fire marshal. So we will have to get our lawyer to be able to process court costs, orders. We will have to pay him. Of course we can recoup that, but that is more work for us initially.

You asked the question about how much it costs. I would note that the salary and benefits for a full-time dedicated fire inspector in our area will exceed \$50,000, exclusive of vehicle transportation costs, ongoing training and overhead. We did a very quick calculation

and we already hit \$85,000. We have two individuals, essentially, that do building inspections, one a very passionate individual that really feels strongly about fire inspection. You can't argue with many aspects of the proposed Act. No one wants to see someone die because of a fire that could have been prevented.

From the municipality's perspective, we just can't go and hire someone on an hourly basis for 20 hours a week who has those qualifications. So we will probably have to have a full-time person. We just awarded a tender for an F150 at \$28,000. There is the truck. We have got to pay for that over five years. I mean, the costs continue to roll in. So we are looking at \$85,000 to \$100,000 a year for a full-time person, okay, and we service about 30,000 people.

In summary, the proposed Fire Safety Act provides additional mandates to the fire marshal for safety training, fire prevention equipment and also enacts the 1995 National Fire Code as a building fire safety code in the province. There has been no word on a timeline on what these new standards are and when they will be enforced.

With regard to building construction, it appears the Fire Marshal's Office will no longer approve building plans for compliance but will rely on the municipality to approve it and the legal liability will be ours, and the due diligence will be ours. We don't know what the fees will be.

With regard to land and premise fire inspection services by the municipality, the bill will set the scope of these by regulation and we do not know at this time if this impending regulation will require expanded inspections by the municipality.

So we have four questions to pose to the committee, to the government:

- (1) What is a timeline for any new regulatory standards, for fire department training and equipment, and what financial assistance will be made available by the government to assist fire departments in complying with new regulations?
- (2) What level of fire marshal plan review can municipalities expect under future regulations and at what cost, and what construction inspection consulting services can municipalities expect from the Fire Marshal's Office regarding construction compliance with the National Fire Code?
- (3) What level of inspection service will municipalities be expected to provide within their jurisdiction or region?
- (4) Will the recent agreement between UNSM, and Service Nova Scotia and Municipal Relations be respected vis-à-vis a one-year advance warning regarding potential cost downloading to municipalities?

We were promised that through that department, through that minister, that we would be given a one-year advance notice when download of services to municipalities would incur additional municipal cost. Will that apply with these regulations? Thank you very much.

MR. CHAIRMAN: Bob, would you like to come up? I think we will have some questions on this. Could I ask you, do you have any paid fire departments in your area of responsibility?

MR. BREAU: No.

MR. CHAIRMAN: So they are all volunteer?

MR. BREAU: That's correct.

MR. CHAIRMAN: So I guess my question would be, Bob, my understanding of the bill - and please straighten me out, as I am sure you will, if I am in error - is that there are suggested training guides and qualifications but they are not mandatory?

[8:00 p.m.]

MR. CORMIER: Well, I guess I want to make a comment. The comments that were made are quite valid when you don't have the regulations sitting in front of you. But the regulations were sent out to every building and fire inspector, and to, I believe, the municipal units to at least look at. There wasn't a review because we didn't know if we were going to be able to carry them forward. The Act was in abeyance from September 12th and there is a copy of it in your folder, so maybe I can answer some of the questions that you have. They are very valid questions.

One of the things that the Fire Marshal's Office has ended up doing over the years, through our Fire Prevention Advisory Council, is trying to handle fire department problems in a committee that was never designed for that purpose. That committee consisted of building inspectors, engineers, people from forestry and a number of other areas, and there were only three representatives from the fire service. We would have ended up trying to deal with things so we wanted to create a fire services advisory committee - and that is exactly what it is, a fire services advisory committee - that would assist.

The concept was that there were a number of things that they looked to us to provide information on. I repeat the word 'information'. Under the Act, right now, I do that but I don't have a legislated mandate to do it. In other words, I'm spending money where I shouldn't be spending money. So I'm looking for the legislative mandate to do it.

One of the things is providing guidelines or assistance to departments in deciding which is the best direction to take. However, under the regulation-making power, there is absolutely nothing in the powers of regulations to allow me to make anything that impacts the fire service on its suppression activities. I cannot pass a regulation that says fire departments must buy this type of truck, must have this type of equipment, must have this type of training. All we can do is provide advice and assistance, and that is all we are allowed to do. The regulations do not allow us to.

The reason they don't is, this is fire prevention legislation. It does everything up to the emergency and after the emergency. The emergency itself is done through the Municipal Government Act. I cannot empower myself to do things under another Act. So that is out. I cannot do that. However, I can, because I am seen as a senior fire official, provide advice and assistance through group thought process. That has come up a number of times and it is not legislatively allowed under the bill and it is not the intent under the bill to provide that.

You're absolutely right in asking questions in regard to the number of inspections. I would just like to go through that quickly, if I could. This is the very early draft of the regulations. This is on assemblies, except for schools. The Union of Nova Scotia Municipalities was very clear in stating that they did not want to have schools listed as a municipal responsibility. The school board is responsible for the maintenance of fire inspections for schools, unless they have an agreement with the municipality for the municipality to do them.

Every assembly - not an educational facility - unless it has been inspected by the municipality within the previous 24 months - so Andrew has been doing those inspections so those are done. But if they haven't been done, then within 12 months of the coming in force, they have to inspect every assembly that serves alcoholic beverages and requires a fire alarm. In other words, there are more than 150 people in there. Within 24 months of coming in force, all other assemblies. Within 36 months of coming in force, all assembly occupancies that do not serve alcoholic beverages and do not require a fire alarm, every municipal unit shall, except for non-residential school buildings with an occupant load of greater than 40, all assemblies once every three years, following initial inspection. So we are even decreasing it below the one. But if the fire inspector goes in there and they have a problem person, they may be in there every six months. But for the person who is not a problem, every three years.

Every municipality shall carry out a system of fire inspections on all buildings containing the following occupancies: residential occupancies greater than three units and not related under the homes for special care, all business and personal services groups, all mercantile occupancies and all industrial. It is a system that might be once every five years, once every 10 years. Some industries may be more often.

So we try to bring it down to the least common denominator. One of the reasons was to allow municipalities to share fire inspectors. We have 11 municipalities in the Valley region who want to have one inspector for those 11 municipal units. So we have to keep the required numbers down to what is necessarily a risk basis.

Those are some of the things that are in the regulations that you were unaware of but we have tried to answer. I think you can understand the position between the Building Officials Association, the CEOs and the political members from the municipality. Trying to find that balance was a very difficult thing.

The Building Inspectors Association wants us totally out of plans review altogether, wants us out, totally, of any prosecution or any ability to hold people accountable and have the building inspector solely responsible for that. That is not the way we function in 90 per cent of our municipalities. We have a very good working relationship with the majority of our building officials and we want to maintain that.

The cost recovery was aimed at those municipalities that decided not to carry out their responsibilities under the Act for fire inspections. We would have the right to go in where we had to and carry out those inspections and bill the municipality for them.

As far as plans examination goes, we have architects and engineers who use my office for the expertise to get their plans done. They are not bringing them in for approval, they are bringing them in for my staff to tell them how to build their buildings. We are not going to do that free of charge any longer. Our job is not to act as consultants.

As far as the staff support to the municipal units, the building inspectors, building officials, I am strengthening that, or attempting to. In 2003, we will be going to what is known as an objective base code. No longer will it state that in order to build a building, you put stick, stick and stick together and it becomes a building. We are going to something that will require a great deal of information to understand whether the building is safe or not.

I am having one of my engineers trained as a fire protection engineer because we can't always trust that the information we are given is correct. We have to be able to validate it. That will be available to the municipal units, as it is now. We have a sprinkler technician who is available to the municipal units, as they are now. But the Building Code Act of the Province of Nova Scotia says the municipality is responsible for the approval of plans and for the inspection of the property. The building inspectors have felt that we are taking a position, in the past, where we approved those plans, so we had a dual approval system. We are saying we should not be doing that.

The plans we want to look at and the plans we have listed are for those buildings where the province has a liability, a moral and ethical responsibility. Those buildings include schools, health care facilities, homes for the aged, government buildings, daycares of a certain

size, large public assemblies and industries that are considered a high hazard. I call it a dynamite factory, although we don't have any in this province, but tire plants fall within the same category.

Outside of that, the plans will be totally the responsibility of the municipality; whether it is the grocery store, the apartment building or the small industry. We will still provide assistance where requested. That is not a charge. The charge is not to the municipality for that service. We are all interested in fire safety and we are there to provide assistance to each other, but we will not act as consultants to the professional field and we will not continue to carry out, free-of-charge, to those municipalities who put no effort forward whatsoever, to try to provide fire safety in their own municipal units. Those that have will be the same as they are now. We have worked very closely with Andrew. He has moved from being able to do small inspections that he has now taken over the inspections for liquor licensing. That is a desire over time.

When the roles and responsibilities committee, between the province and the municipality, met and decided who should be responsible for what, it was a unanimous decision and it was agreed to by the central committee, that fire inspection responsibility should be the responsibility of the municipality. It has passed through the test of time with this, it has passed through the test of time with the roles and responsibilities committee and we have been there.

Anyway, those are a few of the things. If there are any other questions, I will try to answer those.

MR. BUREAU: Well, if I could, Mr. Chairman, make just a few comments.

MR. CHAIRMAN: Certainly, go ahead.

MR. BUREAU: I will preface them by saying that I have never met Mr. Cormier, actually, even though - you are highly regarded, let me put it that way. Our people, certainly, have always felt well-served by your office. I am also a staff person and I have to promote various legislation that I feel is in the public interest to my politicians. So I can understand his position, where he is coming from. This is an important piece of legislation.

Just a couple of comments, though, to his bosses, the provincial MLAs. The UNSM is an important body to be able to discuss these issues with but when you are talking about the regulations, the Clerk for the Municipality of the District of Lunenburg never formally received those regulations.

You have to be careful. I notice that with other provincial departments, as well. Just dealing with the building inspectors or the fire inspectors, it is important. They are the techies but they are not the politicians of the municipalities and they are not the administrators. It may

not necessarily be in the administrator's interest to say, sure, we will expand, we want to take the responsibility for fire inspection.

The fact that many rural municipalities don't have such a system of fire inspection in place, means they have no system in place, they have no funding in place for it. All of a sudden, you are saying that if they don't put a system in place, we are going to tell them they have to for the good of the public. It is hard to argue that. But on the other hand, the CAO for that county, okay, or for that district, has to say, I need an additional 2 cents on the tax rate to be able to do that and that is a serious issue.

I think, Mr. Cormier - and I have met that in other government departments, Environment in particular - you tend to forget about that. Of course it is in the interests of the fire inspector to promote fire inspection in the municipality. He doesn't have to make the argument to increase the tax rate. That is how come the timelines for those regulations - which I hadn't seen through the Clerk's Office - I had discussed them with Andy and I knew some of them.

It is a concern and I suspect you, as the MLAs, are going to hear that from the wardens and the councillors that you deal with in your particular ridings. It was a serious issue at council today. Where are we going to find the money for this and this comes after equalization discussions, this comes after assessment, and it is going to cost some money. Are we going to have that one-year moratorium?

These are important issues that you have to consider when you are looking at second reading. It is not to be able to say that what Mr. Cormier's office is putting forward, or what the fire inspectors or the fire safety officials in the province, that these are not valid. It is, public safety is very important. But municipal councils are only going to pay for so much. Look at it right now. You've got municipal districts that don't have the system of inspection. Why? No one was forcing their hand and they haven't set up the system. Were they negligent? There was an individual here who said, basically, they were.

I am not about to make that comment but I'm dealing with the realities, that if you want to make the system work - and we are already having to pay for assessment - you are going to have to put some money on the table. There is only one taxpayer, there is only one pocket to pick. You are going to have to keep that in consideration or you are going to have another firestorm from municipalities, just like you did with equalization, just like you did with assessment and just like you may have with roads over the next few years.

Again, with full respect to Mr. Cormier and what he wants to do, and for many of the fire inspectors of which we have one, they want this bill to pass. But when they ask for a new truck, well, sorry, you are going to have to go down to Rent-A-Wreck or something and, you know, I'm not going to be able to get you a new truck this year. Those are serious fiscal issues that we are facing.

MR. CHAIRMAN: Graham, did you have a question?

MR. STEELE: It's been answered, thank you.

MR. CHAIRMAN: Okay, thank you very much. Do we have any other presenters, anyone that would like to share? It is an opportunity. You have members of the Legislature from all Parties here, if you have a concern regarding fire safety or anything in that vein. Hearing none, perhaps, Don, I understand this isn't necessarily your constituency but as you are the member closest here, we would like for you to close out our meeting.

MR. DOWNE: Well, thank you very much. I'm honoured, to the colleagues that are here. The sense that I get from talking to my colleagues is that there is a lot of sincerity by all Parties to try to get this thing dealt with as quickly as possible. I am appreciative being here. I was planning on being somewhere over there, listening to the input, but it's even more - I appreciate being able to be here with my other colleagues and, obviously, my colleague, Brian, as well, in our caucus.

I think it is fitting in a way that we have heard this - I mean, here it is, a very special time. This week is Fire Prevention Week and, recently, we have seen the disasters south of the border and the concern we have with the whole issue of fire protection and protection of our people.

Here lies some of the difficulty that I see in this meeting. We are all volunteer firefighters here in Lunenburg County, Lunenburg-Queens County. People have given up their time and their energy, they have gone and trained, they are first responders, they have taken more and more responsibility time and time again. They need a bill and an Act in order to be able to, at least, justify what they are doing legally so they are not in trouble and they want to move it forward. Then you have the municipalities saying, yes, we agree but we have got to make sure that we don't pay the downloading of this cost. So herein lies some of the problems that I am sure we are all going to have.

The most important thing is that we don't lose sight, I think, with what Mr. Mailman said very well. Let's not lose sight of why we are here, and that is to make sure that we have better safety fire protection for the people and the firefighters in the Province of Nova Scotia and here in Lunenburg County. I think that is what I am hearing. I'm asking, is that what I am hearing here, from the men and women? They want the bill to go forward and you want it dealt with, and let the municipality and the government hammer out their fiscal issues, somehow or another, but the bottom line here is get the bill through.

I want to thank Mr. Chairman for allowing me to say a few words and compliment him in chairing the meeting. I know we were on other committees together. He has always made a point of trying to be fair with everybody so I do appreciate the fact that the all-Party

committee aspect here is here not in a partisan way, but in a non-partisan way to do the right thing. Hopefully we can bring our report back to government as soon as possible.

Thank you, the members that have come out. Somebody told me, hardly anybody shows up. I mean, they come in, there may be a few people come. I said, well, you come to Lunenburg County. Firefighting and volunteer fire departments are very much a part of our way of life in our culture and communities, and you are going to have a turnout of people because they are concerned and they want to make sure they are looked after properly. That is what, I think, we have seen here today, as members of the Legislature. You have seen the people of Lunenburg County say to you, make sure we do what is right and do it fast. Thank you all very much.

MR. CHAIRMAN: Thank you very much and we appreciate being here this evening.

[The committee adjourned at 8:20 p.m.]

YARMOUTH, WEDNESDAY, OCTOBER 10, 2001
SELECT COMMITTEE ON FIRE SAFETY

7:30 P.M.

CHAIRMAN

Mr. Jon Carey

MR. CHAIRMAN: It is close to 7:00 p.m. so we will try to get started. There may still be a couple of committee members show up. My name is Jon Carey, I'm from Kings West and Chairman of this committee. We will begin by introducing the members of the committee.

[The committee members introduced themselves.]

MR. CHAIRMAN: This is an all-Party committee and certainly, if you want to make a presentation, even though you may not have a written one, feel free to do that. If you would like to do that Kim is at the back and would be happy to take your name and we will call you forward to the microphone at the front so we can have a record for Hansard.

At the other locations we have taken a moment to recognize the loss of 300 firefighters in New York. Having been a firefighter myself, I understand the brotherhood and camaraderie involved with firefighters. So with your indulgence we will take a moment.

[One minute of silence was observed.]

MR. CHAIRMAN: Welcome to the Select Committee on Fire Safety. The Select Committee is an all-Party committee. We have been charged with the responsibility of making recommendations to the House of Assembly on a new law for fire safety.

We are receiving proposed changes to the Fire Prevention Act, which are contained in Bill No. 58. Bill No. 58 was introduced in the House of Assembly in June 2000. Now, the government wants to widen its base of comments from the public and complete the legislation.

We're also meeting with Nova Scotians. We would like to hear from the public as well as people who will be directly affected by the new law, such as insurance companies and other businesses, municipalities, and the fire service.

We're meeting in ten communities across the province. This is the eighth meeting. The input we gather will give us the best possible fire protection legislation for Nova Scotia. The new law will take into account changes in municipalities in the last couple of years. A law can last for years, so it's important to get it right from the beginning.

Once we've collected and reviewed all submissions we will make recommendations in a report to the House of Assembly. Bill No. 58 sets up a framework for fire safety. It assigns responsibilities to individuals and organizations that work to prevent fires, people that fight fires, companies and individuals that own land, insurers, municipalities and provincial government officials, like the fire marshal. The bill also sets up an Advisory Council to advise the Minister of Environment and Labour on matters related to fire safety.

Bulleted details on Bill No. 58:

- written with the intention that it would replace completely the Fire Prevention Act that is now in effect in Nova Scotia
- it directs what individuals and organizations in the province must do to prevent fires and how they must act once a fire has occurred
- provides direction for making sure the Fire Marshal's Office has representation in each municipality
- important for educating people on how to prevent fires
- helps the fire marshal determine what caused fires. This is important for the insurance and crime prevention reasons
- assigns roles to people who are responsible for preventing fires, for putting them out, for reporting fires and for investigating them - Fire Marshal's Office - and the municipalities
- assigns responsibilities to people or organizations that own land or businesses. These people have certain responsibilities for preventing fires and for reporting fires that do take place. Insurance companies also have responsibilities assigned by the law
- forbids certain activities. For example, if this bill became law, it would be against the law to give false information to a fire official investigating a fire or to tamper with a device that would help people escape a burning building

- discusses what regulations the government can write to further protect Nova Scotians from fire and to reduce the harm of fires
- establishes a Fire Safety Advisory Council to advise the Minister of Environment and Labour on matters of fire safety.

Before we get our first presenters, we have the Fire Marshal Bob Cormier with us tonight and I understand he has a clarification to make before we start.

MR. ROBERT CORMIER: Mr. Chairman, I made a statement last night during discussions in Lunenburg County about a mail-out of the Fire Prevention Regulations in their written format and not just in the indicated sections. That was not done, the municipalities did not receive that and I apologize to the committee for any misleading comments I may have made. Those regulations will be sent out within the next week and a half. Thank you.

MR. CHAIRMAN: Our first presenter is Ken Kelly.

MR. KEN KELLY: Mr. Chairman, MLAs, my name is Ken Kelly and I am President of the Canadian Association of Fire Chiefs. I am the Fire Chief for the Town of Yarmouth. I am past president of the Nova Scotia Fire Officers Association and I am also past chairman of the Fire Advisory Council. I was chairman when the work started in progress of the review of this Act. I met you in Lawrencetown about a month or a month and a half ago and I had a message for you then and I would like to share that same message with your members.

The process that was followed to review this Act was one that in my opinion was reprehensible. There was nothing more we could do to represent society, the private sector, governments both at the municipal level - Union of Nova Scotia Municipalities - the various departments of the provincial government and even some representation at times, I think some advice from the federal government. There were stakeholders of every profession that would be involved in fire safety to my recollection. I think it even went so far as being around 25 to 30 members. There was an extensive review done.

We know the Act is 20 years old and it is out of date. It is time for a new Act. The work has been done and we understand not everybody is satisfied with the work that has been done but by far, the majority of stakeholders were satisfied with what we had put together. It is not a perfect document but it is certainly far better than what we have had in the past. I would say for Nova Scotia to keep on par with the rest of the country, I would solicit to you people to go back to the government and have them enforce or make this bill law as soon as possible. Thank you.

MR. CHAIRMAN: Any questions for Mr. Kelly? Graham.

MR. GRAHAM STEELE: I am Graham Steele from Halifax Fairview. I didn't want to let the President of the Canadian Association get away without any questions. My first question is about some experience you may have at the national level. How do you think this proposed new Fire Safety Act compares to similar legislation across the country?

MR. KELLY: I would say it is compatible. At the present time we are antiquated but I would say with the adoption of this bill you will be on par with Quebec, Ontario, British Columbia, which I think is fairly well advanced in this country.

MR. STEELE: Are those the provinces you think firefighters look to for setting the standards in terms of fire safety legislation?

MR. KELLY: Not totally but they are the larger provinces and more active in the fire service to some degree.

MR. STEELE: My other question relates to one group who is not entirely happy with this Act. It is very clear to me and certainly, I am sure, to the other members of this committee that the fire officers association is 100 per cent behind this legislation. In fact, the position that has been repeated by yourself, Mr. Clark, the immediate past president and the gentleman who appeared last night who is the current president . . .

MR. KELLY: Mr. Craig.

MR. STEELE: That is correct, John Craig. It was very clear in their message to us which is what are you waiting for, we need this legislation and we need it passed and get it passed as quickly as possible. One group who is not entirely happy are the building inspectors, the Building Officers Association. I wonder if you have any comment on what I take to be their main concern, which is that the new legislation may cause confusion about the respective responsibilities of fire inspectors and building inspectors. Do you have any comments on that?

MR. KELLY: Yes, I would say if that is the case then this bill, when it becomes law, is not carved in stone, it can be amended. Even if there is a problem and this is so, there are problems there, they can be corrected. But to hold up a bill, an entire Act, because of a disagreement between the building inspectors and fire officers is kind of trivial, is it not?

MR. STEELE: I don't know, do you think their concerns are trivial?

MR. KELLY: I would say with respect to the overall Act, it certainly is. Like I said, if there is a problem it can be corrected. You amend bills every day in the House I believe, do you not?

MR. STEELE: We do?

MR. KELLY: Yes. This can be amended if there is a problem there and there is sufficient justification for the amendment it can be done. There are so many other parts to this bill which are so important to the citizens of Nova Scotia and the fire service that it is not justified, in my opinion, holding up a bill for that reason.

MR. STEELE: So if I understand you correctly, your message to us is that there may be some legitimacy to the concerns of the building inspectors and if in practice that turns out to be the case and there is some confusion, then amend the bill and resolve any confusion that might arise but that there is so much in this Act that is good that we should go forward with it immediately. Is that a fair summary of what you are saying to us?

MR. KELLY: Yes, a very good summary.

MR. STEELE: Okay, thanks very much.

MR. CHAIRMAN: Brian.

MR. BRIAN BOUDREAU: Mr. Chairman, I thank Mr. Kelly for coming. Would you suggest that this bill, in its present form, with the difficulties my colleague Mr. Steele indicated, the way I look at it is this, is the bill more important to you for the safety of firefighters in that these other problems can be worked out by the various groups by working together after the bill is passed?

MR. KELLY: I concur with your thinking, yes. There is so much important stuff in this bill that it is significant that it becomes law right away. These other matters - and I don't consider them trivial but - they can be fixed. The other consequences from this bill becoming law are too important to hold it up.

MR. BOUDREAU: Thank you.

MR. CHAIRMAN: Mr. Morash.

MR. KERRY MORASH: If I might, we have probably asked this question as we have gone through the province, but could you highlight some of the important parts of this bill that will make us a better province and protect public safety, compared to the bill in existence now?

MR. KELLY: I think the authority that is passed onto fire chiefs in the operation of their department and the delegation of their authority certainly enhances the operation of the Nova Scotia Fire Service. I think stiffer penalties will certainly make people follow codes more stringently. Certainly training, the responsibility that falls under the fire marshal is more properly allocated, in my opinion. He is responsible for a standard of training for the Nova Scotia Fire Service through consultation I do believe; I think that is excellent.

I think the recovery of some expenses by municipal units for investigations is positive. I think it will bring the two closer together and there are several others. I can't remember them all.

MR. MORASH: Maybe if you wouldn't mind, just because of your exposure to some of the different Acts across Canada, are there places here where there are some - I guess I shouldn't call them shortfalls but - areas that aren't included in this Act that perhaps are included in other provinces that we might want to consider?

MR. KELLY: Not at this time. If you pass this one I will have some ideas for you.

MR. CHAIRMAN: Brian.

MR. BOUDREAU: Mr. Kelly, just one more question. Would you know of a method we could use to negotiate with the various groups? Do you feel a committee, such as a committee of the three groups, could work out the differences that my colleague, Graham, indicated during his questions?

MR. KELLY: The three groups would be the . . .

MR. BOUDREAU: The Building Code people definitely have a problem with it and I believe the municipalities are going to have a problem with this because of the cost of implementing the regulations. It is too early to tell yet because we don't know if this is going to cost any money or if there is going to be any actual cost but the UNSM is keeping a very close eye on us, I am assuming.

MR. KELLY: I am surprised to hear you say that because I thought that the municipal units were all on-stream. I believe the immediate past president, I can't remember her name, she is from Windsor, she served on this committee. She was very positive and supportive of all the changes we were making. Some municipal units must have put the heat to them or something. I understand, they are going to have to provide fire inspection services and so on but they should be, this is life safety we are talking about here. We are not talking about a grocery store or a vending machine, we are talking about the safety of people, our citizens of Nova Scotia and they deserve the best.

MR. BOUDREAU: I agree, thank you.

MR. CHAIRMAN: Do you see this affecting the paid firefighter in Nova Scotia any differently than the volunteer?

MR. KELLY: I would think not, they are both professional, so I would think not.

MR. CHAIRMAN: Kerry.

MR. MORASH: My favourite I guess, I believe you are in a situation where you have paid and volunteer firefighters working together?

MR. KELLY: I do.

MR. MORASH: The standard of training, I was just wondering if you could enlighten me as to what the standard of training is for the paid and volunteer firemen who are working. NFPA has come up on occasion and I was wondering if that was the standard you use or is it a department by department type thing that takes place?

MR. KELLY: I use the standard NFPA 101 and the standards equally apply to both career and volunteer.

MR. MORASH: Okay, thank you.

MR. CHAIRMAN: Thank you, Mr. Kelly. Do we have any other presenters?

MR. STEELE: Mr. Chairman, while everyone is thinking about whether they want to step up to the microphone, last night we were in Oak Hill near Bridgewater and in talking to people afterward several people said, I was thinking of coming up and then they said really helpful, intelligent things and I know some of you are probably thinking I should go up to the microphone, so this is your big chance to say something. I am also wondering if there is anybody here from the municipality, any of the local municipalities interested in speaking because the other groups that had expressed some reservations about the costs associated with the Act are the municipalities. I know I would and I am sure others on the committee would be interested in hearing the municipalities' point of view. So those are just a couple of thoughts for you as you consider whether you would like to make a presentation.

MR. ROBERT AMIRAUT: Good evening, Mr. Chairman and committee members. My name is Robert Amirault, I am a Deputy Warden for the Municipality of Argyle. I am chairman of the fire committee for our municipality. I would like to go back to some of the comments when Mr. Kelly was making his presentation.

I think part of the problem, when you come to the building inspectors, as Mr. Steele indicated, I think where they are getting their problems from is that they are going to be thrust into fire inspection without having the proper training, for lack of a better word, where in the past all they did was a building inspection of the building itself, and now they are going to have to comply more with the fire Act, hand in hand with their building inspection.

I guess I have more comments than anything else. I believe this Bill No. 58 is a step in the right direction. It is well past due because the other Fire Prevention Act is over 20 years old and is lacking a lot in very many areas. As a member of council, I must say that I don't see any added cost to our municipality by enacting this bill. Our municipality is comprised of

10 volunteer fire departments. It is quite a large municipality. Training is ongoing, as Mr. Kelly said, the training that a paid fireman gets is the same as a volunteer. They go by the same standards. We will always have ongoing training for our members.

I believe this Bill No. 58 protects the lives of not just our firefighters but the residents. When the call comes during the middle of the night for 911, with this bill in place there is added protection for the firefighters and more, I don't want to say power, but I guess it is in a way, for the officers of that fire department to ensure the safety of not just their firemen but the lives they are protecting. The problems with some of the other groups can be worked out. I truly believe that.

I have been on council now for close to 20 years, and I have always been interested in the fire committees and the fire departments, and I have followed right from before I was on council. These are just some of my comments. I believe it is very well high time that this gets passed through the House. Thank you.

MR. CHAIRMAN: Are there any questions for Mr. Amirault? Mr. Steele.

MR. STEELE: Thank you very much, Mr. Amirault, for appearing tonight. You did already answer one of my questions, which is whether you anticipated that there would be any additional costs for the municipality. You said that your belief is that there would be none. Does your municipality currently have a fire inspector?

MR. AMIRAULT: Our building inspector is doing double duty, I guess you would call it.

MR. STEELE: The concern we heard from other building inspectors was in the municipalities where the building inspector and the fire inspector would in fact be different people.

MR. AMIRAULT: Right.

MR. STEELE: I think any concern about confusion disappears if you are actually using the same person.

MR. AMIRAULT: Right. He has had the training to do the fire inspection, but I still feel that some of these people who have been trained for years in the building aspect of it and then they moved over to include the fire inspections still feel uncomfortable about doing the fire inspection. I think that is where the comments come from, that they are not comfortable with this Act.

MR. CHAIRMAN: Are there any other presenters?

MR. HAROLD RICHARDSON: Mr. Chairman, my name is Harold Richardson. I am a member of the Yarmouth Fire Department. I did not come tonight prepared to present to you. As you can tell, it was a last-minute decision. I was involved in a 1984 select committee study on the volunteer fire service that really didn't go anywhere. So, I was doubtful that this is going to go anywhere and I was going to stay home.

Listening to some of the comments here tonight, I grew up in the fire service as a volunteer. I have never been anything but a volunteer, but I have 37 years in. I grew up in the fire service where we had building inspectors and fire inspectors. I don't believe that building inspectors should be fire inspectors, because you become blinded by your training, by your profession, by your choice of what you want to do. I can remember a very large building in our community, recently, that was inspected by the building inspector and given a certificate of occupancy. No way should they have had a certificate of occupancy, because when the fire inspection was done there were a lot of deficiencies, including no alarm system.

I think the building inspectors in some municipalities are going to be asked to do the job, and I really don't think that should hold up a bill like this. The other things that are in this bill, besides that little bit of conflict - and there shouldn't be conflict, people are adults and they should be able to straighten that out pretty quickly - is the fact that right now there is no legislation on the books in this province that mandates anybody to provide, to set standards for or do anything with training, not one. I know that because we just got our certification program in this province accredited. We had to bend a few rules and lie a little, but we were able to get it done successfully.

This Act will help us accomplish that. It will help set standards. We have apparatus out there in the fire service that is not proper. The government passed the Municipal Government Act not too long ago. In that Municipal Government Act, it requires registration. I dare you to go out and ask how many municipalities have followed through on that part of the Act. If it is more than 20 per cent, I will be surprised.

You have to get these kinds of things in place. To play around with them, three or four years this went through committee. The building inspectors were there, now the guy who is involved is off on his own business, so he is probably opposing this, and the municipalities were there. Every single key player in this Act sat on that committee, and for the government to waste their time and money sending you people around to do this at a time when fiscal restraints are on is crazy. They have all had their chance. They all approved this or it wouldn't be out here.

I encourage you, I urge you to get on with it. Personally, I think there are things in this we should strengthen not weaken, but at least the regulations may help us do that. We haven't seen them yet. There is so much in there that could protect the firefighters. Eighty per cent or better in this province are protected by volunteer firefighters. For you people not to pass this bill in this format is a disgrace to them. What you are saying to them is that we really

don't care about you guys, because there are things in this bill that they need. We killed two firefighters in this province because they were driving a piece of apparatus that should never have been on the road, and we have had other problems in this province. We have to get something passed, we have to get some Acts in place. Thank you.

MR. CHAIRMAN: Are there any questions for Mr. Richardson?

Mr. Steele, go ahead.

MR. STEELE: The chairman was asking if I have any questions and I told him I have a comment not a question. You are not the only one to say to us, what are you doing here, why aren't you just passing this legislation and being done with it? The consultation process around this legislation, as you know very well, Mr. Kelly knows very well, has been going on for what must be five years now. This legislation was presented to the Legislature, it was actually presented in the Legislature, on June 6, 2000, getting on to a year and a half ago. For reasons that I don't quite understand yet, the government didn't take it any further. In case you can't tell, it should be clear by now that I am not a member of the governing Party. The government has never clearly explained why that bill didn't go forward. Then the government proposed this committee.

If this committee is the price that we pay for the government to get its courage up, that is the price that we are willing to pay. I think the message you have delivered tonight is loud and clear. If I can summarize it in one sentence, it is get on with it. Thank you for presenting tonight.

MR. CHAIRMAN: Are there any other questions?

MR. BOUDREAU: Mr. Chairman, I would just like to make a comment, too. I want to just go on record as saying thank you for coming up and making the statements that you do, because originally this bill was presented in 1999. My colleague on this committee is Mr. Russell MacKinnon, and I do apologize, he is at home sick. We recognize what you are saying, and we are hoping that the other Parties are able to hear you, too. Thank you.

MR. RONALD CHISHOLM: I would just like to make a comment, too. Graham has made his comments about why we're here, and you have also indicated that we should get on with it. I totally agree with you, but a lot of the reason that we are here is that a lot of the municipalities had opposition to this bill. There were the building inspection people who had opposition to this bill. I think what the government is trying to do is make totally sure that everybody gets their fair crack and say as to what goes in the bill. Like the chairman said when we started, this bill is going to be passed, and this bill is probably going to be in place for a long time. We want to make sure we do it right. I think it was mentioned a little earlier that amendments can be made, sure, but it takes time to get amendments made. One session of the House might get it through and it may not. All this stuff takes time. Why we are here

tonight, in my opinion, is we want to do it, we want to do it right, and make sure that everybody has their say.

MR. CHAIRMAN: Are there any other presenters? Mr. Cormier.

MR. CORMIER: You had asked in the initial meeting if there was anyone who I would recommend you meet with or discuss this matter with, and I have tried to hold off of this but I would say that at the present time, for the building/fire-type question that you are looking at, you need a third neutral party. I would recommend that you contact the National Research Council in Ottawa, and ask for the guidelines. The Building Code and Fire Code are developed by the National Research Council through committees, the working relationship between the two documents and the authorities who normally work with those.

I would agree in most circumstances that the building and the fire official cannot be the same individual, but not in all cases. In smaller communities where we have smaller buildings that is a good fit. It is not necessarily wrong. The more sophisticated the building, the more sophisticated the fire safety measures, which are not just the building by the way. The Building Code is 100 per cent building, the fire code is only approximately 40 per cent building, the rest has to do with tire storage, hazmat storage, the hazardous materials, et cetera. There are a lot of things that are in the Fire Code that do not have anything to do with buildings, they are also related to people.

I would suggest that as a neutral third party the National Research Council be contacted for information in regard to our present bill. I might also add, you asked Chief Kelly the relationship of our bill with the others, our bill is a direct copy of Saskatchewan and Ontario, as far as the relationship between the building and fire officials. The one difference is we require a closer working relationship between the two. I would just put that forward as a suggestion.

MR. BOUDREAU: Mr. Chairman, I would make a motion that we accept the recommendation of the fire marshal.

MR. CHAIRMAN: We can get that information.

MR. BOUDREAU: Do we need it as a motion, though, to make sure we get it?

MR. CHAIRMAN: No, we can request it. Are there any other presenters? Well, if there are no other presenters, we certainly thank you for coming out. We thank the presenters who have presented, and we certainly thank you for the opportunity of being here in Yarmouth. If you have anything later on that you would like to present, certainly you can e-mail, snail mail, fax. We are open to still taking information all along the way. If you think of something that you think would help us do this better, we certainly would appreciate it. Thank you very much.

[The committee adjourned at 7:36 p.m.]

NEW MINAS, THURSDAY, OCTOBER 11, 2001
SELECT COMMITTEE ON FIRE SAFETY

7:00 P.M.

CHAIRMAN

Mr. Jon Carey

MR. CHAIRMAN: My name is Jon Carey. I am the MLA for Kings West and the Chairman of the select committee. We have most of our committee here tonight. I think there are two members unable to be with us, but perhaps Kerry, you could start with introductions and go around.

[The committee members introduced themselves.]

MR. BRIAN BOUDREAU: I also bring regrets on behalf of my colleague, Mr. Russell MacKinnon, who is back in Cape Breton. He has been ill the last few days.

MR. CHAIRMAN: The other member of the committee is Frank Corbett, NDP caucus, and he is unable to be with us this evening.

We have at the present time six or seven people who have registered to present. If you wish to present something during the evening and you don't have a written agenda or anything for it, that really doesn't matter. It is an opportunity for you to voice your concerns about fire safety in this area and for the province. You have MLAs of all Parties here who are interested in listening to what you have to say, so that we can do some work on your behalf to come up with the best legislation we possibly can. I see Kevin has just arrived, so perhaps you would like to introduce yourself to the group.

MR. KEVIN DEVEAUX: Sorry I'm late. Kevin Deveaux, I am the MLA for Cole Harbour-Eastern Passage and a member of the NDP caucus.

MR. CHAIRMAN: This is our ninth meeting in the province. The world situation and the loss of the 300 firefighters in New York, and certainly having been a firefighter, I realize the great loss, the risk firefighters are at, and the brotherhood and the camaraderie that is between all firefighters worldwide. I would ask that we would take a few moments in recognition of those people who gave their lives in service.

[One minute of silence was observed.]

MR. CHAIRMAN: Thank you very much. Welcome to this meeting of the Select Committee on Fire Safety. The select committee is an all-Party committee. We have been charged with the responsibility of making recommendations to the House of Assembly on a new law for fire safety.

We are reviewing proposed changes to the Fire Prevention Act, which are contained in Bill No. 58. Bill No. 58 was introduced in the House of Assembly in June 2000. Now the government wants to widen its base of comments from the public and complete the legislation. We're also meeting with Nova Scotians. We would like to hear from the public, as well as people who will be directly affected by the new law, such as insurance companies, other businesses, municipalities and the fire service. We are meeting in 10 communities across the province, and this is the ninth meeting.

The input we gather will give us the best possible fire protection legislation for Nova Scotia. The new law will take into account changes in municipalities in the last couple of years. A law can last for years, so it's important that we get it right. Once we've collected and reviewed all the submissions, we will make recommendations in a report to the House of Assembly.

Bill No. 58 sets up a framework for fire safety. It assigns responsibilities to individuals and organizations that work to prevent fires, people who fight fires, companies and individuals that own land, insurers, municipalities and provincial government officials, like the fire marshal. The bill also sets up an advisory council to advise the Minister of Environment and Labour on matters related to fire safety.

Bulleted details on Bill No. 58:

- it is written with the intention that it would replace completely the Fire Prevention Act that is now in effect in Nova Scotia
- directs what individuals and organizations in the province must do to prevent fires and how they must act once a fire has occurred
- provides direction for making sure the Fire Marshal's Office has representation in each municipality

- important for educating people on how to prevent fires
- helps the fire marshal determine what caused fires. This is important for the insurance and crime prevention reasons
- assigns roles to people who are responsible for preventing fires, for putting them out, for reporting fires and for investigating them, for the Fire Marshal's' Office and the municipalities
- assigns responsibilities to people or organizations that own land or businesses. These people have certain responsibilities for preventing fires and for reporting fires that do take place. Insurance companies also have responsibilities assigned by the law
- forbids certain activities. For example, if this bill becomes law, it would be against the law to give false information to a fire official investigating a fire or to tamper with a device that would help people escape a burning building
- discusses what regulations the government can write to further protect Nova Scotians from fire and to reduce the harm of fires
- establishes a Fire Safety Advisory Council to advise the Minister of Environment and Labour on matters of fire safety.

Those are the highlights. As I said, we are here to gather all the information we can, and we welcome your input. The first presenter this evening is Russ Mackintosh. If the presenters would come to one of the microphones in the front, Hansard will record. They could introduce themselves and the organization that they represent.

MR. RUSSELL MACKINTOSH, SR.: Good evening, Mr. Chairman, members of the select committee, ladies and gentlemen, fellow firefighters. My name is Russ Mackintosh, and I am the Chief of the Annapolis Royal Volunteer Fire Department. The Fire Prevention Act is long overdue. If you get nothing else from me, the Act is long overdue and it is needed.

We started, quite a few years ago, to draft this new Act. We, the fire service, had members on the Fire Prevention Advisory Committee. Fire Chief Ken Kelly of Yarmouth was the chairman, and he was also the President of the Fire Officers Association of Nova Scotia. We also had other members serving with Chief Kelly on the advisory council, plus we had people from the fire service on the external group. Our fire marshal and a couple of his deputy fire marshals served on the Fire Marshal's Committee.

After the draft was put together, it came to each chief and department for input. After going over the draft, we returned it along with drafts from the fire associations across the province. Once this was finished it went to government. The fire service has been waiting for this Act ever since, and we wonder why. It is needed, very much needed. It went to the government, but it never made it to the House.

Now, and I mean no disrespect to you, sir, Mr. Chairman or any member on your committee, but here we are again with this Act, going across Nova Scotia with government spending approximately \$80,000 to \$90,000, I would take it, for this committee to travel. I could use that money, probably better than you could. I am sure there are some other chiefs sitting in this room who would say the same thing.

This afternoon I had a truck go down. It is going to cost me quite a bit of money to bring that truck back into service. Time is passing and the fire service would like to see this bill move forward. The bill has to work for us, along with the Municipal Government Act and the Occupational Health and Safety Act or guidelines for volunteer firefighters. One item that must be addressed is who is going to give the fire service the money it is going to require to train its people or to buy the proper equipment.

Hopefully the federal/provincial/municipal governments will understand that they are going to have to fund this and most everything else the volunteers do. Most of our members have full-time jobs, plus they have families. The fire departments are finding it very hard to encourage our members to find time to help with fundraising. In my department it has dropped 50 per cent. We find it hard to keep the interest up for training. Not that we want any big fires but once there is a big fire, after that we are gung ho for quite a while; once that goes, down she goes again.

When we have a man who goes to the school for Level I training, and to do it on weekends it means he has to give up 8 or 10 weekends, away from his family, or he can start with the weekend, stay a week and finish up with a weekend at the end. Again, he is away from his family and his job. That costs us. To send a man to the fire school from Annapolis Royal Fire Department is costing us anywhere between \$1,500 to \$2,000 per man, and we can't keep this up. When we fundraise, if we hold dances or if we hold weddings or anything else at our hall, we get hit by other people, such as SOCAN, looking for money from us that we have to pay. The federal government and the provincial government have to get these people off our backs. We can't keep it up. In fact, a lot of us have never paid a cent to it yet, and we are waiting for a lawsuit to come flying through the door. I, for one.

Let me ask you, sir, what will ever happen in Nova Scotia if we have a terrorist attack, if they hit Greenwood, Halifax or Point Lepreau? God help us, because my department is not ready. I don't think there are very many departments that are ready with the training to handle such an attack. This could happen and the fire service should be ready, trained and have the equipment to do the job.

The Nova Scotia Government, municipal governments and the people of Nova Scotia have had the best of the fire service for the last 50 to 100 years. I would pit our fire service against any, but we can't keep it up because times are changing and people are changing. The firefighters of the day have a lot of different things to do, not like myself when I came in 30-some odd years ago. I feel I sacrificed my family for the fire service. They won't do that today. I am sure the people of Nova Scotia, if they knew, would only be too willing to help out the fire service. Times are changing, and I thank you for listening to me.

MR. CHAIRMAN: Russ, is it your understanding that there is a part of the bill that requires more training and specific equipment?

MR. RUSSELL MACKINTOSH, SR.: I only read the bill the other day. I just got a copy of it the other day. I was reading it, and I feel that for me to do some of the things stated in here, I am going to have to get myself better trained, so are my men, and it doesn't matter if it is money or time, it is still a cost to me and my department, that we have to give up, to follow this. Yes, I think it is.

MR. CHAIRMAN: We have the fire marshal with us this evening. Bob Cormier, would you clarify the position on that, please.

MR. ROBERT CORMIER: There is a training element to it, on the duties of the local assistant and the investigation of fires. Russ is right, the cost is not there. We provide that service at a very low cost, and we do bill for it and most times it is provided without charge, but there is a time element required for that. The fire investigator is approximately a three-week program. Even though only one member of a local fire department would need the very highest level of training, it is still time. He is correct there. Costs are kept to a minimum, because we provide that as a service.

MR. CHAIRMAN: Am I correct in saying that the volunteer fire departments in the province, even though it is desirable and recommended, are not going to lose anyone or are not required to have Level I certification before they can fight fires?

MR. CORMIER: The only person who can establish policies on the fire department, according to the Municipal Government Act, are the municipalities.

MR. CHAIRMAN: So, therefore, this Act would not . . .

MR. CORMIER: This Act does not. What this Act does provide for is a means of developing guidelines for fire departments and municipalities to follow. I might just add one other point that was brought up, and that is the terrorism question. The provincial government is beginning meetings with department heads, starting next week, on an urban terrorism analysis that was started by the federal government. This occurred over a long period of time, this is not the result of September 11th. Part of that is the need to establish

training and equipment throughout the better part of Canada for answering the issues of terrorism in the country.

MR. CHAIRMAN: Mr. Steele.

MR. GRAHAM STEELE: Thank you very much for coming out tonight. I know you have come quite a long way from Annapolis Royal. This is another sign of the depth of your commitment to the fire service. You mentioned, I think you said, your fundraising is down 50 per cent this year. Is that just this year, or is that a trend?

MR. RUSSELL MACKINTOSH, SR.: No, it started about two or three years ago. We have seen it dropping off and dropping off, and it is steadily dropping now.

MR. STEELE: Why do you think that is?

MR. RUSSELL MACKINTOSH, SR.: I think the fellows are getting burned out, the older ones, and the younger ones are a different breed. They are all needed, they are all good men, but they just don't want to put in the time away from their families. I can't blame them for that.

MR. STEELE: Are you also having trouble getting volunteers?

MR. RUSSELL MACKINTOSH, SR.: We were. We have managed in the last little while to pick up three firefighters, who happen to be women and are very good. We are back up to 38 members now.

MR. STEELE: You have identified one of the major reasons for having difficulty with volunteers is that people are not quite so willing to put everything ahead of their family commitments. Are there any other reasons that you are aware of?

MR. RUSSELL MACKINTOSH, SR.: Well, I would say, on an average, that it costs my men anywhere from \$1,000 to \$1,500 a year to be a volunteer, if you look at their vehicles, the wear and tear, their clothing, and whatever else. They say, hey, we can't keep this up. I know the town that I am from is hard pressed, and so is the municipality, but someone has to give a hand, whether it comes from the provincial or the federal government, I don't know where, but it has to come.

MR. STEELE: Thank you very much.

MR. CHAIRMAN: Mr. Deveaux.

MR. DEVEAUX: Mr. Chairman, I just want to say it is like old home week at the Department of Labour seeing the two of you there at the table. My questions, Russ, were around a couple of things, following up on Graham's questions about volunteers. You have hands-on experience with attracting, trying to get people to volunteer. I know there was some discussion of a \$500 tax credit, I believe, originally to sort of encourage volunteers for the fire department. First of all, has that actually gone through?

MR. RUSSELL MACKINTOSH, SR.: No, and I don't think it would do any good anyway.

MR. DEVEAUX: And why is that?

MR. RUSSELL MACKINTOSH, SR.: I don't think \$500 would be the way to attract them. I think if you could give them the courses free. When I send a man away from my department, I have to pay babysitter fees for some of them, for a weekend, I have to pay the mileage, I have to pay the price of the course, there are meals and anything else, he bills the fire department. We look at it and we say yes. We have men in our department, both they and their wives are working and have kids, so we have to pay to have someone look after their kids for them or they don't go, they don't get trained.

MR. DEVEAUX: Is there anything beyond, I guess my only thought is a tax credit, at least, at the end of the year when they file their taxes, there is \$500 more for them there, potentially, to at least help them, encourage them to want to get involved. Are you saying that it should be higher, or that just won't work?

MR. RUSSELL MACKINTOSH, SR.: If you are going to do it, then it should be higher.

MR. DEVEAUX: I have another question, but I think Bob wanted to comment.

MR. CORMIER: Mr. Chairman, if I could just address that. The committee that was struck by, at that time, the Department of Labour to look at assistance to volunteer fire departments, both in attracting them as well as retaining them, and took a look at a number of different choices. Of course, we did come up with the free registration for all volunteer firefighters, as well as our search and rescue people.

We looked at the aspect of the tax break. What it basically broke down to was, first of all, you have to be earning an adequate income in order to get the break in the first place. This is not a slight against our rural communities but, basically, our rural communities, the backbone of those, are rural firefighters who are not earning over \$30,000 a year.

The best advantage to that would go to the urban fire departments who are receiving high tax bases and some of them are earning as high as \$4,000 and \$5,000 a year in honorariums. The disadvantage is, we are not rewarding those who need the reward the most. So I agree with the concept, but it is just not going in the right pockets.

MR. DEVEAUX: So the government has now decided that they are not going to go with the tax credit at all.

MR. CORMIER: I have not heard a no on it but that was the results of our study.

MR. DEVEAUX: One last question, I guess, for Russ. From my walking the halls of the Department of Labour, I remember the Fire Safety Act as something that has been discussed for years. Bob, you know that, as well. But, Russ, you made some comments at the beginning around the issue of the fact that six or seven years ago, you went through a similar process. From your experience in government, I am just going to ask you for your opinion as to why you think we are back at this and why this wasn't resolved in the last six or seven years?

MR. RUSSELL MACKINTOSH, SR.: When I first went to the House, they dragged their feet. They dragged and dragged and then it stopped being dragged, if you want to put it that way. It never went anywhere. I think it got through the first reading. I don't know if it ever got through the second. All of a sudden, we hear, hey, there's an election coming. Whoosh! There she goes again.

MR. DEVEAUX: But, generally, when legislation has trouble getting through the House, it's because there is someone on the other side who is arguing that they are not happy with it or that they think things should change. Is there any sense of that from your . . .

MR. RUSSELL MACKINTOSH, SR.: I don't think you would have ever found anyone in the fire service arguing with that. We need this Act. The old Act doesn't protect us. With this Act, and I don't agree with everything that is written in there - you know, don't get me wrong - but what is there, I need. I don't care who does the investigations of buildings, but by God, send someone out there to start investigating buildings. Whether it be the gentleman over here on my left or his men, or it be the building inspectors or the fire inspectors, or who it is, send someone out so that when I get there with a crew of men, if the building is on fire, and say, hey, we're going in, I'm relatively sure that this building has been checked at least a year ago.

I did a check on a building in Annapolis Royal about six months ago and it has cost me. I wrote them up and said, I won't send this to the fire marshal, I will just keep this between me and you, clean the place up. Then a couple of weeks later, I had to go back and ask him for a hand-out. No hand-out. Every year they used to give me a hand-out. But

because I wrote him up, I said here, fix this and clean it, it cost. I would never do it again in my town. I have to live there.

There are buildings in my town that must be and should be inspected, the same as in my area. I am sure they are, right from New Minas, right straight down to Yarmouth. Now, I don't know what Bob's thought on it is but I am sure that if the Fire Marshal's Office started inspecting all these buildings, they would need an army, so you had better be prepared to hire an army.

MR. DEVEAUX: Thank you. Those are all my questions.

MR. CHAIRMAN: Kerry.

MR. KERRY MORASH: Just a question to you with regard to the bill that is before us. Is there anything in there that will help you with regard to attracting volunteers in the future? I know what all the problems are and they seem to be throughout the province, but is there anything in there that will be of benefit to you if this bill is passed?

MR. RUSSELL MACKINTOSH, SR.: Yeah. I think, once they find out that the government is serious about some of this stuff that they are doing, they will follow this.

One of the biggest things you have got to do with this Act is train the lawyers and the judges. Because if you are going to put the teeth in this thing and make it work, then they have got to be part of the scenario.

MR. MORASH: Bob, do you have any comments on that?

MR. CORMIER: I am going to make a comment. At the present time, we have 314 fire departments in this province of which 100 I would classify as small volunteer. That is, 20 members or less, many of whom have inadequate equipment, inadequate training and inadequate ability to address the problems that they are supposed to be responsible for.

Our biggest problem with recruitment is the attraction of our young people out of the community to the metro regions. Our rural communities are becoming older every day and - if one out of every five people between the ages of 20 and 40 in a community belonged to a volunteer department, as that number decreases, we also decrease the number of people for that volunteer department. That is one of the big dilemmas we are faced with in this province.

Fire departments will be facing new questions they are going to have to answer. One of those is going to be, do we maintain individualized departments in every community or do we begin to band some of our departments together, to try to reinforce their ability to respond to emergencies? In other words, maybe we have 100 departments cut down to 25, in order

to maintain their ability to respond, because we cannot attract people to our rural regions at the age where they are going to service the fire departments.

MR. MORASH: If I might comment on that, I am just trying to think, in my own situation, we have some small fire departments that are relatively close together but from anything I have heard from them, if you try to amalgamate them, you would lose, probably, all the volunteers that we currently have.

MR. CORMIER: I would agree to that. The strength of the volunteer department is that ability to serve your community. But a community is put at risk when you no longer can do that and we are seeing that happen in various communities now.

MR. MORASH: You mentioned about inadequate equipment. I don't want to put words in your mouth but, fire trucks, that type of thing?

MR. CORMIER: I'm going everything from fire trucks right on through to breathing apparatus. I had a call from a fire department where one of the paid firefighters from Halifax had gone in to try to assist them and he was calling to find out where he could get a breathing apparatus because the four sets that they have, they should not be going into a building with.

MR. MORASH: What standards now are we measuring those against as far as inadequate?

MR. CORMIER: There is an FPA standard 1500 which addresses all of the equipment. There are age problems with some of this equipment. It has been around for a period of time. We have fire vehicles out there that have been through the used car lots so many times that their serial numbers are almost wore out.

MR. MORASH: Maybe I will ask a better question. Are we in violation of the current Acts and standards now with the equipment that is out there?

MR. CORMIER: No. That is the discouragement lots of times in trying to assist people. There is nothing in the Act that, first of all, says you have to have a fire department. When you do decide to have a fire department, you use the equipment, the training and the office or program that you have to do the work that you can do. That does not mean, necessarily, interior fire attack.

When it was decided that we could no longer support a fire department on Tancook Island, and the fastest you can get a fire truck there is by ferry, you know that you cannot. So what we had to do was increase the fire education training on the island to try to decrease the opportunity. That ranges down to the fire department that may not be able to do any more than exterior fire attack. That is, protect the buildings from igniting buildings in the immediate area.

MR. MORASH: If I might, one last question. So this new Act will maintain the current level or the current standards with regard to training, it will be set by the municipality?

MR. CORMIER: Yes. The municipality is totally responsible for fire suppression.

MR. MORASH: I am just trying to clarify, if we put in the new Act, will we get some of this inadequate equipment that you are talking about, off the . . .

MR. CORMIER: No. All we can do from the province is provide the information for the municipalities and the fire departments to base their decisions on, but they need that support to be able to do that.

MR. MORASH: Thank you very much for clearing that up. That helps.

MR. RUSSELL MACKINTOSH, SR.: You mentioned about fire departments going by the way side. They are already talking about that down my way. They are talking about amalgamating. They are talking about, maybe we will have to fold.

As Bob said, the firefighters in these departments are older fellows. They have been here 30, 35, 40 years. They are just saying, hey, we can't keep this up. We need younger men, but they can't attract them, or younger women, they can't attract them. So they are now discussing, maybe we should join together. I would be surprised to see it come but unless the community says, hey, we need better fire protection, then pride will hold those guys apart, pride for their own department.

Yes, we do have old trucks out there. I know one department, that is very proud of the truck they just bought. It is a '73. I have sold every '73 I've ever had and they are just proud as old peacocks. They have their first pumper. It's there, it's shined up, it's beautiful and it works but it is a '73.

MR. CHAIRMAN: Russ, would you like to put on your other hat and make your next presentation or would you like a break?

MR. RUSSELL MACKINTOSH, SR.: I think I will take a break.

MR. CHAIRMAN: Okay, thank you.

MR. RUSSELL MACKINTOSH, SR.: Thank you very much.

MR. CHAIRMAN: Our next presenter is Fred Fox.

MR. FRED FOX: Mr. Chairman, committee members, fellow firefighters, ladies and gentlemen, good evening. My name is Fred Fox. I have been a firefighter with the Windsor

Fire Department for over 30 years. I have been a member of our executive, as well as a fire ground officer for the past 20 years, serving in the positions of Lieutenant, Captain, Deputy Chief and for the past 13 years, have held the position of Chief of the Department.

I have been asked by my fellow Hants County Fire Chiefs to address your committee. I would like, if I may, to just take a moment and ask the Chiefs if they would - and they are here - just stand so the committee could see who they are. From Hantsport Fire Department we have Chief Phillip Scott; from Brooklyn Fire Department, Chief Mike Webb; from Somerville Fire Department, Chief Philip Smith; from Walton Fire Department, Chief Marty Ross.

Together, our five fire departments, comprising some 200 volunteer firefighters, serve and protect some 20,000 citizens and their properties within the entire County of the District of West Hants, as well as the Towns of Hantsport and Windsor.

It has been over five years since I received, as both a volunteer Fire Chief and a career building contractor, an invitation from our Fire Marshal, Robert Cormier, to sit on a committee that was to become known as External Stakeholders. I was honoured to have been asked to carry out this task.

Our committee consisted of a very diverse representation from many organizations within our province who might have an interest in fire safety-related issues addressed in provincial Acts and regulations. Our mandate was to study and review our current Fire Protection Act and to recommend any necessary changes that we felt should be incorporated into a new Act that was being prepared. This new Act was to become known as the Fire Safety Act and, more recently, Bill No. 58.

It would seem that even after an extensive consultation process that resulted in the final draft of the new Fire Safety Act, great efforts were again made to give all Nova Scotians an opportunity to express their views on this very important proposed new Act. Despite all of this effort being put forth over a period of several years, the bill could not seem to make its way through the legislative process required to pass it into a provincial Act. Now we have your select committee reviewing this document, once again.

We would like to state that we fully endorse Bill No. 58 in its present form. I have read the Hansard from your September 6, 2001 meeting, in which our fire marshal and the President of the Fire Officers Association of Nova Scotia, addressed you. We feel that Mr. Cormier and Mr. Clark have accurately reflected the feelings of the Nova Scotia fire services with respect to this matter. There is no doubt that this process has taken far too long and that the citizens and firefighters of this province are being unduly endangered because of said delays.

Perhaps the most important issue affecting us is the fact that some municipal governments do not seem to feel the need to follow the regulations of the current Fire Prevention Act. Of particular concern to us is the longstanding lack of a regular system of fire inspection services that is mandated in the current Fire Prevention Act, as well as in the proposed Bill No. 58. There has been a definite reluctance by some municipal units to recognize their responsibilities for many years, but now it seems that because there is a new Fire Safety Act being proposed, some of these units feel they do not have to abide by our current Act.

Pursuant to a recommendation by the Honourable David Morse, Minister of Environment and Labour, in a letter dated February 5, 2001, addressed to Windsor Fire Department Treasurer, Graham Murphy, our five fire departments have been attempting to work with our three respective municipal units, to initiate a shared fire inspection program. It seems, however, that some members of our provincial Legislature may be hindering our efforts by sending mixed messages to our municipal units. One of the municipal units that we serve has interpreted the Honourable David Morse's May 3, 2001 letter to Anna Allen, President of the Union of Nova Scotia Municipalities, as an endorsement to do nothing in this regard.

It would also appear to us that Bill No. 58 is being perceived by some municipal units as an exercise in provincial to municipal downloading. We believe that this is clearly not the case, as there are, in fact, less municipal responsibilities in the proposed new Act. We believe the problem lies in the fact that some municipal units have not been carrying out their existing legislated responsibilities by providing inspection services. On the other hand, many municipal units in Nova Scotia have been providing the service to their citizens and to their firefighters. Others, including two of the three units that we serve, have now budgeted to commence a new fire inspection program. We commend and thank these units for their proactive approach to fire protection.

For those of us who volunteer our time to provide fire protection services to the citizens of this province, the past four or five years have been an extremely frustrating time. We are clearly caught in the middle of a situation that has dragged on far too long. On one hand, we have municipal councils who are in denial of their legislated responsibilities, while they await the passing of Bill No. 58. On the other hand, we have our provincial government who, for no good reason known to us, have refused to legislate the proposed Fire Safety Act that was written with input from all major internal and external stakeholders in our province, and of which, is fully endorsed by the fire marshal and the fire services of Nova Scotia.

We, as the fire chiefs, are appointed as local assistants to the fire marshal, which gives us the legal responsibility and the authority to take charge of many fire safety-related matters. However, in some cases, we lack the local support that we require. We, as front-line firefighters, continue to see first-hand the problems created when there is no regular system of fire inspections within our municipal units. We are the ones that receive the phone calls

from the employers and the employees, asking for our assistance in making the workplaces fire-safe environments. We are the ones who see first-hand the unnecessary death and destruction that is caused by a society who chooses to ignore basic fire safety issues. We walk into schools and places of public assembly and find fire doors chained and locked. We risk our firefighters' lives attempting to rescue citizens who could not escape the fire in their dwellings because they have either non-existing or non-operable smoke alarms.

We recently arrived at a fire call in a first floor apartment in a three-storey, four-unit apartment building. When we entered the apartment upstairs that occupied the second and third floor, we found a family had been living there for some number of months without electricity. A Coleman was being used in the kitchen, kerosene lanterns and candles were supplying the light. Children were sleeping on the third floor without the aid of smoke alarms, fire separations or a fire escape. We have no idea how much of this is occurring without a regular system of fire inspections.

Have you ever seen a mother drop her infant child from a second floor window to awaiting arms of a firefighter, only to see her have to turn around and make her way back through the smoke because the windows in her apartment do not meet the egress requirements that would have allowed her enough room to also fit through the window?

We constantly receive calls from citizens who have no one else to turn to. Recently, I received a call from a young mother who was sleeping in a bedroom with no window and who had fumes entering another room because a furnace vent was improperly installed. This lady was afraid to confront her landlord for fear of being without a place for her and her child to live.

I could go on indefinitely about the frustrations we feel with respect to the lack of fire inspection services in our areas but, hopefully, I have been able to give you some insight into our dilemma. We have seen all of this and much more. I am here to tell you that it breaks your heart. To have your local municipal government refuse to give you the support that would allow you to address these problems simply breaks your spirit.

As I conclude our presentation to you this evening, I would hereby request that your committee recognize and honour the wishes of the fire services of our province by having Bill No. 58 passed through the 2001 fall session of the Nova Scotia Legislature.

We would further request that your government immediately state very clearly that the requirements, as outlined in our current Fire Prevention Act, are to be fulfilled by municipal units throughout this province.

I thank you for your time, patience and attention in allowing me to voice our concerns. I would be pleased to answer any questions you may have. Respectfully submitted, Fred Fox. Thank you.

MR. CHAIRMAN: Thank you, Fred. Kevin?

MR. DEVEAUX: Thank you, Mr. Chairman, and thank you, Chief Fox. I appreciate your taking the time to put in writing some very important concerns.

I am going to ask you the same question I asked Chief Mackintosh with regard to your experiences. Obviously in different words, you are saying the same thing, I think, that over the last five, six, seven years there has been a lot of discussion about a Fire Safety Act and, yet, we still don't have one passed.

I think, reading between the lines, I know the answer to this but I am going to ask you. Are there some people out there who have a desire to not see this bill passed because it may cause them more problems or may cause them more fiscal problems than they now have to deal with?

MR. FOX: To answer that question, I would have to speculate that if that is the case, those people are not currently abiding by the legislation that we do now have because there, essentially, is not a lot in this new proposed Act that is going to cost anybody any more money. As a matter of fact, there is less with respect to fire inspection services, that would be burdened with the municipal units and what we currently have in our Fire Prevention Act.

The problem now we have is that some seem to feel that because there is a new proposed Act, that we all ignore our existing one. In some respects, perhaps we would have been better off if we had not tried to write a new one. At least we would have the old one or existing one that somebody would recognize.

MR. DEVEAUX: Let me ask this and excuse my ignorance. The current Fire Prevention Act, does it adopt a version of the National Fire Code?

MR. FOX: The current Fire Prevention Act?

MR. DEVEAUX: Yes.

MR. FOX: Again, perhaps the fire marshal may want to answer some of these questions - but, generally, it is a municipal responsibility, which Acts are adopted.

MR. DEVEAUX: So each municipality decides whether the National Fire Code is one that they are going to adopt or which parts of it?

MR. FOX: I would rather the fire marshal answer that.

MR. DEVEAUX: I want to touch base on a couple of other things that you noted, around the letter from Minister Morse. I am just trying to clarify what you were meaning by how some of the municipalities have interpreted his letter. I wasn't very clear, in your writing, what that meant.

MR. FOX: I do have a copy of his letter. I also have a copy with me this evening of a letter that we received from one of our municipal units that we serve which basically says that they will not take any action, based on the letter that Minister Morse had written which, in their opinion, was telling them not to worry about it for now. I don't read it that way, personally, and I am sure many others do not but that was their interpretation of Minister Morse's letter.

MR. DEVEAUX: The municipality interpreted that you don't have to worry about enforcing the current Act? That is how they interpreted it?

MR. FOX: They were not taking any action on fire inspection services until this committee had acted and relied something of that wording. Again, I don't have it in front of me but I do have a copy of it if the committee so desires.

MR. DEVEAUX: Well, that is something I would like to see. I don't know if you have copies for everyone but if that could be tabled, that would be appreciated, I think.

MR. FOX: Certainly.

MR. DEVEAUX: Thank you. Those are all my questions. Thank you, Chief.

MR. CHAIRMAN: Mr. Steele.

MR. STEELE: I don't have a question, sir, so much as, I just want to make sure that I am clear on something you said. One of the groups that, broadly speaking, has come before the committee, not opposed to legislation but with some concerns about it, are the municipalities. One of their major concerns that we hear at other meetings is that it is going to impose new costs on them that they are not sure that they can afford, if this legislation is passed.

Am I understanding you correctly that it is your view that if municipalities were properly meeting their obligations under the existing legislation, they would have nothing to fear from the new legislation, in terms of cost? Is that a fair summary of your view on that?

MR. FOX: That is Fred Fox's opinion, yes.

MR. STEELE: Thanks. I just wanted to make sure that I understood that problem. That is my only comment.

MR. CHAIRMAN: Thank you. Kerry.

MR. MORASH: I have a few, I think, that go along with the discussions we have had so far. In your presentation, on Page 2, you have got a line in here. I will just read it so nobody has to look it up. "There is no doubt that this process has taken far too long and that the citizens and firefighters of this province are being unduly endangered because of said delays." Would you mind elaborating? I think you did cover it later on but would you mind just elaborating on that a bit, of how we are being endangered by not having this Act in place now?

MR. FOX: Certainly. Probably the most important issue to our area of the province is the lack of a regular system of fire inspections. We somehow feel that the reluctance by some municipal units to recognize the current Fire Prevention Act is, perhaps, because they feel it is in limbo somehow or that a new Act is, perhaps, going to be amended, or something is going to happen that they are not going to have this responsibility.

The responsibility is very clear in the current Fire Prevention Act. As a matter of fact, there are more requirements in it for municipal units, in our opinion, than even the new proposed Fire Safety Act.

MR. MORASH: I defer to the lawyers in our midst with regard to the current Act being enforceable now. My next question would be, who is responsible for enforcement of our current Act, that one that is in place right now?

MR. FOX: It is a provincial Act so I would anticipate that it would be the provincial government. However, the responsibilities are very clearly defined as to who or what, and the ones we are talking about are municipal responsibilities.

MR. MORASH: Who holds the municipalities accountable under the Act? Maybe that is something Mr. Cormier may be able to answer. I'm trying to just get some clarification.

MR. CORMIER: Through you, Mr. Chairman, the interpretation, since 1976, has been literal from the language of the Act. The Act says that the municipality may, in addition to the fire chief, hire or have a municipal employee for carrying out the fire inspections.

It has been a frustrating attempt in a number of meetings we have held with councils in an attempt to try to get them to abide by this. We have been successful in a number of areas, including your own, in accomplishing that but there has been the belief that as provided that the fire chiefs are still listed as part of the inspection process, that the municipality is not solely responsible for it. It was not clear.

This is what we did under the new Act. We made it very clear that the municipality is solely responsible for a system of inspections and they may appoint the local fire department

to carry out those inspections as they do in Halifax. But the municipality must make the action. Under the old Act, there was some question of clarification on it.

MR. MORASH: Yes, okay. Currently, we have said, though, under the existing Act, there is legislation which requires fire inspections, period.

MR. CORMIER: That is correct.

MR. MORASH: But that hasn't been enforced and I guess that would get to my third question. Unfortunately, that is, why would we think that if we bring a new Act in, that the new Act will be enforced any more than the existing Act?

MR. CORMIER: I guess when I took the position in 1993 - and we tried to do it on a voluntary basis and then tried to take a look at whether we could enact or force that - there was some question as to whether we could do it or not because of past history between 1976 and that period of time. This was one of the reasons for the clarification of language. It is very clear now. It is a municipal responsibility.

Basically, what the comment has been during the previous years, is that the municipality wears the liability if anything should happen, but I don't feel I can gamble any more, waiting to see if something is going to happen and somebody is going to get sued.

MR. MORASH: If I could just wrap up, just sort of a point of clarification, maybe, for anyone here. I was involved with the enforcement of the Occupational Health and Safety Act in my previous life. I certainly understand how important that was and there were rules there that had to be followed, whether you liked to follow them or not.

As I have travelled around with this committee - and I volunteered to be on the committee because I wanted to learn more about the workings of this Act and try to make sure it is as good as it possibly can be - I am very concerned and disappointed that we have something in the province currently with regards to public safety and fire, that we don't seem to have a handle on the enforcement aspect of it. Again, that was for the last question there. I don't see a process in place to ensure that we have enforcement if a new Act comes in. That concerns me, again.

MR. CORMIER: Well, what we did put in there this time that we didn't have before is, where a municipality does not carry out the inspections, the fire marshal will carry out those inspections and bill the municipality for it. So that is about as big a hammer as I can carry.

MR. MORASH: But right now we say that a municipality must . . .

MR. CORMIER: All we do is say, must, and there is no recourse if they don't.

MR. MORASH: And from a lawyer's point of view, must is quite clear, I understand, isn't it, legally? Anyway, with that, I guess I am finished. (Laughter)

MR. CHAIRMAN: Kevin.

MR. DEVEAUX: Well, I am assuming, Fire Marshal Cormier, you are talking about Section 19 of the Act, I think?

MR. CORMIER: That's correct.

MR. DEVEAUX: I have just been reading it and it says, "It shall be the duty of . . . every city, town and municipality to provide for a regular system of inspection . . .", which sounds pretty clear to me, that it is a duty on the part of municipalities now to have to provide it. But you are saying, you, yourself, as fire marshal, don't have the teeth - if they don't do it, to do anything about it?

MR. CORMIER: I guess the crux of it would be, the only thing in the Act would be that if I ordered them to do so, then I would have to take them to court under the charges which is \$1,000 a day, and so on and so on.

MR. DEVEAUX: It is a very drastic measure against the municipality. I understand.

MR. CORMIER: That's right. That is basically the process. At this stage, it is like starting over again. We have had a bad situation and we are trying to rectify it. Again, it is little good for us to basically have a - what shall I call it - confrontation with the municipalities when we are trying to build a co-operative effort.

MR. DEVEAUX: My other question on this is, were there members representing municipalities, or the Union of Nova Scotia Municipalities on the External Stakeholders Committee?

MR. CORMIER: Anna Allen sat on all of the committees, as did Gerald, from Victoria County.

MR. DEVEAUX: Sampson?

MR. CORMIER: Gerald Sampson and a couple of other councillors. I believe, in total, I had four meetings with the Union of Nova Scotia Municipalities to outline it. We have twice sent out letters, stating that the one-year announcement for the cost increase to the municipalities - even though it was a cost increase, we did it anyway.

MR. DEVEAUX: So have they always signed off as, the Union of Nova Scotia Municipalities endorsed Bill No. 58? Did the members on the External Stakeholders Committee endorse it?

MR. CORMIER: It was endorsed that it was acceptable. That does not mean, as with every committee that has members on it, that the groups that those members represent necessarily buy in. (Laughter)

MR. DEVEAUX: Okay, thank you.

MR. CHAIRMAN: Thank you very much.

MR. FOX: Thank you.

MR. CHAIRMAN: Our next presenter is Bill Butler.

MR. BILL BUTLER: Good evening, Mr. Chairman, members of the committee, firefighters, ladies and gentlemen. My name is Bill Butler and I am the Director of the Department of Community Development Services with the Municipality of the County of Kings. I think, coincidence or not, I guess, the issue that I am here to discuss is similar to the previous speaker's.

Similar to the previous two speakers, we would also, I guess, encourage the adoption of this Act. It has been under consideration for a number of years and we are not sure why it hasn't been approved but I guess we would simply offer our support for its expeditious adoption.

For most municipalities, one of the most significant issues related to the new legislation will be the requirement to provide fire inspection service. Although the current legislation requires municipalities to carry out this function, the reality is that fire inspection service within most municipalities has been carried out by the provincial Fire Marshal's Office at no cost to these municipal units.

It has, however, been made clear that with the adoption of a new Act, municipalities will be required - and I underlined required in my written submission - to provide the inspection service according to clearly defined standards which will be set out in the Act and/or regulations.

In our municipality, when it became clear that the new legislation would, in fact, require municipalities to provide a fire inspection service, we initiated a process to determine how that service might best be provided. Our basic intent in the exercise we undertook was to assess the pros and cons of providing the service on either an in-house basis - that is, hiring somebody ourselves as a municipal employee to provide the service, or alternatively to contract the service to some external agency or person.

I should also indicate that in addition to our own municipal process, I was also involved with the Valley Region Chapter of the Provincial Association of Municipal Administrators, who represent all municipal units from West Hants to the Annapolis Valley. The municipalities in this region were obviously very interested in the issue of inspection and, collectively, were looking at alternatives as to how they would provide the service.

A little aside, I think it is well accepted that municipalities will, when this Act is adopted, have to pay for the inspection service. So I guess, certainly, in our view, all municipalities in the Valley Region fully anticipate that they are going to have to pay for and provide the inspection service. The question is, how are we going to do that?

I should indicate that no final recommendation has been made, either to our council, and in the case of the Municipality of Kings, or the other councils up and down the Valley Region.

Under both the processes within our municipality, as well as undertaken by the Valley Region of the Municipal Administrators, the option of contracting with the Fire Marshal's Office to provide the service was identified as a very viable and popular option. Such a solution would offer several advantages; including, with minimized transitional issues, it would recognize the expertise and capability of the Fire Marshal's Office to provide a high quality of service delivery, it would alleviate the need for municipalities to directly provide a service for which few have the ability to provide at the level of quality which sets the protection service demands.

Initial discussions with the fire marshal indicated a willingness to consider this approach. More recent discussions, however, suggest that there may be some reassessment of this position at the provincial level. There seems to be some suggestion that the Fire Marshal's Office would be unwilling to provide the inspection service for municipalities on a fee-for-service basis.

I should indicate here that if I misread the tea leaves on that, I certainly apologize to Mr. Cormier, but on the possibility that that hesitation is there, we felt we wanted to make this submission to your committee.

We would, therefore, strongly urge the Select Committee on Fire Safety to ensure that the possibility of having the Fire Marshal's Office contract with municipalities to provide fire inspection service is maintained. Whether or not this is clearly spelled out in the legislation or is provided for in some other fashion - for example, a Memorandum of Understanding with the Union of Nova Scotia Municipalities - we would leave with your committee to determine.

We are not suggesting that it should be mandatory to use the Fire Marshal's Office to provide fire inspection services since there may well be municipalities which will want to utilize other service delivery alternatives. We simply urge that this option be maintained as an available one to those municipalities that might be interested in taking advantage of it. Respectfully submitted. Thank you.

MR. CHAIRMAN: Brian.

MR. BOUDREAU: First of all, Mr. Butler, I want to congratulate you for your presentation. It was very well said. I just want to ask you if the UNSM communicated with your municipality, during the debate in the committee meetings, with regard to this bill?

MR. BUTLER: Not that I am aware, sir. I think the meetings that we had, it was well accepted by our Valley Region members that, with the adoption of this Act, as municipal governments, we were going to have to provide the fire service. I think that was accepted as a given and our exercise was, okay, if that is the given, how are we going to do it? What alternatives do we have?

I mean, some of the smaller ones, in particular - as administrators, I guess, our jobs are to look at the costs and efficiencies so we were looking at options. Was there some option to do this collectively or how are we going to do it? That is where the fire marshal, as an option, was identified as one that several municipalities were, certainly, keenly interested in.

MR. BOUDREAU: Does your municipality have a representative on the UNSM?

MR. BUTLER: Yes, there is a regional representative.

MR. BOUDREAU: From the Valley?

MR. BUTLER: Yes.

MR. BOUDREAU: I am wondering if your municipality analyzed the old Act, the Act of 1976?

[8:00 p.m.]

MR. BUTLER: In what sense?

MR. BOUDREAU: In regard to the responsibilities that the municipalities are supposed to be doing?

MR. BUTLER: Again, I won't argue with the fact that the current Act is quite clear, that it does set it out as a municipal responsibility to carry out an inspection service. I can certainly speak for the municipality I work in, as well as the ones I am aware of. I don't want to put them on the spot but very few municipalities in this province, I think it would be a minority, certainly, provide a system of regular inspections. So that is certainly in line with what Chief Fox was saying.

MR. BOUDREAU: But would you agree that the old Act is not really clear on who is responsible for paying for the service?

MR. BUTLER: I think the wording is very similar between the two Acts; it's that the municipalities are responsible. I think one of the major improvements that will be included in the new legislation is that there will be a very definite delineation of who is responsible for what buildings. I think that will go a long way to very clearly establishing what is the municipal responsibility versus what is the provincial one. That will be a major plus.

MR. BOUDREAU: Just one more question, Mr. Chairman, if I may. Does your municipality regard this as a downloading onto your municipality?

MR. BUTLER: Our council is aware of it and, certainly, I have not heard a lot of debate from that point of view. I think the municipality, my council, has accepted that as a fact. We have been very clear that this is really not a change between the old and the new. It is really one where the province has clearly said, we are going to enforce - we are going to require municipalities to do it. My council has, I think, accepted that as a given and has said, okay, fine. We have to now pay for it and provide it. Let's make sure we do it in the best manner possible.

MR. BOUDREAU: Thank you.

MR. CHAIRMAN: Kerry.

MR. MORASH: I have a question. My understanding of Bill No. 58 is that the municipality will hire or determine who the fire inspector will be and ensure that a record of inspections is kept. I am just wondering if there has been any discussion with your group with regard to insurers. Some of your larger employers around, I expect, have fire safety people who come around and do insurance inspections on a regular basis. I was wondering if you

have considered or would consider that being an inspection for that building or if you would need to have your fire inspector go in after that person was there, just to check on his work?

MR. BUTLER: I don't think we have really gotten down to that level of discussion. There certainly was a question of the fire marshal, that if we did hire our own person, just getting the records in the Fire Marshal's Office concerning the history of fire inspections that had been done would certainly be necessary. I don't think we assumed that we would be starting from a clean slate. The Fire Marshal's Office has carried out inspections over the years, so if we are going to be responsible, we would certainly want to get those records. We did have discussions relative to that aspect.

Whether we could get and to what value we would put on inspections carried out, such as you pointed out, we really didn't have any discussions, but that is one of those transitional issues that you have to get. If we are responsible, then we would have to get that information somewhere. We would certainly want to have some history to start with.

MR. MORASH: Okay. Thank you.

MR. CHAIRMAN: Bob, would you like to bring some clarification to a point.

MR. CORMIER: Again through you, Mr. Chairman, you were right in your question in regards to the insurance companies. Very few today do actual inspections except on, ultimately, large industries such as Stora.

We do have one company in the Valley area that does a tremendous amount of fire prevention activity in order to cut their losses but most insurance companies have now gotten out of the business. We did have an organization known as the Insurers' Advisory Organization who used to do fire inspections on behalf of insurance companies for heavy industry. That company has since withdrawn a lot of that and does it on a contract basis.

One of the reasons that we have been a little hesitant on responding to the contract issue: as you are aware, the provincial government policy basically tries to keep departments from getting into the private sector where the private sector is best involved.

British Columbia has gone through a very similar exercise to what we are doing now. There the Insurers' Advisory Organization has set up a contract fire inspection system with many of the municipalities. So we were waiting until all of the options were there to present them to the municipalities. There are a number of other options available.

MR. MORASH: Mr. Chairman, for point of clarification, you said there is an insurance company that does a lot of fire inspections in the Valley area here?

MR. CORMIER: Yes, in the Valley area.

MR. MORASH: Do they do those to the fire marshal's satisfaction with regard to this inspection?

MR. CORMIER: Better than. Ninety per cent of their policies, I believe, are farmlands and they have done a tremendous amount of work to bring down the fire losses on farms in the Valley region.

MR. MORASH: So an inspection from them, if accepted by the municipality, would be accepted by you?

MR. CORMIER: Yes. The vast majority, as I say, are farm buildings and electrical. Again, it would have to be evaluated as to whether they were into the public safety area in places like assemblies.

MR. MORASH: And they would have a fire safety engineer, or they would have inspectors who train?

MR. CORMIER: They have trained inspectors, yes.

MR. MORASH: Okay. Thank you.

MR. CHAIRMAN: Kevin.

MR. DEVEAUX: I wasn't going to ask a question but now I will. You talk about private sector coming in and doing it on behalf of municipalities. Are there certain certifications that they have to have in order to be . . .

MR. CORMIER: That is correct. One of the things we are trying to build under the Act is that in order to be qualified to carry out fire inspections, you will have to be certified according to the International Fire Inspectors' Certifications.

MR. DEVEAUX: That would come under the regulations after the Act?

MR. CORMIER: That is correct. As a matter of fact, the deputy for this particular area is going out to Manitoba at the end of this month to take training so they can come back and be the trainer for our other inspectors.

MR. DEVEAUX: Okay. Thank you.

MR. CHAIRMAN: Kerry.

MR. MORASH: One question to add on to that. If you were going to train me to be an inspector, what would you have to do to get - maybe I'm trainable. Let's assume I'm trainable. (Laughter) What training would you give me to get me to the accepted level?

MR. CORMIER: Well, the very first basic training we give you is to learn the severity of fire because that is the first underestimation that inspectors do. You have to learn just how bad fires are. So we will normally send you to the Fire School just to show you how bad fire is.

MR. MORASH: One day, one week?

MR. CORMIER: You're probably looking at a two-weekend program there. We take the Level I firefighter, actual on-scene activity. We don't allow you to do the actual firefighting because we don't want you hurt. We want to make an inspector out of you.

Then we train you on the Fire Code which takes anywhere up to four weeks; the Building Code, Part 3 and Part 9 which are the major portions of large buildings and small buildings; the Wood Energy Technical Training Program which is a one week course for inspectors; Oil-Burning Appliances, which takes another week; then we have upgrade courses from the National Fire Protection Association for sprinkler systems, fire alarm systems.

The total program, and one that we are trying to develop, is based on approximately 60 per cent home study. Excuse me while I check on that one. Harold, is that correct? Yes. I have to ask the expert because he is responsible for the committee that is putting this together with the Fire Inspectors Association. It is approximately 60 per cent home study.

MR. MORASH: So that would be 60 per cent home study in five weeks?

MR. CORMIER: We are probably looking at, for a new inspector, a minimum of two weeks per year for about five years. In some years it would be three weeks. The initial expenses are quite high. When we did the costing out for the municipalities, those costs were included in that.

Again, the aspect is to do very much the same as the building inspectors did, where Municipal Affairs supported that for a number of years. As a matter of fact, I became certified

under the Department of Municipal Affairs. Eventually, as that became mature enough, it was taken over by the building inspectors themselves.

MR. MORASH: Okay, thank you.

MR. CHAIRMAN: Thank you very much. Our next presenter is Russ Mackintosh.

MR. RUSSELL MACKINTOSH, SR.: I'm recharged.

Mr. Chairman, I am the President of the Western Nova Scotia Firefighters' Association, established in 1950. Vice-President is Doug MacLean. Would you mind standing, Doug? The Secretary-Treasurer is Lieutenant Kevin Ernst.

The organization I represent consists of 160-plus fire departments from Shubenacadie to Yarmouth and up to Blandford on the South Shore of this province. Our history dates back 50 years. This organization was responsible in the years gone by for such legislation as the Standard Hose Coupling Act, among others, as well as the development of the first Mutual Aid System in North America. This system is still recognized as one of the best in the continent.

We have come to meet with you this evening to express our thoughts and concerns with the proposed Fire Safety Act or Bill No. 58, as it was known in the legislation when it was introduced.

We were very dismayed when the legislation died on the order paper when the House rose before passing the bill. We are well aware of the history of this proposed legislation and are very displeased with the length of time it has taken to move the Act through the many stages it has gone thus far. We were in total disbelief when the fire service of this province was told that the province struck yet another committee to study the topic and return it to the public hearings.

The stakeholders were consulted and gave their input; the concerns of the fire service were made known to the committee studying the Act prior to it being placed into legislation form. While not all aspects of the legislation meet with the approval of the fire service, the delay in enacting this revised legislation is hampering fire safety in this province. A delay in the inspection of buildings on a properly scheduled basis is placing our firefighters at risk.

When we respond to alarms, we risk the safety of our personnel. Firefighting is very hazardous to those who participate in helping their fellow citizens on a volunteer or career basis. To respond to alarms, to evacuate the occupants and then search for those who are missing in buildings that have not been properly and regularly inspected adds to the risks we face.

Who carries out these inspections and faces the related expense is not within the mandate of the volunteer fire service, nor should it be. The scope of the practice of the volunteer fire service should not include the legislated responsibilities for conducting fire safety inspections. To enable the fire service to participate in the process, where capable, would be acceptable.

The powers granted in the new proposed Fire Safety Act bring the Act more into line with the reality facing the fire service in the province today.

When enacting legislation, we respectfully request that the plight of the finances of the volunteer fire service in this province be considered carefully. We ask that no new expenses be added to the responsibility of the volunteer fire service without allotting committed dollars to pay for the additional burdens in any new legislation. While many fire departments may appear to be wealthy, I represent many small, rural fire departments who survive on funding of \$6,000 per year or less. These departments simply cannot continue to operate if they are burdened with the further expense from new legislation. Should small fire departments decide that they can no longer afford to operate and fold, the fire department taking over their service area will have longer response times and, therefore, the safety of the citizens of this province will diminish, not to mention the safety of the responding fire personnel.

While I could elaborate much further on many points, the main message I would like to impart to you this evening is that the Western Nova Scotia Firefighters Association that I represent would like to have the benefits of this proposed Act for the members of our association and the citizens of the areas we serve.

Thank you for your interest and concern this evening. I look forward to being able to bring the good news to my association when this Act has passed through the Legislature. Yours in firefighting and fire safety, the Western Nova Scotia Firefighters Association, Chief Russ Mackintosh, President.

MR. CHAIRMAN: Thank you. Kerry.

MR. MORASH: One quick one. You said about small departments folding. If a small department folded, is there a guarantee that another fire department has to pick up that area?

MR. RUSSELL MACKINTOSH, SR.: No, no guarantee.

MR. MORASH: So there could be an area without fire service. . .

MR. RUSSELL MACKINTOSH, SR.: There could be.

MR. MORASH: . . .if a small department shut down.

MR. RUSSELL MACKINTOSH, SR.: There could be but I would never visualize it happening.

MR. CHAIRMAN: Thank you.

MR. RUSSELL MACKINTOSH, SR.: Thank you very much.

MR. CHAIRMAN: Our next presenter is Doug MacLean. Go ahead, sir.

MR. DOUG MACLEAN: Good evening, Mr. Carey and committee members. Thank you for the opportunity to address you this evening on a matter that is very important to the fire service of the province.

I currently serve as both Chief of the Lawrencetown Fire Department and President of the association of the 11 fire departments serving the citizens and property owners of Annapolis County.

It is very appropriate to be addressing you during the week set aside in North America to focus on fire safety, known more commonly as Fire Prevention Week. Really, the prevention of fire and topic of fire safety is the main purpose of this piece of legislation that we are considering this evening.

Our association is aware of the history of the study, lengthy consultation and numerous processes leading up to the introduction of legislation into the House of Assembly with respect to the revision of the current Fire Prevention Act. The Act had not been updated for a number of years when, in 1996, a number of "stakeholders" were identified and called to serve on a committee to review and propose changes to bring the Act into modern times.

Revisions were deemed to be necessary. The work to identify the necessary revisions continued for over five years. Finally, draft legislation was prepared, circulated for comment, then introduced into the House in June 2000.

The fire service was and is satisfied with the legislation as introduced into the House in legislative form. We were dumbfounded when the legislation was allowed to die on the order paper when the House rose. Indeed, the Fire Officers' Association of Nova Scotia passed a motion expressing extreme displeasure with the further delay in passing this Act at its semi-annual meeting in Greenwood, April 22, 2001.

The message from the association I represent here tonight is brief and clear. The fire service is satisfied with the proposed legislation as it was introduced into the House. Please pass the Act promptly and without change.

Our firefighters and the public are at risk each and every day the legislation is delayed. Buildings that need inspections on a regular basis are not receiving proper and timely

inspection. Our firefighters are entering those buildings in their response to emergency situations. Without a regular, methodical building inspection system in place and followed, unnecessary risk is being taken.

Our ability to have true authority to deal with situations when they are found is hindered by lack of effective, up-to-date legislation. The proposed legislation will enable those responsible to deal with situations in a more expedient manner.

The fire service of this province is told repeatedly by all elected officials how much our service and commitment is appreciated. When the opportunity comes to truly show the appreciation politicians hold for the firefighters of the province, we ask that all members of the Legislature join together and support us by ensuring the speedy passage of this needed legislation. Thank you for your time in receiving and considering this presentation.

MR. CHAIRMAN: Thank you very much. Our next presenter is Russell Mackintosh Junior.

MR. RUSSELL MACKINTOSH, JR.: Thank you, Mr. Chairman, committee members and the audience. My name is Russell Mackintosh. I represent the Municipality of the County of Annapolis and the Nova Scotia Building Officials Association. I have been employed as a building inspector for the past 14 years and have maintained membership. I presently hold office as the second Vice President and Chairman of the Education Committee.

As Chair of the Education Committee, I have watched the development of a thorough and challenging professional studies program, providing a certification tool and maintenance training for building officials across the province. The courses and seminars provided have been widely accepted by other groups and associations such as the Fire Inspectors Association of Nova Scotia, home builders, private home inspectors, home designers, architects and engineers alike.

I have included a copy of the professional studies program with the registrar, should you be interested in the parameters of training available.

Whereas the main purpose of the Building Code is to deal with fire and life safety issues in the design and construction of buildings such as smoke alarms, chimneys, oil-burning and solid-fuel-burning equipment, the installation of fire alarms and sprinkler systems. They are all dealt with in the Building Code. As well, all are required to be designed under the Building Code constructed as per the standards under the code and inspected by building inspectors as appointed by the municipality and given authority to enforce as legislated to the municipality.

On the other hand the Fire Code deals with the use of the building by its occupants and materials within, as well as the maintenance of equipment and systems of fire protection

designed and constructed in the building under the authority of the building inspector. Therefore our concern with this proposed legislation enabling direct administration of the Building Code or the "who is in charge" situation arises.

Also provided is a copy of correspondence to the Honourable Angus MacIsaac from the Municipality of Annapolis County, and I quote: ". . . there is a need for policy decisions to determine which level of government should be responsible for administration and enforcement of the Building Code and the Fire Code." As well, ". . . we feel it is imperative to prevent needless bureaucratic duplication."

Furthermore, imperative to the municipalities of Nova Scotia is the opportunity to review proposed regulations pursuant to the legislation to consider the dramatic financial impact to follow.

Further, questions arising from the proposed Bill No. 58 have been:

- Section 19(b) requires the municipal unit to appoint a fire inspector to carry out fire safety inspections while duplicating the same responsibilities of a local assistant of the fire marshal under Section 14(s).
- Should the legislation enable the fire marshal or his assistant to enforce compliance with the Building Code, which is already a municipal responsibility?
- Why does design and the construction of Part 3 Major Occupancy Buildings require the approval of the province? Once again a responsibility legislated to the municipality. All buildings requiring a building permit, including Part 3 Major Occupancy are required to be designed by a professional engineer and/or architect, with their plans approved by the municipal building inspector who inspects for compliance to the Building Code. Furthermore, the owner is required to forward a letter of undertaking and submit plans prepared by a professional who also inspects during construction for compliance and certifies to the municipality that the buildings are constructed in compliance to the approved plans.

It is common knowledge that the Office of the Fire Marshal is understaffed and I submit that the provincial review, on many occasions, is completed long after the building permit and/or occupancy permit is issued by the municipality.

- Finally, how do provisions regarding unsafe conditions in buildings, which clearly exist in the Building Code Act and the Municipal Government Act, relate to construction requirements in Section 25 of the proposed legislation?

If correction of the contravention under the Fire Safety Act or unsafe condition identified under the Building Code Act or MGA is required, does the applicant build or alter the existing building as per the Building Code Act and its regulations or to the order of the fire marshal, which may be in conflict of each other?

Building inspectors are trained in the Building Code and there is presently a certified building inspector in all but two municipalities. Why, then, duplicate responsibilities creating conflicts and confusion?

In closing, I thank you for this opportunity to express concerns raised and trust that a careful review and thought will be used to address all concerns through changes to the proposed legislation to provide a much-needed National Fire Code as a Provincial Fire Code administered at the local level. Thank you.

MR. BOUDREAU: We have heard from building inspectors, basically at every meeting. I think it is fair for me to say, at least, that they are not happy with this bill.

MR. RUSSELL MACKINTOSH, JR.: Yes.

MR. BOUDREAU: I think I recognize, too - it is important to recognize that maybe it is not a perfect bill; however being a committee member and a member of the House of Assembly, I recognize the fact that the fire service is a very necessary service that we have to provide and that the firefighters - particularly volunteers or paid, it doesn't matter - they need protection. I feel that this bill, at least, provides that protection.

My question is, I am wondering if these differences can be worked out after the bill is passed in the House, if a committee could be struck between your association, perhaps the firefighters or whomever, do you believe that these differences can be worked in a manner that could be positive to all involved?

MR. RUSSELL MACKINTOSH, JR.: I do but I would feel it very important that that be worked out prior to the passing of the legislation.

MR. BOUDREAU: Prior to?

MR. RUSSELL MACKINTOSH, JR.: Yes.

MR. BOUDREAU: Why?

MR. RUSSELL MACKINTOSH, JR.: An opportunity to review the regulations that come pursuant to this could have dramatic impacts on the municipal units, as well in costing.

MR. BOUDREAU: In costing? Okay, but is your main concern as a building inspector or as an employee of the municipal unit?

MR. RUSSELL MACKINTOSH, JR.: The main concern I am expressing here, as a building inspector, is the duplication within the proposed Act, with the present Building Code Act. As well, as I quoted in the letter to Angus MacIsaac, the municipality was expressing similar concerns.

MR. BOUDREAU: Thank you, Mr. Chairman.

MR. STEELE: I am going to pick up on the same topic Brian just touched on. Maybe all it amounts to is asking the same question with different words. Broadly speaking, as we go across the province, what we hear at each stop is by and large similar.

MR. RUSSELL MACKINTOSH, JR.: Okay.

MR. STEELE: The fire service asks, what are you waiting for, why hasn't this bill passed already, and what is it going to take to get it passed as quickly as possible? The municipalities, when they appear, are saying to us, by and large we support the legislation but we have some questions principally around the area of cost and responsibility.

MR. RUSSELL MACKINTOSH, JR.: The administration of that?

MR. STEELE: Right.

MR. RUSSELL MACKINTOSH, JR.: Yes.

MR. STEELE: The administration. And then the building inspectors are the third group and you are part of that group.

MR. RUSSELL MACKINTOSH, JR.: Yes.

MR. STEELE: They're saying we support the legislation but we have some really serious questions . . .

MR. RUSSELL MACKINTOSH, JR.: That is correct.

MR. STEELE: . . . about overlap, duplication, responsibility.

MR. RUSSELL MACKINTOSH, JR.: Yes.

MR. STEELE: So let me put a question to you that is perhaps a little unfair and maybe is a question that we all up here should be answering. Are your objections, in your opinion, serious enough to hold up the passage of this legislation?

MR. RUSSELL MACKINTOSH, JR.: Based on the presentations I have heard here tonight, it was my first opportunity to hear it from the perspective of these other associations and groups. I have spoken with my father briefly on this and gotten his opinion (Laughter) and I hear it ringing through, loud and clear, that the fire services does need this bill to pass and for very good reasons. I do support them in their endeavour to get it passed, but I don't want to see this bill get passed and the concerns raised by the municipal units and the building officials not be addressed. That is where I would stand firm in getting a commitment from the provincial government to deal with those concerns.

MR. STEELE: Okay. Now, what the fire service has been saying to us at our meetings is that the building inspectors have had five years to have their concerns heard and dealt with. . .

MR. RUSSELL MACKINTOSH, JR.: Yes, that's right.

MR. STEELE: . . . that the bill hasn't quite turned out the way the building inspectors want but that doesn't mean that have already had input - I am just saying what the fire service is telling us . . .

MR. RUSSELL MACKINTOSH, JR.: Yes.

MR. STEELE: . . . that now is not the time to hold up the legislation so that the building inspectors' views can be heard again because they have already been heard, they just haven't been necessarily supported by the Fire Safety Advisory Council.

Now, I guess my next question is if we are going to resolve the building inspectors' concerns before the legislation passes, what is the best way to do that? Is it just to get the Fire Officers Association and your association together in a room and not let you out until you agree, or is there some other way of resolving these issues?

MR. RUSSELL MACKINTOSH, JR.: I don't have the answer to that question. I would like to think that that might be a workable situation, but I don't believe it is. I certainly do support the Fire Services Association in getting an expedient approval of this bill. I guess I just have to leave it up to your capable hands to come up with a solution for that.

MR. STEELE: Okay, thank you very much.

MR. DEVEAUX: I am going to follow on the same thing. I must say though, Mr. Mackintosh, it is hard for you to come here and say you want this bill delayed until it is

addressed and then now you say I agree with the fire service. I mean, you can't have it both ways.

MR. RUSSELL MACKINTOSH, JR.: Well I agree with the fire services from their point of view of the legislation. The point of view of the building inspectors and the municipalities - it affects those two associations differently than it affects the fire services.

MR. DEVEAUX: Let me ask around the issue of the building inspector; let's put on that hat for a minute. Please forgive me if I am off on exactly what you were trying to say. Your concern is that because the building inspectors are the ones who sign off basically on Building Code approval?

MR. RUSSELL MACKINTOSH, JR.: That's correct.

MR. DEVEAUX: Two parts, Part 3 and Part 9 of the Building Code also have a corresponding connection with the Fire Code.

MR. RUSSELL MACKINTOSH, JR.: Right.

MR. DEVEAUX: That there is a need - there will be duplication potentially in who will be doing the work.

MR. RUSSELL MACKINTOSH, JR.: Yes, there will.

MR. DEVEAUX: You are worried that that will be a cost overrun for the municipality because of that, delays? How does that affect you as a building inspector if someone else has to sign off on it as well?

MR. RUSSELL MACKINTOSH, JR.: Well, it affects me as a building inspector with the confusion in the general public for developers, contractors alike. If the authority is given under present legislation that I am responsible to do particular inspections, but yet people turn to the Office of the Fire Marshal because historically, for years, the fire marshal is the authority, which is incorrect due to the present legislation in the construction of buildings.

MR. DEVEAUX: So what prevents you, under this legislation, or any municipality from giving the building inspectors the authority to do the inspections under the Fire Code Act as well? Do you know of anything in the upcoming legislation, Bill No. 58, that says the municipality can't designate its building inspectors?

MR. RUSSELL MACKINTOSH, JR.: There has been lots of discussion in that direction, that presently the training - and as Mr. Cormier alluded to earlier - there are four Building Code courses that we offer that have been picked up by FIANS and included in the certification program of fire inspectors across the province.

So, presently, myself being certified as an SR II, which is the top-rating right now for building officials in the process, the courses required for me to become a fire inspector would be the other courses that are being implemented by this Bill No. 58.

MR. DEVEAUX: You're already halfway there, potentially?

MR. RUSSELL MACKINTOSH, JR.: I'm halfway there, yes.

MR. DEVEAUX: So what is preventing - in your Municipality of Annapolis, or in Lunenburg or in Victoria - that the building inspectors are, I mean it is up to the municipality to decide, right, but there is nothing to prevent it . . .

MR. RUSSELL MACKINTOSH, JR.: . . . the municipality to assign that duty to the building inspector and compensate them accordingly, I would expect.

MR. DEVEAUX: Or hire more, of course.

MR. RUSSELL MACKINTOSH, JR.: Yes.

MR. DEVEAUX: My point is, I guess, that your concern is of duplication . . .

MR. RUSSELL MACKINTOSH, JR.: Yes.

MR. DEVEAUX: . . . but there is nothing in this legislation that says it necessarily has to be duplicated, and that if the municipality wants to ensure that this is done appropriately and cost-effectively they could easily find, eliminate that duplication. Would you agree with that? If the building inspectors are the ones that are signing off on everything, if they are also the people, the fire inspectors . . .

MR. RUSSELL MACKINTOSH, JR.: If they're also the fire inspector?

MR. DEVEAUX: Yes. Wouldn't that eliminate the duplication? Wouldn't that eliminate confusion?

MR. RUSSELL MACKINTOSH, JR.: It would help, yes.

MR. DEVEAUX: Okay. Thank you.

MR. MORASH: Just a question. We have heard from the building inspectors before and at the current time it appears - and someone can correct me if my memory is not good - but the building inspectors have a good working relationship with the Fire Marshal's Office. The building permits are issued and sets of plans - I guess it was mentioned if you have a set of plans from a professional engineer or an architect, your job as a building inspector is, once

you have issued the building permit, to ensure that it is built to the code or built to the plans and all the speculations and . . .

MR. RUSSELL MACKINTOSH, JR.: That's correct.

MR. MORASH: . . . a copy of those also go to the fire marshal currently?

MR. RUSSELL MACKINTOSH, JR.: Under the present Fire Prevention Act, Section 28, there is a requirement for the owner to submit a set of plans to the fire marshal for review. I believe it says "for advice".

MR. MORASH: Yes. "Critical inspection", I think someone mentioned the other night. What is the advantage to the building inspector for those plans to go into the Fire Marshal's Office? How does that help you?

MR. RUSSELL MACKINTOSH, JR.: Well basically, in the Municipality of Annapolis County, we have a very good working relationship, I believe, with the Fire Marshal's Office and also the Deputy Fire Marshal, Mr. Harold Pothier.

What happens we would still issue the building permit prior to any approval or review of the plans by the Office of the Fire Marshal because it is legislated to the municipality to do so. So that review is a review that is presently done on a time frame within which the Office of the Fire Marshal can allocate it to his plan's examiners. Now, there again, that is a duplication.

MR. MORASH: Okay, but the professional engineer or the architect is legally liable and responsible for the accuracy of those plans, with regard to the Building Code and the Fire Code?

MR. RUSSELL MACKINTOSH, JR.: Yes, they are, but it doesn't relieve the building inspector from doing a review of those plans to ensure compliance with the Building Code.

MR. MORASH: Okay. So a second set of eyes, and then the Fire Marshal's Office would be a third set of eyes?

MR. RUSSELL MACKINTOSH, JR.: That's correct.

MR. MORASH: Okay, thank you.

MR. CHAIRMAN: Thank you very much.

MR. RUSSELL MACKINTOSH JR.: Thank you.

MR. CHAIRMAN: Our next presenter is John Craig.

MR. JOHN CRAIG: John Craig, President of the Fire Officers Association. I don't have a formal presentation, just a comment.

In Sackville, we heard from the building inspectors and one of their grave concerns was that the plans not go to the Fire Marshal's Office, that they were completely competent in checking them over and there was no need for them to go in there. That was one of their grave concerns.

We heard a presentation from the municipality, and one of their grave concerns was that the Fire Marshal's Office wasn't doing enough plan checking. They wanted the Fire Marshal's Office to do more, their building inspectors to have to do less because of the liability issue.

So we have the employee on one hand saying one thing; the employer on the other hand was completely opposite. I think if the building inspectors have grave concerns, maybe they should check with their employers before they try holding up this legislation, because we want it passed as soon as possible.

MR. MORASH: Is that an issue that you plan to take and follow up on, with regard to the building inspectors? I mean, communicating to them that they perhaps need to discuss it with municipalities and that type of thing? We do have two sides here, with regard to building inspectors, and the fire service who are a bit opposed and I am just wondering if there is any way we can bring them closer together.

MR. CRAIG: I understand you people have a meeting scheduled with them and it is something you may want to discuss with them at that time, that they may want to check with their employers to see what they want to do. You have heard from the fire service, we want this passed.

As I stated before, the building inspectors had ample opportunity during the several years of consultation on this thing, and no it did not pass unanimously but, as I said before, if we waited for anything to pass unanimously, we would be still waiting for the last Act in 1976 to be passed.

MR. MORASH: Okay, thanks.

MR. CHAIRMAN: Graham.

MR. STEELE: I just wanted to make a brief comment for our audience who may not be aware, Mr. Craig is the President of the Nova Scotia Association of Fire Officers, as well as being the volunteer fire chief in Chester Basin. He has been following us around the

province, it seems, so tonight's presentation was short because it is more a continuation of presentations he has made at other stops. So, thanks again, for talking to us tonight.

MR. CRAIG: Thank you.

MR. CHAIRMAN: Do we have any other presenters? Mr. Cormier.

MR. ROBERT CORMIER: I apologize, Mr. Chairman. I was going to hold this for our meeting in Sheet Harbour next week but I decided I would do it tonight since it was opportune. I don't have enough copies for everyone but I have a copy there for the committee.

The building inspector-fire inspector issue is a nightmare anywhere that you go in North America. I will be meeting next weekend with fire marshals from throughout North America, all the States in the United States and all the Provinces in Canada. It is one of the principal issues that comes to the table constantly.

What we attempted to do is create legislation to try to downplay that as much as possible; mainly because I came up through a system where I didn't know any better. That is the way we worked in my particular community, the fire inspector and the building inspector together.

First of all, in regard to the municipalities, every now and then I get hit with something new and I start to ask myself just how much I am supposed to know. I got two requests from one municipality today to approve the fire safety for a subdivision development. Now, that is well beyond my normal criteria in what I do. So, yes, the municipalities do like to receive as much service from us as possible; we just can't supply it, not unless I triple my staff.

As it is right now, as Harold said earlier tonight, I am taking a weekend off which means I have Saturday to myself because Sunday, I have to work.

A lot of questions have come up. After last night's meeting, I had an opportunity to have breakfast this morning with one of the building inspectors, so I could try to understand some of the situations. I think I have come up with a couple that may be an issue. After Mr. Mackintosh's discussion, I think this is a proper time to follow up on it, if you don't mind.

I went through the fire safety bill today and pulled out all of the sections that have any impact between the Fire Safety and the Building Code. There are parts there - a building is a building and it is regulated by two documents; the Building Code which builds it and the Fire Code which maintains it. I might add that the Fire Code will also, after 2003, contain all the retrofit legislation.

It is not our desire to try to grab more power, more authority, or anything else. I am trying to strip it down to where my office staff can handle what we are trying to do in the first place.

The first part of it states that the failure of a fire official to identify or communicate a violation of this Act, the regulations, the Fire Code, or any Act or regulations, that the fire marshal has the power and authority to enforce, or the issuance of a building or occupancy permit, pursuant to the Building Code Act, with respect to land or premises apart thereof, does not derogate from the application of lands or premises, or part of this the regulations of Fire Code or other Act or regulations, the fire marshal has the power of authority to enforce.

In other words, just because an individual has been approved by a previous fire inspection or has an occupancy permit does not mean that the building meets the intent of the Building Code.

We have gone into buildings where there has been no sprinkler system installed. We have gone into a building where there is no fire alarm installed. We have gone into buildings where basic fire safety equipment has not been installed. For what reason, I am not here to judge that. I am only here to state, we have the problem that faces us. And on occasion, some of those facilities do have occupancy permits, okay?

In other cases, no, certainly, they don't. I would estimate that approximately 60 to 65 per cent of the building stock in this province was built before 1987, which means that there was not a building standard in this province used in all jurisdictions. Almost all of the municipalities had something. Halifax County, up until that time, we were using a 1965 Building Code, which certainly put us well behind.

There are times, even though there is an occupancy permit on there or a fire inspection has been carried out, things get missed. I will be quite truthful with the committee. There are times when people are told that we are not going to push it. And when we go in, we find the problems, we have to solve them. So that is the first occasion that is mentioned.

Under Section 18, by the regulations, the commencement of construction of a building, alterations or repairs to an existing building, an owner of the building shall submit plans and specifications to the fire marshal for review for the purpose set out in Subsection 2. Unless otherwise prescribed by the regulations, the purpose and scope of the review required pursuant to that Subsection is to provide the fire marshal with an opportunity to advise the owner and a building inspector.

In other words, we don't approve. We will have no authority to approve. Our authority comes from the end of the day when we have to agree to a licence being provided to that property. We don't want to arrive at a building where there is a \$100,000 renovation required before we are going to provide the licence. We would like to solve those problems

before we get there. We have had situations that have arisen in the past and that is not just our opinion.

The justification comes right from the Building Code that is adopted by the Province of Nova Scotia. It says, quite clearly, the two codes have been developed as complimentary in coordinating documents in order to reduce to a minimum the possibility of conflict in a respective content. To aid in their efficient application, fire and building officials must be fully conversant with the fire safety standards of both codes. Such officials shall be involved, both in the review and the approval of plans, with respect to fire safety prior to granting a building permit and with the inspection of buildings for fire safety. This is the only way to determine that all known hazards have been considered and a satisfactory standard of fire safety has been achieved. That is a quote directly from the Building Code, itself.

The issue has been that we have required plans since 1976 for everything except one or two car garages. We can't do it. It is an impossibility. And we shouldn't be doing it. It is a municipal issue. All plans will be laid out in the regulations. As I said last night, those will be going out for people to purview. In that, the only requirement is for those buildings that we are involved with for licensing purposes or are owned by the Province of Nova Scotia.

The one that does stand out is the large hazard factories such as the tire plants. Those are the only plants we are going to do which will allow us the opportunity for turn-around time that does match the speed of the building inspectors with the approval and the allowance for the building permit.

Now, under Section 26, where an order made pursuant to Section 25, which is the allowance to make an order concerns a matter that is also regulated under the Building Code Act or the Nova Scotia Building Code Regulations, the fire official making the order shall furnish a copy of the order to the building inspector. We do not want construction going on in buildings without the building inspector being aware of it. So that order has to be supplied to the building inspector. There may be other issues related to that building that we are unaware of.

When we run across a building that does not have an occupancy permit and has been built since 1988, we now require the person to go back and get a building permit before we will do the inspection.

Under Section 27, no order shall be made pursuant - and I am going to paraphrase this one - basically, if that building is in compliance with any code that was established when that building was built, the fire inspector cannot require anything to be written out on that building.

Now, the reason for putting that in there is, we have building inspectors - I apologize for that - fire inspectors who have gone out and ordered things done in buildings for which

they had absolutely no right to do so; mainly because the other Act was quiet on it, it did not speak to it. So we are being very clear. If that building meets the intent of the Building Code, you cannot go in there and require anything to be done to change that building. The owner should not be stuck with unnecessary expenses. So that is spelled out very clearly.

Under the Building Code, "Application of Existing Buildings", the code is most often applied to existing buildings when an owner wishes to rehabilitate a building, change its use or build an addition, or where an enforcement authority decrees it a building or a class of buildings, be altered for reasons of public safety. I will mention that one in a moment.

It is not intended that the National Building Code of Canada, or Nova Scotia, be used to enforce the retroactive applications of newer requirements to existing buildings unless specifically required by local regulations or by-laws. Although the National Fire Code could be interpreted to require the installation of fire alarms, standpipe and hose, automatic sprinklers to an existing building, for which there was no requirement at the time of the construction, it is the intent of the Building Code Commission - and I am a member of that commission - on Building and Fire Codes that the National Fire Code of Canada not be applied in a manner to these buildings unless the authority having jurisdiction has determined that there is an inherent threat to occupants' safety and has issued an order to eliminate an unsafe condition. When I met with you the first time I talked about the sprayed-on Styrofoam insulation, that was allowed under one of the codes, and became an extreme fire hazard and we required it to be covered before the changes to the code.

Now, where an order is issued and the Building Code is involved - again, I will paraphrase - basically, the building inspector and the fire official have to work together. The reason for that is we don't want the fire official missing things that they should not, any more than we want the building inspector to.

When the fire official writes out an order, they have to consult with the building inspector. If the building inspector has provided a special condition to that building to allow something to occur, that gives them an opportunity to bring that to the fire inspector's attention, or if there is a condition that the fire inspector did not note and the building inspector does, then the order can be altered. So the two are supposed to work together.

Where the building official, inspector and fire official determine that the order can be implemented so as to address both the potential unsafe conditions and fire-safety concerns - and this is where the inspector I talked to this morning had the problem. I will read you the section, the Board, which a building permit is required under the Building Code Act, a building inspector shall issue a building permit upon payment of the applicable fees under the Building Code Act and regulations, and a permit shall be indicated on its face that it is issued under the authority of this Act.

Now, that is the wording that was agreed to, both by the Nova Scotia Department of Municipal Affairs at that time and the Department of Labour. There is an issue with that wording in that it has the appearance that the permit has now become a body of the Fire Safety Act, which was never intended.

So we are recommending, after talking to my lawyer today, that the language in that be changed. That is a recommendation we are bringing forward. (Interruption) No, it is in the Fire Safety Act. The wording is what was recommended, was provided by the Legislative Committee. However, it is confusing and it does have appearances of taking the authority of the building inspector away which was never the intent.

MR. CHAIRMAN: Thank you, Mr. Cormier. Any other presenters?

It is not surprising to me, this is the largest turn-out we have had, because we are in Kings County, where we have in the Valley - as Russ has already indicated - a mutual aid system, we believe to be the best in North America and I believe it is pretty well recognized as that. We are very proud of our fire service in Nova Scotia. Being from this area, I know that we have one of the best right here and I know that in this area we are in tonight, Bev Wade was one of the people that initiated that mutual aid system. We can be very proud of our fire service in Nova Scotia and, particularly, here in the Valley.

I want to thank you for coming out. We appreciate your input. We will work as expediently as we can to bring forth legislation that you want that will best serve all the people of Nova Scotia. Thank you very much. (Applause)

[The committee adjourned at 8:55 p.m.]

SHEET HARBOUR, TUESDAY, OCTOBER 16, 2001
SELECT COMMITTEE ON FIRE SAFETY

7:00 P.M.

CHAIRMAN

Mr. Jon Carey

MR. CHAIRMAN: Good evening. Unfortunately, I guess, as many people as we would have liked to have known about this, don't, but those who are here, we certainly are glad you are here. My name is Jon Carey. I am the MLA for Kings West and I am Chairman of this Select Committee on Fire Safety. Perhaps the MLAs would just introduce themselves around.

[The committee members introduced themselves.]

MR. CHAIRMAN: The purpose of these meetings that we have been doing throughout the province, generally, is to get all the input that we can from the citizens and various special interest groups, businesses, or whatever. It is an opportunity for you to share your thoughts with your MLAs, an all-Party committee, so that we can take the information back and try to come up with the very best legislation that we can for the fire safety.

This is our 10th meeting and we have been from Sydney to Yarmouth. At all of those locations, we have taken a moment, just in recognition, realizing the close brotherhood and the sacrifice of the fire people, and the 300 firefighters, in particular, who lost their lives in New York.

I saw on the news last week, I guess, where another firefighter in the U.S. - I forget the city at this time - had lost his life. Knowing that any one of the people that go out and protect our communities are putting their life on the line. So perhaps we could just take a few moments and stand in silence in recognition of these people.

[One minute of silence was observed.]

MR. CHAIRMAN: Thank you very much. We are pleased tonight, as well, to have the Fire Marshal Bob Cormier with us, who has been able to attend pretty well all of our meetings. Welcome.

This select committee is an all-Party committee and we have been charged with the responsibility of making recommendations to the House of Assembly on a new law for fire safety. We are reviewing proposed changes to the Fire Prevention Act which are contained in Bill No. 58. Bill No. 58 was introduced in the House of Assembly in June 2000.

Now the government wants to widen its base of comments from the public and complete the legislation. We are also meeting with Nova Scotians. We would like to hear from the public, as well as people who will be directly affected by the new law such as, insurance companies and other businesses, municipalities and the fire service. We are meeting in 10 communities across the province and this is our 10th meeting. The input we gather will give us the best possible fire protection legislation for Nova Scotia.

The new law will take into account changes in municipalities in the last couple of years. A law can last for many years so it is important that we get it right from the beginning. Once we have collected and reviewed all submissions, we will make recommendations in a report to the House of Assembly.

Bill No. 58 sets up a framework for fire safety. It assigns responsibilities to individuals and organizations that work to prevent fires, people that fight fires, companies and individuals that own land, insurers, municipalities, provincial government officials like the fire marshal. The bill also sets up an advisory council to advise the Minister of Environment and Labour on matters related to fire safety.

Specific bulleted items in Bill No. 58 - and this is not all of them but this would be a number of them:

- is written with the intention that it would replace, completely, the Fire Prevention Act that is now in effect in Nova Scotia
- directs what individuals and organizations in the province must do to prevent fires and how they must act once a fire has occurred.
- provides direction for making sure the Fire Marshal's Office has representation in each municipality
- is important for educating people on how to prevent fires
- helps the fire marshal determine what caused fires. This is important for insurance and crime prevention reasons

- assigns roles to people who are responsible for preventing fires, for putting them out, for reporting fires and for investigating them, for the Fire Marshal's Office and the municipalities
- assigns responsibilities to people or organizations that own land or businesses. These people have certain responsibilities for preventing fires and for reporting fires that do take place. Insurance companies also have responsibilities assigned by the law
- forbids certain activities. For example, if this bill becomes law, it would be against the law to give false information to a fire official investigating a fire, or to tamper with a device that could help people escape a burning building
- discusses what regulations the government can write to further protect Nova Scotians from fire and to reduce the harm of fires. It establishes a Fire Safety Advisory Council to advise the Minister of Environment and Labour on matters of fire safety.

Those are the highlights of the bill.

[7:30 p.m.]

As I said, we are here today to listen to your concerns and your input regarding fire safety and what you would like to see, if you have specific points. Kim, do we have any presenters? Would any of you like to comment on any aspect of the Fire Prevention Act now, or anything regarding the fire service? I mean, we are here and if you have concerns, we are pleased to be in your community and, as I said, it is an all-Party committee so we have an opportunity to gather information. We certainly are interested in your thoughts. It doesn't have to be a written presentation, or anything. You can just come up to the mike and feel totally at home, and share with us. You don't have to know what is in the bill to express your concerns about fire safety or what you see as a problem with what is now being done, or anything like that.

If there are none - you can think a bit - I know Bill Dooks will have a few things to say. So, perhaps, Bill, if you would like to just make a few comments.

MR. WILLIAM DOOKS: Yes, I would, Mr. Chairman. First of all, I would like to welcome my colleagues here in Sheet Harbour tonight. I would like to welcome the people in attendance as well. I also would like to apologize to both our community and to the committee. Obviously, there has been some misunderstanding in advertisement or notification, or whatever. I would just like to make a few comments.

In the Eastern Shore riding, we have two municipal districts: District 1 and District 3. Within District 1, we have 13 fire departments, watched over by Councillor Streach, and in District 3, we have three fire departments watched over by Councillor Colwell.

I think, with what has happened tonight, that I will take the responsibility and send, fax or e-mail a copy of Bill No. 58, I believe, to your departments tomorrow for your review. I am not sure, Mr. Chairman, when is the cut-off date for them to put in submissions?

MR. CHAIRMAN: We are going to be working on this so I would hope we would have them in at least a couple of weeks.

MR. DOOKS: Well, I would ask for the committee's patience on this. Obviously, I am somewhat embarrassed here tonight, of the happenings, but like I said, I will take the responsibility to e-mail or fax off Bill No. 58 for your perusal and for your comment. You can drop off those comments at my office in Jeddore or mail them to the committee, I would think. We will try to do whatever we can do so that you will have the proper input. Also, I will send Mr. Colwell and Mr. Streach a copy of the bill, as well.

Other than that, feel free to come to the mike and open up for some dialogue. But you will get the bill and you will have an opportunity to comment. Thank you.

MR. DARRELL DEXTER: Mr. Chairman, can I just ask, is it the intention that this legislation will come forward in the fall session?

MR. CHAIRMAN: We are not absolutely sure but I would expect it will be in the spring sitting.

MR. DEXTER: In the spring setting.

MR. CHAIRMAN: There are some things, I think, that we would like to deal with. Everyone who is on the committee, I think, will need at least two or three meetings before we can finally put it to rest, after it is written.

MR. JERRY PYE: Also, Mr. Chairman, I am wondering if it is not possible, since there are no presenters tonight, and since you have already done some tours across the province, maybe just to briefly enlighten those individuals who are present tonight on some of the issues that have come out of the previous meetings, so that maybe there is a sense of direction one might go with if they are going to do a written presentation to the parties involved.

MR. CHAIRMAN: Perhaps what I will do is, we would take advantage of the expertise of our fire marshal. Bob is here and I know Bob thinks this is pretty good legislation, as he worked on it. Maybe, Bob, if you would come up and just share a few of the points where it will show, as it is now, and perhaps even make a few comments on what opposition there is and what you see as a reason why.

MR. ROBERT CORMIER: Thank you, Mr. Chairman. There is, I guess, one capital concept with the Fire Safety Bill and that was to make it an evolutionary bill, I will call it. That is, a bill that is not going to stand still. Although, most of the powers and the authorities lie within the Act, the actual activities lie within the regulations.

The reason for that is, we have seen over the years throughout North America a change from centralized fire safety or fire prevention to regionalized, mainly because central governments just cannot afford to provide this service on the level that they should.

Ontario has probably provided the full benchmark. They have now come full cycle, where the Office of the Fire Marshal is also responsible for the fire safety or suppression activities, the firefighting activities, now, set standards for communities that they must reach. Nova Scotia still has a standard where a municipality may have a fire department, and from there we have evolved whatever we receive from our community. Ontario now sets that standard.

So when we started out we knew that we wanted to create a bill that was going to last for a long period of time and we did not have to open the Act, but the regulations had to be a constant review of where we were in the province.

The bill is broken down into three major sections. The first section deals with the powers for inspections. The powers for inspections are mainly carried out on those buildings that have already been passed by a building inspector. So if the building inspector has gone in and has approved the building, the building meets the Building Code, then it is the fire inspector's job to maintain that, to make sure that it doesn't deteriorate, nobody has kicked in the doors, the fire alarm is still working, the sprinkler system works, et cetera.

The other aspect are those buildings that never met a Building Code that were built previous to the adoption of the Building Code that have to be upgraded. People go in and they go into a - right now we have one where a company has taken over a fish plant and decided to turn it into a school. The municipality has not taken action on ensuring that they get an occupancy permit. We can't allow the students in there without taking action. So the fire safety officer has to have the right to be able to take action.

The third aspect - and everybody seems to forget about this - are the non-building issues, the issues related to hazardous materials, waste storage, the storage of petroleum products. The situation that we had at Cornwallis with the tire fires, those are also the responsibility of the fire safety official.

The third part is education, where the official is responsible to ensure that everybody within a building knows how to get out. Evacuation procedures and the more critical the situation with the individual, the more important that is. When we look at a hospital, nursing

home or correctional facility, those evacuation procedures are absolutely critical and have to be done properly. That is the one side of the program.

The second side of the program was an attempt to work more closely with the fire service under the administration of the Act. That was for any inspections they decided to undertake and for the investigation of fires. Without the fire departments, we don't have a proper accounting of our fire causes or our cost of fire. Without that, we can't put our resources in the right place. When we don't put our resources in the right place then, of course, we waste them.

The other aspect of that was to set up an advisory concept with the fire service. At the present time there is no voice to government from the fire service, except through the Fire Marshal's Office. We have basically been unable to provide that service in what I will call a rationalized manner. So there is the formation of an advisory committee to advise on standards for training and other items which will become voluntary. They will not be mandated that fire departments should follow them but it does give them goals to reach for.

The major opposition or problems with the bill have been divided into two different categories: the municipality and the building officials. The building officials are, again, split by whether they feel they are going to lose some of the interaction that they presently share with us and others who feel that the entire matter should be turned over to the municipalities to look after.

We don't feel that Nova Scotia is at that point yet. We don't have fire inspectors in three-quarters of our communities and I do not believe, and cannot advise, that the responsibility for our high life safety facilities such as nursing homes, residential care facilities, correctional facilities be turned over immediately. Although, at some future point, for most municipalities such as Halifax region, that will occur. But Halifax region at this point hasn't got that ability.

At the present time, the majority of the resources are centred in the core area and they are now just beginning to move their fire prevention out into the rest of the municipality. We are looking at approximately five years before they are going to be able to accomplish that. There is a need to maintain that ongoing working relationship.

What we did build into the Act was a requirement that the building and the fire official had to work together. They cannot turn their back on each other. It is critical. It costs too much for an owner who is improperly either delayed in construction or held back by costs that are incurred when they shouldn't be, the fire official who requires a sprinkler system to be installed when it doesn't need to be installed. So those things we wanted to prevent.

The other opposition came from the municipalities who, even though they were required to have fire inspections carried out since 1976, many of them have not. Of course, they see it as a cost factor and as a downloading. They are concerned about the amount of dollars that are going to be involved in that. Those are the two major oppositions to it.

We have heard from fire departments who mistakenly understood that the concept of the advice was, in actual fact, going to be mandatory. For instance, we have just put together - and the committee is meeting on it - it is made up of fire service personnel. The committee is meeting again in November to finalize the occupational health and safety guidelines for firefighters, to assist volunteer fire departments in meeting at least a minimum standard and keeping their firefighters alive and safe.

There has been some voice of opposition there but, again, there is nothing in the legislation to allow that.

MR. CHAIRMAN: Thank you, Bob. Two members have just joined us. Russell, would you like to just introduce yourself and the constituency you represent.

MR. RUSSELL MACKINNON: Well, thank you, Mr. Chairman, and I do apologize for being somewhat tardy but we left a meeting in Halifax and it was almost 6:00 p.m. before we were able to escape that meeting to come here. I do apologize. Of course, Bob and I have exchanged views on his presentation already. Thank you.

MR. CHAIRMAN: Brian.

MR. BRIAN BOUDREAU: Brian Boudreau, Cape Breton The Lakes. I also do apologize. It was the time frame. We didn't get lost. (Laughter) I do apologize.

MR. CHAIRMAN: Does any of the committee have any questions for the fire marshal, or do any of the people here tonight have any questions for any of us, or do the fire marshal? We would be happy to try to answer.

MR. MACKINNON: I have one question.

MR. CHAIRMAN: Russell.

MR. MACKINNON: Mr. Chairman, a question of Mr. Cormier. I believe the very first hearing that took place at the Mira Road Fire Hall, I raised the issue - or perhaps it was the one in Port Hawkesbury - I raised the issue of the Department of Environment and Labour providing some assistance to volunteer firefighters, to help adjust with the increased costs that will be incurred because of the increased safety standards that they will have to meet.

Has the department undertaken to give considerations as to what initiatives would be forthcoming that would generate some revenue? I know I did raise the issue of some type of pay-back levy through the department via the Workers' Compensation Board because of the cost to each volunteer fire department on workers' compensation premiums.

MR. CORMIER: I will speak first to the aspect as to whether there should be any costs incurred by the local fire department.

There is nothing in this bill that impacts the fire department on fire suppression for emergency operations. They are there as guidelines. It is a choice of whether the municipality wishes to put them in as policy. Under the MGA, the municipality does have the right to put policy together to impact the fire department on its operations. There is nothing in this bill, other than to try to give some guidance to that process if it is chosen to be done.

The workers' compensation is a good concept that is an expensive one. I would dare say I would like to have a survey of how many departments are actually taking part in that because it does require the municipality to play a role in that. Some municipalities do not wish to and many of our fire departments are now buying their insurance through other insurance companies. That includes their long-term disability and life and death benefits. So I'm not sure how many would be affected if we were to do something through that.

MR. MACKINNON: One supplemental, if I could, Mr. Chairman. The number crunching I did at that time showed that it would mean, approximately, one cent per \$100 of assessment to cover the entire cost which would be somewhere between \$800,000 and \$900,000, if you took an average of, let's say, \$3,000 for, approximately, 300 fire departments across the province. It might be a little more or a little less.

Some were using the figure of \$2,400 but I went on the high end just to be safe and even at that, when you look at the growth of the economy and the total payroll for the province, my figures would show that it would work out to, approximately, one cent per \$100 assessment which is pretty modest when you consider that out of the \$2.54, 72 cents of that goes to the unfunded liability and it is going to be paid off in less than one-third of the period of time. So somebody is doing quite well at the expense of both employers and employees. I think volunteer firefighters should be given some consideration, given the impact on both private and commercial and industrial.

MR. CORMIER: The committee that was struck to review - I am loathe to use the word "compensation" but - assistance to volunteer fire departments by the government. As you are aware, of course, we came up with the license plates, the free registrations for volunteer firefighters.

There was a complete review of the concept of an income tax rebate which the committee suggested be set aside, mainly because it provided assistance to those in the urban areas who received the most assistance in their firefighting, including very high honorariums, and that those in the rural regions who were really the ones who worked very hard to bring in the money for their fire departments, actually, would receive very little, if any at all.

That committee is certainly open to any suggestions on ways that we can assist in compensating. If it were seen that the workers' compensation could assist the full fire service, it would certainly be one that would be looked at.

I think you will find that Cape Breton is very intertwined with the workers' compensation system, where the Valley region, almost totally from Windsor right through to Liverpool, is tied into an insurance scheme through a private insurance agent. So it depends on where you are in the province, if you would receive any return on that.

MR. CHAIRMAN: Brian.

MR. BOUDREAU: Thank you, Mr. Chairman. I am just a little confused about - when you replied to the question in regard to the cost of rural volunteer fire departments, you indicated that there wouldn't be any cost to them.

MR. CORMIER: Within this bill, there is nothing that requires a fire department to do anything, other than investigate fires. If they investigate fires and there is money involved for security, then that money is recovered through the municipality by a lien on the tax or the property.

MR. BOUDREAU: You indicated that there might perhaps be a cost to the municipality, if they choose.

MR. CORMIER: Absolutely, there is a cost to the municipal tax rolls.

MR. BOUDREAU: Then you indicated that if they choose.

MR. CORMIER: Okay, we have to separate two issues here. For those municipalities that do not have a fire inspector and have to hire and train one there will be a cost incurred. For instance, Halifax region, even if we did not have a change in the bill, their increase in cost to provide fire inspections in the rural areas is going to increase their costs. In some of the counties or municipalities where we have no fire inspections done now, there will be a cost to the municipality for having that carried out.

For the fire departments, the fire department is under the direct - I have to be careful of my wording because the MGA is very clear on that - the municipality as a registering agent for the fire departments does have a right to set policy. If they should decide that the

guidelines we create, the training, is a requirement on the fire department, then it will cost the fire department money to meet those requirements, but it is not directly from us. It is the choice of the municipality.

MR. BOUDREAU: I want to make it clear. Will the municipality have a choice? I know in 1976, that Act is not being used by the municipal units. Will the municipal units have the option of either applying this bill or not?

MR. CORMIER: It is very clear in the language of the legislation that they shall have an appointed fire inspector, that we have the right to audit the system to ensure that they are carrying them out, and if they are not carrying them out then we have the right to do it and bill them for it.

MR. BOUDREAU: That was the question I wanted answered.

MR. CHAIRMAN: Are there any other questions?

MR. MACKINNON: On a point of clarification, Mr. Chairman. Under the present legislation, Mr. Cormier, who is responsible for fire investigation?

MR. CORMIER: Fire investigations, the fire chief is supposed to initiate the fire investigation, and then they may call on our office, if they so desire.

MR. MACKINNON: But who is ultimately responsible under the present legislation?

MR. CORMIER: Under the present legislation the chief is responsible to begin the investigation.

MR. MACKINNON: To begin, but who is responsible to make sure . . .

MR. CORMIER: It does not say in the legislation, sir.

MR. MACKINNON: Okay, that's the point I wanted to make.

MR. CORMIER: Now, we are trying to create that clarification.

MR. BOUDREAU: Mr. Chairman, on a point of order. Who is currently paying for it today then? How about if I ask this question, whose cost is it now? Is it your office or is it the . . .

MR. CORMIER: For the fire investigation?

MR. BOUDREAU: Yes.

MR. CORMIER: The fire departments normally begin the investigation. If they are unable to easily determine cause, then they will call in my department. Halifax region does a full investigation from beginning to end. Many of the others, I have my staff on the road weekends and nights trying to handle it.

MR. BOUDREAU: I am very familiar. There is no doubt your staff is overworked, they are very professional and good at what they do. I am not suggesting that for one second. The fees to your office, are they recoverable right now?

MR. CORMIER: No, not for investigation purposes.

MR. BOUDREAU: So, is it fair to say the province now pays for investigations, if your office is called in?

MR. CORMIER: That is correct, and that will continue.

MR. BOUDREAU: And it won't be billed back?

MR. CORMIER: To the municipality?

MR. BOUDREAU: Yes.

MR. CORMIER: No. Investigation is not included in the inspection activity.

MR. BOUDREAU: Thank you.

MR. CHAIRMAN: Is there anyone in the audience who has any questions or comments they would like to share with us? Come right up to the mike, sir. Could you just give your name so that we can have it on record.

MR. KEN MCDERMOTT: My name is Ken McDermott, Station 34. My rank is Captain. My question goes to you and perhaps to everyone around this table at this time. How come we aren't already covered by workers' compensation? When we volunteer our services, when I get in the fire truck along with my crew or Station 28, if they get into their vehicles, we are putting our lives on the line to provide a service, and we don't ask one red copper in return, not one red cent do we get back. If somebody gets burned, hurt, half blown-up, crippled for the rest of their lives, we don't have any compensation. What does the HRM say, go to hell, sorry, you can't work for us anymore, you're no more good? What is the answer there? How come we aren't already provided with that?

MR. CORMIER: I am going to be cautious on this one, because I would have to check with HRM and their continuance policy. Certainly I know that under the previous policies for Halifax County, et cetera, firefighters were covered under a different scheme, but

there was coverage there. Now whether that has been continued or not, that I can't say. Chief, are you aware?

MR. ANTHONY FARRIS: There is coverage through HRM.

MR. CORMIER: Is it a private plan?

MR. FARRIS: Yes.

MR. CORMIER: Volunteer fire service insurance plan. That is there to replace the workers' compensation.

MR. CHAIRMAN: Am I correct that that would ensure that everyone . . .

MR. CORMIER: I would have to check that, but that is normally a blanket policy that is bought on all of the firefighters.

MR. CHAIRMAN: Of HRM.

MR. CORMIER: That's correct.

MR. CHAIRMAN: Are there any other comments or questions? Thank you, Bob. Perhaps, Bill, if you would like to conclude our meeting.

MR. DOOKS: Thank you very much, Mr. Chairman and audience. Indeed, I would like to welcome both members from the Liberal caucus, it is nice to have you in Sheet Harbour this evening. As I said earlier, you will receive the information necessary within the next couple of days, from my office. Take an opportunity to digest that and pass your comments back along to the committee. I think it is important maybe to review it and to talk it over with your local councillor, indeed his input will be very important as well. Thank you, and enjoy your evening.

MR. CHAIRMAN: Thank you very much. We are adjourned.

HALIFAX, WEDNESDAY, OCTOBER 17, 2001
SELECT COMMITTEE ON FIRE SAFETY

2:00 P.M.

CHAIRMAN

Mr. Jon Carey

MR. CHAIRMAN: I call this meeting to order. We welcome the Nova Scotia Building Advisory Committee that has requested time from the committee to make a presentation. Perhaps we could just quickly go around and do an introduction of the members of the committee, and then we will turn it over to them for their presentation.

[The committee members introduced themselves.]

MR. CHAIRMAN: We do have, possibly, a couple more coming from the Liberal caucus. We will introduce them or they can introduce themselves when they arrive. If you would like to proceed with your presentation, we would certainly be pleased.

MR. PETER GREER: Good afternoon, Mr. Carey, and members of the Select Committee on Fire Safety. Thank you for making the time available for the Nova Scotia Building Advisory Committee to make this presentation today. My name is Peter Greer, Chairman of the Nova Scotia Building Advisory Committee, President of Local 83 of the Carpenters Union, and I am a business representative with the Carpenters N.S. and P.E.I. Regional Council.

I would like to take a moment to introduce the members who are in attendance today. I have Ed Thornhill, Manager of Permits and Inspections, Planning and Development for Halifax Regional Municipality, and he represents the Nova Scotia Building Officials Association. Also in attendance is Heather Corrigan, she is a Principal for Robertson MacLean Design Limited, and she is on the Committee of the Association of Nova Scotia Interior Designers. Unable to attend is Ralph Ferguson with the Disabled Persons Commission; Gerald Sampson, a Warden with the Municipality of Victoria, and he represents the Union of Nova Scotia Municipalities; Bob Cormier, with the Office of the Fire Marshal; Ozzie Wile, representing the Atlantic Provinces Building Supply Dealers; Dermot Mulrooney, with the Association of Professional Engineers of Nova Scotia; Leo Rovers, representing the Construction Association of Nova Scotia; and Paula Webber, representing the National Association of Women in the Construction Industry; and Richard Lind, President of Evert-Lind Construction, and he represents the Nova Scotia Homebuilders Association.

I am joined by Rob McLaren, who will make the presentation today. Mr. McLaren is Vice-President and principal architect with W.H.W. Architects Inc. here in Halifax. W.H.W. is one of the major architectural firms in Atlantic Canada. Mr. McLaren represents the Nova Scotia Association of Architects on the Building Advisory Committee. Before I turn it over to Mr. McLaren to make the formal presentation, I would like to say a few words about the Nova Scotia Building Advisory Committee and our role with government.

Our membership is deliberately selected by the minister to ensure that our diverse stakeholder groups are represented, not only by our industry relationship but geographically, as well, from across the province. It includes three mandatory positions: the Office of the Fire Marshal, the Union of Nova Scotia Municipalities and a representative for the disabled people. The committee is established under the Building Code Act of the province, and is charged with responsibilities under the Act to serve in two significant functions. Primarily we serve to advise the minister on issues respecting the Building Code and its adoption and amendment by regulation of the province. Any proposed amendment to the Building Code is vetted through the committee. Once a consensus has been reached by us, we recommend to the minister its adoption. All proposed amendments are required to be circulated publicly for comment before a further review by the committee and a recommendation made to the minister. The minister may then prescribe the amendment into regulation, which takes effect upon publication of the Royal Gazette.

The committee is further charged by the Building Code Act to conduct hearings where disputes arise between owners and municipal building inspectors. The Building Code is a complicated document. Everybody reads the same words but may have very different interpretations of the meaning. It is updated continually to keep abreast of construction methods, materials and systems. Where there is a disagreement between a building owner and a municipal inspector, the owner may appeal the inspector's interpretation of the code to the committee. We have conducted hearings on many matters, including fire and life safety

issues that are contained within the code. It may be of interest to you that even the buildings which are federally owned have submitted to this process for determination of requirements.

The committee, through staff, provides advice to the national code-writing bodies. The department staff represents the province by the deputy minister's appointment to the Provincial Territorial Committee on Building Standards. The committee provides policy advice to the Canadian Commission on Building and Fire Codes, the Standards Council of Canada, the Standards Writing Body of Canada, and internationally. The Building Advisory Committee also provides advice to the minister on any issue pertinent to the Building Code. It is for this reason the committee felt obliged and obligated to seek a hearing with the select committee today.

I want to point out that while the full committee is unable to attend today each member has had an opportunity to review and provide input into the presentation. So, it is representative of the views of our members. I want to point out that these points that Rob will be covering were endorsed unanimously by the committee. Gerald Sampson, who represents us on the Union of Nova Scotia Municipalities, has also sent a fax down to us saying that although he is unable to attend because he has a prior committee of the convention they have this week, that he is in full support and continues to be in full support.

I understand that you have previously received a copy of the Building Code Act, the Nova Scotia Building Code Regulations, and the rules of procedure in conducting a hearing and the background documents we have prepared in our review of the fire safety legislation in September 2000. We would be pleased to provide any additional background information the select committee may wish to have. Copies of our presentation will be made available to you today. I want to again thank you for the opportunity to present here and turn it over to Rob.

MR. ROBERT MCLAREN: Thank you, Peter. Thank you to the chairman and the select committee for the opportunity to make this presentation to you today. This review by the select committee, of the proposed fire safety legislation, provides a unique opportunity to align the Building and Fire Codes so that there is a clearly delineated line of responsibility under each piece of legislation.

During its review of Bill No. 58, the Building Advisory Committee identified two primary issues that we believe should be addressed prior to adopting the Fire Safety Act. First is the policy issue of determining which level of government, provincial or municipal, should be charged with administering building regulations, whether for new or existing buildings. Second is the issue of apparent duplicate legislation and authorities.

By way of background, the Canadian Commission on Building and Fire Codes prepares both code documents in the form of a recommended model code to permit adoption by an appropriate authority. A special relationship exists between the NFC and the NBC, the

National Fire Code and the National Building Code, with respect to fire safety, and the contents of both codes must be considered in building design, construction and maintenance. The two codes have been developed as complementary and coordinated documents in order to reduce to a minimum the possibility of conflict in their respective contents.

The current Building Code establishes a satisfactory standard of fire safety for the construction of new buildings, the reconstruction of existing buildings, including extensions, alterations or changes in occupancy and upgrading of buildings to remove an unacceptable fire hazard. The Building Code itself includes scope and definitions, general requirements, fire protection, occupant safety and accessibility, structural design, environmental separation, heating, ventilation, air-conditioning, plumbing, safety in high buildings, and fire performance ratings.

The intent of the Building Code is to establish minimum construction standards. The regulations made pursuant to the Building Code Act gives the municipality the authority to order the correction of an unsafe condition in existing buildings. With this legislation currently in place, we question the need for the Fire Safety Act to potentially impose additional administration for the regulation of buildings.

The current National Fire Code, on the other hand, deals with buildings in use, and includes standards for the conduct of activities causing fire hazards, maintenance of fire safety equipment and egress facilities, standards for portable fire extinguishers, limitations on building contents, and the establishment of fire safety plans. It also sets standards for the storage and handling of dangerous goods and flammable and combustible liquids.

As a result of its review of the draft Fire Safety Act last September, the Building Advisory Committee made the following five recommendations to the minister responsible at the time for both the Building Code Act and the proposed Fire Safety Act.

Recommendation 1. The province, under the proposed Fire Safety Act or the Building Code Act adopt the National Fire Code as the provincial standard for the use and maintenance of land and premises. This recommendation is a statement of general support for the adoption of a Provincial Fire Code, which this Fire Safety Act does, of course. As with the Building Code, it is important that there be a provincial standard to ensure consistent application across the province.

Recommendation 2. The province follow the typical responsibility model and provide for municipal administration and enforcement of the Fire Code, similar to the existing framework for the administration of the Building Code. It is important to note that Nova Scotia is in a unique position to deliver services via municipalities, respecting Building and Fire Code administration. Unlike any other provincial or territorial jurisdiction, the entirety of Nova Scotia is covered by incorporated municipal units. All other provinces and territories

have either unincorporated areas or areas where administration enforcement by municipal units is not economically feasible.

The Nova Scotia Building Code Act recognizes this situation and has, since 1987, made the administration enforcement of the Building Code a municipal responsibility and limits provincial involvement to two significant areas. First, the Building Code is adopted and amended on a province-wide basis under the Building Code Act, creating an equal footing for all involved in the construction or renovation of buildings. This creates a level playing field, so all designers and builders as well as regulators are using the same rules. This provides efficiencies in design, construction and administration of the codes enforced across the province.

Secondly, the province is responsible, through the Nova Scotia Building Advisory Committee, to conduct appeals where there is a dispute between the owner and the municipal building official. The final appeal is to the courts. This creates a very straightforward system of code administration and enforcement which is simple, cost-effective and efficient. The building owner, developer, designer know who to talk to and where to go if there is a problem.

Under the proposed Fire Safety Act there is a similar appeal process which provides an owner the opportunity to appeal the contents of an order issued by a fire official. Such orders invariably contain Building Code compliance issues. This appeal process utilizes the Utility and Review Board to hear the dispute and render a ruling. This effectively duplicates the appeal process currently in place under the Building Code Act, creating the potential for two separate bodies to hear and rule on disputes related to code interpretation or administration, which body is best equipped to hear such appeals on technical code compliance issues.

The same model of provincial enactment and municipal administration has been replicated by the Municipal Government Act, which establishes the authority of municipalities to order the remedy of dangerous conditions by removal, demolition or repair, specifying in the order what is required to be done. The municipality may order a property to be vacated until such time as the order has been carried out and may use force if so required. Where public safety requires immediate action, the municipality may take immediate action to prevent danger or remove a dangerous structure or condition. Orders to carry out repairs generally require building permits. These are issued under the authority of a municipal building inspector.

This model is currently working effectively for both Building Code administration and dangerous and unsightly premises enforcement. Much of the confusion and uncertainty surrounding the inspections of buildings is caused by the current model of municipal and provincial fire inspectors administering building regulations in new and existing buildings. It is for this reason that the Building Advisory Committee recommends adopting the Fire

Code under an administrative framework similar to that contained in the Building Code Act and the Municipal Government Act.

The current draft of the proposed Fire Safety Act does not support this typical responsibility model. It does appear that the proposed Fire Safety Act is requiring municipalities to administer the Fire Code, however, when you review the proposed legislation a number of sections clearly show the authority, either direct or enabling, in the hands of the province to administer and enforce the Building Code provisions.

Further, the broad language of Clause 27 in the proposed legislation allows the amendment of the National Fire Code by the province. This power to amend the National Fire Code should be limited to amendments for the maintenance of existing, legally approved buildings. The authority granted under the current draft legislation could lead to conflicting requirements by putting in place those that would normally be contained in the Building Code. This part of the proposed legislation overlooks the fact that there are established procedures to enact amendments to the Building Code which are enforced in the province. In other words, this legislation may allow the establishment of parallel or conflicting requirements that building owners would have to meet.

The Building Code Act establishes the adoption and amendment process for the Building Code enforced in the province. This process works well. The Building Code Act requires any amendments to the code to be thoroughly vetted by the Nova Scotia Building Advisory Committee, then taken to the public for comment before a requirement is adopted by minister's prescription into the code via the regulation.

There is no such legislative requirements included in the proposed Fire Safety Act to amend the Fire Code. There is no built-in protection in the fire safety legislation that enables the public to comment prior to amendments being made. The entire code development system is based on consensus building. All code committees nationally, including the Canadian Commission on Building and Fire Codes, are made of selected stakeholders representing the country geographically, by interest, be they a regulator, designer, builder, owner or material manufacturer. This system is mirrored in the Building Code adoption process as described and should be reflected in the proposed Fire Safety Act.

Recommendation 3. The Building Code and Fire Code be applicable to all buildings and premises regardless of ownership, licensing status or other circumstances. The Building Code Act is not perfect. Currently the Act is not required to be applied to provincially-owned buildings. While admittedly most buildings owned and constructed by the province meet or exceed the minimum requirements of the Building Code and designers are required to comply with the requirements of the Building Code Act, provincially-owned buildings are exempt from the requirement for building permits and inspection. The government appears to hold itself to a different standard than the private sector. There is reluctance on the part of government to bind themselves. The Interpretations Act was invoked so that provincially-

owned premises are exempt from the administrative provisions regulating the process for municipal approvals on subdivision and land use.

There are other mechanisms available, rather than a blanket exemption of applying the Building Code to itself. For example, a simple amendment not requiring development permits for provincially-owned premises would alleviate any concern for building without necessarily meeting municipal land use provisions, while maintaining the responsibility model for building construction or alteration. Why is this important? If the Building Code administration by municipalities were applied to all provincially-owned buildings, duplication of services could be eliminated.

Currently the Office of the Fire Marshal provides staff to conduct plans reviews and inspection of provincially-owned facilities. It should be noted that despite their exemption under the Constitution Act, the federal Department of Public Works has recently adopted the policy of obtaining all municipal building permit approvals, prior to undertaking any federal work.

Recommendation 4. Where additional design and construction standards or amendments to the existing standards are deemed necessary, they be reflected in the Building Code Act and Regulations. The proposed Fire Safety Act provides for an order to be issued by a fire inspector which could surpass the requirements enacted under the Building Code Act. Where these orders contain requirements that deal with Nova Scotia Building Code matters, i.e. repairs, alterations, new construction, or additions to the building or its fire and life safety features, the Fire Safety Act should require that the order be forwarded to the municipal building official for administration and enforcement. This would ensure fair and consistent application of all building regulations.

In addition, as a side issue, many facilities such as liquor licensed establishments, homes for special care, daycares and bed and breakfasts, are subject to provincial licensing requirements. As a part of these licensing requirements, additional building standards are often imposed through departmental regulation. It is the committee's position that these building standard regulations should be included in the Provincial Building Code Regulations, where all other building standards are contained. Now is the time to initiate this move toward uniform building regulations, rather than continue to rely on licensing provisions to administer building regulations.

Recommendation 5. The minister consider the creation of a deputy minister's level working committee, to ensure the successful implementation of the Building Code and Fire Code in the Province of Nova Scotia. Such a committee should include representatives from the Fire Prevention Advisory Council, Building Advisory Committee, Union of Nova Scotia Municipalities, and other key stakeholders. This recommendation was, at the time, intended to provide a forum to flush out the issues with the proposed legislation, prior to going to the Law Amendments Committee, after it was introduced in the House. It is the Building

Advisory Committee's hope that this select committee will encourage such participation and effect the changes necessary to ensure that the proposed Fire Safety Act is implemented, so that an effective system of fire and life safety is in place for all Nova Scotians.

In conclusion, we believe that the proposed Fire Safety Act in its current form does not encourage the effective administration of fire and life safety provisions, under the Nova Scotia Building Code or the proposed Fire Code. The legislation creates unnecessary duplication which can only lead to further conflict and needless additional costs to the public. We encourage the recognition of the Building Code Act Regulations and the authority of the municipalities in the role of plans review and building inspection, as it pertains to the Building Code issues of the Fire Safety Act.

We expect that the administration and future amendment to the Fire Code be handled in concert with the applicable Building Code provisions. We hope that the potential for conflicting interpretation of Building Code requirements under the Fire Safety Act be removed. We encourage recognition of the appeal process under the Building Code Act as the provincial avenue of appeal for Building Code issues. We support the need for pre-publication of regulations, a public review period, and a forum for making and amending regulations, similar to the provisions of the Building Code Act.

Finally, the Nova Scotia Building Advisory Committee recommends the creation of a standing committee of deputy ministers to develop and oversee policy for codes, development and administration in the province. This concludes the presentation of the formal submission by the Building Advisory Committee. We refer you, as Peter said, to other documents submitted to the committee by Service Nova Scotia and Municipal Relations and we are available to answer any questions you may have. Thank you.

MR. CHAIRMAN: Thank you, Mr. McLaren. We are pleased to have with us from the Liberal caucus Mr. MacEwan, who is replacing one of the regular members. If I might start off with a question, this legislation has been in the works for some time, as you are very well aware, I expect. Did this organization basically make the same comments and recommendations when the legislation was drafted?

MR. MCLAREN: Yes, I was involved with the committee at the start of the year 2000 and the opportunity came up to review it through the summer and up to September 2000, and that is when the formal review had been undertaken. I can't answer any involvement of the committee prior to that date. Maybe you are aware of that Peter?

MR. GREER: I think the letter came from the Department of Labour to us or to our minister, asking us to comment on it and that is where these recommendations flowed from, from that discussion and review.

MR. CHAIRMAN: I guess what I was really trying to arrive at is, if these concerns were presented previously, have you had a response from any of the requests?

MR. GREER: We submitted them to the minister in September 2000. Coincidentally, the Minister of Municipal Affairs was the Minister of Labour at that time so, since reporting to himself. I see this as the natural next step to come to this committee. It may be worthwhile for you - I do have more paper for you, the reports - to see the recommendations in the reports, we could maybe address those during questions.

MR. CHAIRMAN: Do any members have specific questions they would like to ask? Graham.

MR. GRAHAM STEELE: Thank you very much for coming today. I think it is very important that the committee hear from you and I do thank you for making such specific points. I just wanted to follow up on the question the chairman just asked and maybe put the same question a slightly different way. Have these specific recommendations you have talked about been put to the government before today and if so, what response did you get?

MR. GREER: I see Ed back there, I will ask him to jump into this.

MR. ED THORNHILL: Excuse me, only because I see Rob struggling with it. My understanding of the recommendations that the Building Advisory Committee made to the minister - I don't want to overemphasize their impact, but - I think the creation of this committee was a result of some of those issues. When the legislation went for public input, those recommendations were part of that public input and I think the creation of this committee was an acknowledgement there are issues, there are problems and things that need to be flushed out with this legislation, so here we sit. I think that answers your question.

MR. STEELE: In the same vein I should say that broadly speaking, as this committee went around the province, we heard from three groups. There were people who were broadly representing the building inspectors who were raising many of the same kinds of issues that you have raised today. The municipalities, who, when they did appear, were concerned about the costs and downloads, nobody was opposed to the bill, they just had lots of issues and questions that they felt needed to be resolved. The last group was the people in the fire service, whose message to the committee in most every stop was, what are you waiting for? Why is this taking so long? Why is there another committee? We need this bill passed and we need it passed now. That is by way of preamble to my real question to you which is, has your Building Advisory Committee ever sat down with the Fire Safety Advisory Committee or the Fire Officials Association of Nova Scotia to see if these issues you are raising can be resolved in a consensual way?

MR. GREER: I have one comment, Rob may want to comment further. We do have the Office of the Fire Marshal represented in Mr. Cormier, who, in fact, endorsed these recommendations, seconded the motion for approval and it was carried unanimously by our committee. We felt it would be appropriate for him to take that back to the Office of the Fire Marshal and that committee.

MR. STEELE: Would it be possible for your committee to submit a list of specific clauses in Bill No. 58, really, a very detailed list of the clauses that cause you concern in Bill No. 58 as it currently stands?

MR. MCLAREN: I believe one of the documents submitted through the department, which you probably have - I understand it was submitted through staff - did a comparison between issues in the Fire Safety Act and the current Building Code Act that, I think, did a fairly good job of highlighting those concerns, those differences. In fact, some of the issues in the Building Code Act maybe need to be looked at to fit more appropriately with the current Fire Safety Act and Fire Code application.

MR. STEELE: I know we have that document and the material we were given, so you think that document pretty much lays out specifically where your concerns lie?

MR. MCLAREN: Yes.

MR. STEELE: One last question which I asked at a previous meeting and I suppose in some respects isn't fair, because I am asking you the question that, I guess, maybe the members of the committee should answer and that is, are the objections you are raising or the questions you are raising, are they, in your opinion, important enough to delay the passage of Bill No. 58 until they are resolved?

MR. GREER: Yes. Really, I see this as an opportunity to get it right, that we would have the authority of the Building Regulations to fall to the authority of this committee where they belong. In a sense it will help to eliminate possible red tape in the setting of who is responsible for what.

MR. CHAIRMAN: Thank you, Mr. Steele.

MR. GREER: Maybe Ed would like to comment on that as well.

MR. THORNHILL: If you don't mind, I don't like to insert myself where I don't belong. I just want to elaborate a little further on that response and the question you asked about the fire services saying, where is this legislation? What is going on and what is holding it up? The Building Code Advisory supports the bulk of the Fire Safety Act, there is no question about that; the fire suppression provisions; the investigation provisions; and the education provisions. It is a small portion that appears to be in conflict with the

administration of the Building Code. So to answer the question, is there enough to hold it up? I would suggest yes, with those provisions still in there. It would be fairly easy to remove those and move forward with the important, significant parts of the legislation.

MR. CHAIRMAN: Cecil.

MR. CECIL O'DONNELL: Do I understand that the local municipality or the building inspector now has the authority, if they deem a house unsafe, that they can evacuate the people?

MR. MCLAREN: I believe so, yes. I am not sure of the exact terminology of evacuation, but where there is an unsafe condition, they have the ability to set orders.

MR. O'DONNELL: Why I ask that is probably less than a year ago in Sandy Point, Shelburne, there was a home and I think the only way they could evacuate these people, I think it was the deputy fire marshal who had to order it.

MR. THORNHILL: That is entirely different, the provisions are there within both the Building Code Act and the Municipal Government Act for municipal officials to order the evacuation of a building. Those provisions aren't used very often, simply because you are displacing people, you create other problems then. You can order corrections and you are taking some pretty heavy-handed approaches when you evacuate a building, but the provisions are there to. Additionally, they aren't used that often and quite often since the duplication is there now under the Fire Prevention Act, the Fire Marshal's Office is the one who orders those evacuations.

MR. CHAIRMAN: Any other questions?

MR. MCLAREN: There is one other thing I can add here, trying to put the five recommendations and all the details and the various discussions into perhaps more of an overview of what we are trying to get at as the Building Advisory Committee. I think it would be fair to say that all issues of construction, repair and alteration of buildings remain with the Building Code Act and that issues of use of existing buildings and maintenance of fire safety systems rest with the Fire Safety Act. I think that is really culled down as the issues we are trying to get at here within the Fire Safety Act. Everything that is related to Building Code, place under the Building Code responsibilities. Anything related to use, occupancy and maintenance, leave it in the Fire Safety Act. Everything that spins out of avoiding that issue is where potential issues of duplicated authorities, due to conflicting rulings and differences of opinion that are hard to resolve in one organization, that is what arises.

I think in terms of my approach, as an architect sitting on this committee, that is probably the one key thing. How it all spills out are in the details but I think that probably is the one global overview issue that we see within the Fire Safety Act.

MR. CHAIRMAN: Mr. Steele.

MR. STEELE: Just one last question that occurred to me just as you were speaking, there is one person who sits on both the Fire Safety Committee and the Building Advisory Committee, namely, Bob Cormier, the Fire Marshal. He has been at almost every one of our meetings and I should probably ask him this question but I will ask you, since he is not here. You said there was unanimous support on the Building Advisory Council for the presentation you have made today. Is your understanding that that unanimity includes Bob Cormier?

MR. GREER: Bob seconded the motion.

MR. STEELE: Because the difficulty I have really is that the Fire Safety Advisory Committee comes to us and says, what are you waiting for, why are we having more hearings, get on with it, pass the bill as it stands and he sits on that committee. Your committee comes to us and says, we support the bulk of it but we have some reservations and Bob sits on that committee. I am just wondering, he can't support both at the same time, if you know what I mean, but like I said, that may be a question more appropriate for him than for you.

MR. MCLAREN: Probably, the motion that he seconded was the motion in September 2000, that made these five recommendations forwarded on to our minister of the day.

MR. STEELE: Thank you.

MR. GREER: We understand that he still stands by those recommendations. He has never brought to us a statement saying I no longer support these recommendations. I think they can run together. My own experience with legislation is that you would want to ensure that it gets through that process of being adopted by the House and that in a sense, you need people to champion those causes to get legislation approved, in a sense get them ahead of the pack, right? So I would see why he would want to ensure that this legislation gets approved. Hopefully, with this process with this committee, we can make these changes that we see as important that would lead to better legislation.

MR. CHAIRMAN: Any other questions or comments?

MR. GREER: I have just one comment on the committee itself. I have been on this committee for a number of years and find that our committee does work well, we do advise the minister regularly. Another important part of our work is to hear appeals from disputes

between building officials and developers, owners and contractors and so on. It is very rare that the decisions our committee makes are appealed to the courts. I think it is a process that works very well. What we are recommending here could very well make for smoother legislation that will work for everybody.

MR. CHAIRMAN: Well, thank you very much for coming in and for your presentation. Perhaps we could just take a two minute break, then the committee could reconvene for some housekeeping duties.

[2:41 p.m. The committee recessed.]

[2:46 p.m. The committee reconvened.]

MR. CHAIRMAN: As you are well aware, this concludes our presentations as far as the schedule of going around the province and the ones that were scheduled for here. There have been some requests and I will just ask Mora to, perhaps, fill in what we could work out for an agenda for next week and the coming days.

MS. MORA STEVENS (Legislative Committee Coordinator): I have been speaking with the Department of Labour. One of the reasons they couldn't come in when the fire marshal came in back in September was the person who had actually written the legislation was on extended leave. She is back and she is actually the person who is writing the opinion that you asked for, Mr. Morash. They are doing a memorandum, Gordon Johnson passed it on to them, so they will have that to you. They are more than welcome to come and speak about any aspect of the bill, if you would like any clarification. They said they are more than happy to be here as you are going through, if you had any questions on that.

The Building Officials Association, which I have been speaking to Graham about, Mr. Leedham, who was here, had actually been in conversation with me about a month ago, wanting to know if they were involved with this meeting. I said, as members of the BAC, and then they ended up actually coming to a number of the hearings as well. Graham actually mentioned the possibility of their coming before the committee on their own. I will let Graham speak about that.

MR. STEELE: On that note, I have been persuaded, I think, by the presentation today that a separate meeting with the building officials wouldn't add anything, today's presentation very much reflects their point of view. I am not thinking along those lines anymore, unless anybody else feels strongly about it. What I had suggested to the chairman was a separate meeting specifically with the Building Officials Association, but I am not persuaded that is necessary anymore.

MS. STEVENS: Gordon Johnson also mentioned that once you are ready to have him here to talk about certain issues of changes to the bill and things like that, he would be more than happy to make himself available to you. Plus, if there was anybody else you thought of bringing in, I know, Graham, you had mentioned the fire services, Mr. Mike Eddy, concerning high-rise buildings, I think it was, and smoke detectors.

MR. STEELE: I didn't specifically mention smoke detectors, but just for the benefit of the members of the committee, because again I have mentioned this to the chairman and also to Brian Boudreau, much of what we have been hearing as we tour the province is from more rural areas and volunteer services, whereas there are a number of constituencies, of course, in Halifax and Sydney that are largely or entirely urban, like my own for example. One particular concern of mine is fire safety in high-rise buildings, of which there are quite a number in my constituency. In fact, there was quite a serious fire in one not long before I was elected.

What I had proposed, if the committee is willing, is to invite in Chief Mike Eddy of the Halifax Fire Service, who did attend our meeting on September 6th, but there was just no opportunity really to question him, to talk specifically about issues that arise in urban areas. That was my proposal, to see if the committee was willing to entertain that.

MR. CHAIRMAN: Would it be possible to tie this in with some other - probably half an hour or something would be more than enough.

MR. STEELE: I was thinking an hour at the most.

MR. PAUL MACEWAN: He raises a very serious concern. As I was watching the World Trade Centre disintegrate, I saw the fire trucks rushing up to try to fight the fire. There was no way they could get at it, there was nothing they could do. I don't know that we can come up with the answer to this problem, but it certainly is a problem today, a big one.

MR. CHAIRMAN: Agreed. Fine.

MR. STEELE: Thank you very much.

MS. STEVENS: That is basically all I have. The Insurance Bureau of Canada just sent in a fax with a letter, and I will be making sure all the submissions that I have received so far are distributed. We have some Hansards now that we are copying, that we received yesterday, so those will come out. Is there anybody that you can think of that you have heard from, is there a group that you feel has been absent from the public hearings that we could ask if they would like to appear? That is probably the stage you are at now, just making sure you have heard all the opinions.

MR. STEELE: Just on that point, I know that from time to time a presenter would suggest that we talk to this person or that person or this organization or that organization, although I am not remembering at the moment just exactly what those were. It might be worthwhile just checking what has been suggested to us. For example, I know the fire marshal suggested we talk to APENS, the Association of Professional Engineers, but they are part of the Building Advisory Committee, so I am not sure if that would be necessary. Another presenter, I forget who and where, suggested that we talk to the Building Code people or the National Research Council, for example. I am not saying I am for that or against it, just that I note some presenters were suggested to us over the course of our hearings. I don't know if anybody else has any views on that.

MR. CHAIRMAN: I don't know of anyone. I think with every organization that has presented with today's group, that probably we have covered, to the best of my knowledge, the majority if not all professional organizations that might have input. After today's presentation, I don't need a long time with the fire marshal, but I would like to have him appear.

MS. STEVENS: One more time.

MR. CHAIRMAN: I think it could be short, but I think there are a couple of questions that need to be posed.

MR. KERRY MORASH: Agreed. There seem to be some issues there that he might be able to recommend some amendments to sort out some confusion that we currently have.

MS. STEVENS: I know one of the questions that Mr. Morash had asked was to get some information from the National Research Council. They said they are more than happy to provide that. Bob Cormier sent me the name of the person and I faxed on the information to them. He said he would have it as soon as possible, so we are hoping that by the end of this week he will have that to us. I will make sure that is distributed to all committee members. Other than that, the only other, as I said, was the Department of Labour and Municipal Relations, in their aspect in this, it was mentioned before, that haven't come. I think that was actually Russell MacKinnon who talked about people in the Department of Labour and Municipal Relations coming before the committee. I didn't know if that was a briefing-type thing or you feel that it is necessary.

I know Labour would be more than happy to go over, since they were the ones who actually wrote the bill itself. Gordon Johnson seemed to be in favour of that when you start through the bill, if you needed some clarifications on what changing this would entail, these other sections as well, and when you get into the wording of that.

MR. CHAIRMAN: Perhaps next Wednesday, is that a reasonable date? It is good for our particular Party because we have caucus on Wednesdays.

MR. MACEWAN: So do we. What time of day are you talking about?

MR. CHAIRMAN: We are talking afternoon.

MR. MACEWAN: Our caucus begins at 1:30 p.m. You are all invited. (Laughter)

MR. STEELE: Our caucus happens to have a meeting that afternoon as well.

MS. STEVENS: Public Accounts is in the morning, from 8:00 a.m. until 10:00 a.m., and then the government caucus meets from 10:00 a.m. until 1:00 p.m.

MR. CHAIRMAN: What does Tuesday afternoon look like? Is Tuesday afternoon a good date for everyone? (Interruptions)

MR. O'DONNELL: What time?

MR. CHAIRMAN: It is open, 2:00 p.m. to 4:00 p.m. or something like that.

MS. STEVENS: That seems like a good time.

MR. MORASH: I have a subcommittee meeting with the Nova Scotia Association of Architects from 3:00 p.m. to 4:00 p.m. I see, if this is correct. I don't know how many people are on the subcommittee. I expect that I am.

MS. STEVENS: Not from here.

MR. MORASH: A caucus subcommittee. (Interruptions) You're invited too.

MS. STEVENS: We could do it 1:00 p.m. until 3:00 p.m. if that's . . .

Mr. O'DONNELL: Morning?

MS. STEVENS: Morning. We can fit you in, either this room or the other room, for sure.

MR. MACEWAN: From 1:00 p.m. to 3:00 p.m. on Tuesday.

MR. CHAIRMAN: Would 1:00 p.m. to 3:00 p.m. on Tuesday be (Interruptions)

MS. STEVENS: Yes, October 23rd. Oh, there is the metro MLAs' meeting that day. (Interruptions) Are you not considered metro? Oh, that was what I was told.

MR. STEELE: I am not sure what meeting you are talking about.

MS. STEVENS: That there was a metro MLAs' meeting that day. Maybe it is only within the one Party.

MR. STEELE: A metro MLAs' meeting with whom?

MS. STEVENS: I have no idea.

MR. STEELE: Is this another Tory tri-caucus subcommittee?

MS. STEVENS: Maybe it is, I don't know.

MR. STEELE: I am not currently aware of that meeting. There may be something going on.

MR. CHAIRMAN: From 1:00 p.m. to 3:00 p.m. on Tuesday.

MR. STEELE: Tuesday, October 23rd.

MR. MACEWAN: I am not replacing Brian Boudreau, I just came here as a replacement for today. For next Tuesday, I can be here, I don't know about him for sure. We will have someone here.

MR. CHAIRMAN: Great. Thanks, Paul. Okay, and then I guess the only other issue that I spoke to Mora about was, at some point in time, starting to go through the bill line by line, because I believe it is important that we do that.

MR. MORASH: I was just thinking that that might fit in very well with Gordon Johnson or with the Department of Labour, the people who wrote this. I would really like to go through that line by line and have them explain to me what some of those sections meant when they were writing it. Some things don't really make sense to me, they probably do to the lawyers who wrote it but not to myself. Could we do that together, perhaps, or . . .

MR. CHAIRMAN: Yes, I was hoping we could have the people we wanted to ask questions of, then start that process. Quite frankly I think it is important we take the time to do this as well as we can. I know that some of the things we heard out there are probably not mandated in this bill or for our input, but I do think there are things that affect the fire service that we should be very careful that - if it isn't in this bill, I realize we don't add it or anything - we do make sure that the proper people are made aware, so that the volunteer fire service in particular, out in rural areas and the whole province, does not suffer from something because of their information. These people presented us with the information, even though it may not apply to this bill, we are their collective representatives. Let's do what we can to make sure it gets in the proper form and to the right people to protect the fire service that we have that is a wonderful organization.

MRS. MURIEL BAILLIE: We want a good Act.

MR. CHAIRMAN: We want the best Act we can come up with.

MRS. BAILLIE: Jon, are you saying that next Tuesday you will be going through this line by line?

MR. CHAIRMAN: I would think we would be able to start. I would say that as far as I know Mr. Cormier would be able to answer at least anything I know of in 15 minutes. I have some pointed questions for him myself. I would think the people coming in would be a maximum of an hour, probably, for that. Then, perhaps, we could start. If that is agreeable. I'm easy, whatever. Then we will proceed from there.

I guess we can adjourn then.

[The committee adjourned at 3:00 p.m.]

HALIFAX, TUESDAY, OCTOBER 23, 2001
SELECT COMMITTEE ON FIRE SAFETY

1:00 P.M.

CHAIRMAN

Mr. Jon Carey

MR. CHAIRMAN: Good Afternoon. We will start, even though there may be a couple more colleagues joining us. We have a pretty full agenda and we want to get some work done before 3:00 p.m. I believe I will ask Mora to explain how this session is going to be broken down and the participation of individuals.

MS. MORA STEVENS (Legislative Committee Coordinator): What we had discussed last time was having someone from the fire service to talk about high-rises, who ends up being Mr. Silver, a fire prevention officer with the Halifax Regional Fire and Emergency Services. Mr. Cormier is here to answer some of the questions you had, that is the first part of the agenda. The second part is going over the bill section by section, or the questions that you had. For that we have Pat Clahane, who is a lawyer hired by the Department of Justice but assigned to the Department of Labour. We also have Gordon Johnson here as our counsel from Legislative Counsel. Those were the two sections of the meeting, the first one being in public, the second being in camera.

MR. CHAIRMAN: Are there any questions before we start? Welcome, Mr. Silver and Bob. Do you have a presentation that you wanted to make, Mr. Silver, or did you just want to answer questions?

MR. TOM SILVER: Well, I was just asked to appear.

MR. CHAIRMAN: Okay. We are all, of course, concerned about fire safety but, specifically, Graham's area has more high-rises than some of the other rural areas. Graham if you would like to start off the questioning.

MR. GRAHAM STEELE: Thank you very much, Mr. Chairman. I am Graham Steel, the MLA for Halifax Fairview. I am, I believe, the only one of the nine members on the committee who represents an entirely urban area. It was largely at my request, Mr. Silver, that you are appearing here today, and I want to thank you very much for taking the time out to be with us.

I wanted to, in particular, talk about issues that are unique to urban areas. I was hoping to be joined by one of my other colleagues from the HRM, Maureen MacDonald, representing the north end of Halifax, because in her constituency she has had two high-rise fires in the last little while. Just before I was elected there was a fire in what is now my constituency, at 36 Abbey Road, Armdale Place. Broadly speaking, what I would like to do today if I can is to ask you specifically about the Fire Safety Act as it relates to high-rise fire safety and life safety and any other of those kinds of issues unique to urban areas. What I would like to do is start by asking you a very general question and then we will go on from there. The very general question is, what particular issues do you feel are raised by high-rise, residential buildings as far as fire safety goes?

MR. SILVER: I spend a lot of my time in high-rises, in fact that is my priority. I am the fire prevention officer for south-end Halifax, so I have a lot of high-rises in my area, including many of the apartment buildings. They have all been visited, I don't wait for complaints. Most of them wonder where I come from where I arrive, I give no notice. I get a lot of inquiries from tenants and from people who occupy high-rises well before what happened on September 11th, and many since.

The Fire Safety Act, when it is passed, will be similar to the HRM Bylaw F-100 which endorses the National Fire Code of Canada, 1995 Edition. It then references the National Building Code of Canada, and there is a particular standard for high-rises in terms of fire safety. Section 326, which means high-rise buildings are held to a higher standard than buildings less than six stories. My experience has been, in all kinds of buildings, both residential and commercial, office type buildings, that the management and the owners have acted very responsibly; they know the liability. They are required to have fire evacuation planning; they do have it and they check it.

MR. STEELE: In my constituency earlier this year there was a fire in a high-rise building known variously as 36 Abbey Road, or Armdale Place, or Top of the Mountain. I wonder if you could briefly tell the committee what happened there.

MR. SILVER: Ironically, just before the event, I was in that building on a random visit. Spryfield is not my inspection area, but it turned out I was asked for a period of six weeks to look after complaints in Spryfield. Being the nosy person that I am, I just walked into the place, because there are several high-rises on Cowie Hill, and that was the first one. I was there maybe two weeks before they had the fire.

In terms of the fire, I don't think the fire could have been prevented. I mean there was a similar fire recently and that fire was in the electrical room; basically from what I gather, there was a shorting out - although I was not involved with the investigation into that fire. When you have a high-rise, certainly, elevator shafts act as conveyances for smoke, smoke will migrate upwards, and that is the biggest concern in a high-rise. That is why we are so particular - I am, when I am in a high-rise. I want to make sure that the fire doors for the stair towers are kept closed. That has been the biggest problem in all buildings and particularly, in a high-rise, because if you have a problem on the second, third, or fourth floor of a 20 storey building, the whole building has a problem because the alarm system, when it activates, is telling the occupants to evacuate via the stair towers, not the elevators, so it is a major problem.

MR. STEELE: Were you involved in the investigation of that particular fire?

MR. SILVER: No.

MR. STEELE: Are you aware of what the assigned cause of that fire is?

MR. SILVER: No, not personally.

MR. STEELE: Recently as well, there was a fire in a building in north-end Halifax called Sunrise Manor.

MR. SILVER: Two years ago, yes.

MR. STEELE: There was a least one fatality . . .

MR. SILVER: Two.

MR. STEELE: There were two fatalities. I wonder if you could tell the committee briefly what happened in that fire.

MR. SILVER: I was not involved in the investigation. What little information I have about the cause of that fire is hearsay. I believe it was smoking related in an apartment on the first floor and the fire spread to another unit on the first floor. The two fatalities were found, one in the apartment of origin and the other about 50 feet down the hallway.

MR. STEELE: Now Sunrise Manor is a seniors' building, correct?

MR. SILVER: Yes.

MR. STEELE: I wonder if you could tell the committee what particular challenges are raised by high-rise, residential buildings that are largely populated by seniors?

MR. SILVER: Seniors are cranky everywhere I go. I am in the Joseph Howe building all the time, I am in McKeen Manor all the time, and the building management are wonderful, they do everything we want them to do. They are very, very proactive and they know they have to be. I probably have more complaints about issues in buildings from seniors than anyone else and all are addressed. They treat their apartment as their home because it is their home, but they treat the building as if it is their apartment. They are very savvy and like I say, I spend a lot of my time talking to seniors and going over - obviously they have mobility issues, they know when they are 80 years old that when the fire alarm goes off in Joseph Howe Manor, it is telling them to take the stairs down. We can tell them to take the stairs down until we are blue in the face, they realize their limitations - for someone 80 years old or 90 years old with a heart condition the stairs are not viable so we work on a different aspect in the fire plan. That is part of the fire evacuation planning, buildings like that.

Another good example would be Maritime Centre, which is a high-rise populated by approximately 1,700 people in one tower and 1,100 in the other tower. They do have people in the building who have mobility issues, including wheelchairs. Part of the evacuation planning is to have a valid plan on how to evacuate these people. They can't take the stairs, they are not supposed to take the elevators, so as part of the plan - which is in written form - we know in advance who we can expect to work there, maybe not visitors, and the arriving firefighters would have a list of people on different floors and they evacuate them if they have to.

MR. STEELE: Do you think the current rules and guidelines are adequate for dealing with high-rise buildings that are largely populated by seniors, or do you think some changes are called for in order to deal with these mobility and other issues?

MR. SILVER: I think, generally speaking, the laws as they are now are valid and effective. The enforcement is the issue.

MR. STEELE: I wonder if you would elaborate on that; what do you mean by that?

MR. SILVER: Well, in HRM we have an office policy where people like me go into buildings if there is a complaint generated by anybody; it could be a tenant, the owner, it could be one of our firefighters. I have had a problem with that policy - now this is a city policy - and that is why I go door to door. I don't wait for complaints; it is my own personal policy. So if I have a problem with the system it is that the system is complaint-driven and I don't care for it. That is not only here in HRM, that is also, I would imagine, right across the province, given manpower.

My personal feelings are that one should not wait for a complaint. I have told my boss and I have told his boss that if I follow the complaint-only policy I could have two dumps - and I do have many dumps - on a street and as a complaint would bring me into one of them,

and if I follow the policy, I walk past the second one. I am not going to do that. I go door to door and that is why I go door to door.

MR. STEELE: I just want to make sure I understand properly. Are you suggesting by going on unannounced visits you are breaking HRM's policy?

MR. SILVER: No, no, they want you to be proactive. Their policy is they feel there is enough work out there just to look after complaints. I agree I create a lot more work for myself but this is my own way of doing things.

MR. STEELE: Before I move on to the broader questions, particularly about the Fire Safety Act that is being proposed. I would like to ask briefly about the third recent fire, the high-rise fire.

MR. SILVER: On Creighton?

MR. STEELE: Yes. I wonder if you could tell the committee briefly what happened there.

MR. SILVER: I have no personal knowledge of what happened there specifically, I had to get phone calls about it from people thinking I was the inspector for that area. From what I understand, it was an electrically-based fire and, again, smoke would have been the issue. Smoke was part of the issue and part of the other issue though was the fact that the electrical service to the building was knocked out, and of course people cannot stay in a building where there are no services. So that was probably the bigger issue there.

Not long ago, about a year ago, at Summer Gardens, which is a very high-end condo on Summer and Spring Garden, which is in my area, it was the same situation. People who had a unit or suite just above the electrical room were in Florida and it was a particularly cold day and, for some reason, one of the sprinkler heads froze and then split and water poured down into the electrical room and rendered the electrical system useless. What it meant was everyone in that building had to leave. You can't predict that kind of thing and that is what happened, and unfortunately that kind of thing happens a lot.

MR. STEELE: Have you had an opportunity to review or at least become familiar with the broad outlines of the proposed Fire Safety Act?

MR. SILVER: Yes.

MR. STEELE: In your opinion, does it provide the fire services with the powers and authorities that they need to deal with urban issues, particularly in high-rise residential buildings?

MR. SILVER: Oh sure, we have it now as far as our own HRM bylaw, but this only makes a strong document stronger, and I think personally, from a provincial point of view, it is long overdue.

MR. STEELE: Let me ask you one specific thing about the Armdale Place fire. It has been suggested - and I don't know if it is true and I am not suggesting it is - that after the fire the landlord gave public explanations for the causes of the fire, and the repair work that needed to be done, that were untrue, and that the landlord had other motives for claiming the entire building had to be rewired, do you have any comment on that about, to your knowledge, whether there was any problem with a landlord making public statements about the fire that were, in fact, untrue?

MR. SILVER: Well, I'm not really privy to what the owner said. I mean, I read it in the newspaper, as I am sure you did. The owner, as far as I know, is a lawyer. In terms of the wiring in the building, from what I gather, hearsay, it was aluminum wiring which was code when the building was built. When you do a major renovation you have to bring it up to the latest standard, which means it has to be wired with copper wiring, so on and so forth; so that was part of the problem. As to what the owner specifically said or didn't say, I have no real knowledge or comment about that.

MR. STEELE: One of the biggest concerns arising out of the Armdale Place fire for the tenants was the fact that the landlord had all the information and was keeping most of it to themselves - the owner, by the way, wasn't just one person; one individual owned half and a group of people owned the other half. The tenants felt that they didn't have very much information, and what they did have they weren't sure that they could trust. Is there any way in a situation like that of ensuring that tenants have access to unbiased and objective accounts of what is really going on?

MR. SILVER: After the fact, I believe they could gain that information at a Residential Tenancies Board hearing. I spend a lot of my time at tenancy board hearings and, in fact, I urge people who have problems, who call me with problems - I mean, I cannot share my correspondence with them without a subpoena to a tenancy board hearing or regular court proceedings, but I tell tenants all the time to subpoena me. In fact, I make myself available. I actually go to them many times so they can serve me. If they can't get a bus, I go to them and they serve me. I say, subpoena me and subpoena all my records. If they subpoena all my records, which they do, then that becomes public at the tenancy board hearing. That is one avenue they can take and do take.

Other than that, an order that we would write to an owner - it is always to an owner or to an agent - and that is confidential, unless there is a court order releasing it. That is our office policy. We don't release it to anybody unless there is a court order. That would be that kind of a building. Now, the regular tenant issues, if someone had a problem with a landlord - speaking aside from 36 Abbey Road - like, I say, I spent a lot of time with the tenancy board

and it is always, he said, she said. I mean, let's face it, I'm being used as an agent; I'm a lever for somebody, right? But I always make sure that the tenant knows that they can subpoena me and to subpoena my records. That way nothing can be held back. That is how it is done.

MR. STEELE: Thanks, Mr. Chairman, that's all for now, thank you.

MR. CHAIRMAN: Thank you. Brian.

MR. BRIAN BOUDREAU: Thank you, Mr. Chairman. Just for a few minutes, we can ask the fire marshal questions, correct?

MR. CHAIRMAN: He is on next, but yes I don't think there is any reason we can't.

MR. BOUDREAU: Mr. Cormier, you do have urban firefighting knowledge?

MR. ROBERT CORMIER: Yes, I do.

MR. BOUDREAU: You're not the rural fire marshal, you're the fire marshal for the entire Province of Nova Scotia, including the urban areas?

MR. CORMIER: That's correct.

MR. BOUDREAU: So when you were doing your homework in regard to this bill I imagine you communicated and consulted with the urban areas?

MR. CORMIER: There were at least three people on the committee from the urban area, including the then head of fire safety for the Halifax region.

MR. BOUDREAU: Would you suggest that this is an improvement for the urban areas of the province?

MR. CORMIER: What it does is provide a process for being able to establish good, regulatory activities. More importantly, it also provides for support for educational activities. Our Building Code has very well-established and very well-defined procedures for building safe buildings, especially since 1990 when all high-rises were required to be sprinklered.

The area that probably is lacking more than any other in most areas - and that does not include Tom's because he has been very proactive on this - is evacuation procedures. That especially is true of office buildings. We try as much as we can, but we have to put some of our efforts there. This is why the bill is very exacting in pointing out the owner's responsibility in ensuring safety.

My greatest concern is the physically challenged who are occupying our buildings. We give them one way in and no way out. So, we have a responsibility there and this Act will assist us in ensuring that those things are done, again, with good regulatory activities. It is not going to be, but it provides a process for doing so. It is part of the requirements under the Act.

MR. BOUDREAU: So it is an important first step?

MR. CORMIER: That is correct.

MR. BOUDREAU: Thank you.

MR. CHAIRMAN: Kerry.

MR. KERRY MORASH: For Mr. Silver, just on the prevention end of things. It sounds like in the high-rises one of the causes of some of the fires is electrical rooms and electrical panels with shorts that have taken place in that area. I am just looking for an opinion; I have a little bit of knowledge, I guess, of some infrared cameras and people who used to come in and shoot through the electrical panels without opening anything or without any contact with the wires and they would be able to pick up the hot spots inside the cabinets. Nine times out of 10 they would prevent a short which would cause downtime for whatever the equipment was they were using, but it also, in the electrician's opinion, always prevented possible large fires in the motor control rooms in electrical panels. Is that something I guess is being done with regard to prevention in the province or in your area or is that something that you would see as a positive thing if we could be doing that?

MR. SILVER: Well, first of all, I don't think we have more electrical fires than other types of fires. I think by far we have more grease-type fires, smoking-related fires, not electrical. It seems that since these are big buildings and affected a lot of people, of course, it would gain the attention of the media that you might point to them more often than other ones, so that's one thing. Now, would it be prudent to do that? Yes, I suppose if you had the money it would be prudent to do that, but we don't have that many problems with them. For the most part, the bigger buildings, in my experience, are extremely well looked after. I know there have been media reports and so on about these, because it did affect a lot of people. This affects a lot of people, when you dump a lot of people on the street, it's news. But I don't think you should overstate the safety of electrical vaults in large buildings.

MR. MORASH: Do you know if any of the large-building owners do that by way of their insurance carrier or as a preventative method themselves to eliminate possible shorts or possible fires?

MR. SILVER: I have no personal knowledge of it but, again, in dealing with all the landlords that I deal with, and they all have multiple buildings, this doesn't seem to have been a problem.

MR. MORASH: I don't know anything about the cost of the equipment or what there is now. I think they started out with just still cameras and then they moved to . . .

MR. SILVER: There are thermal imaging cameras.

MR. MORASH: Yes, then they moved to the (Interruption)

MR. SILVER: About \$30,000. If you are asking if it would be practical to do that, I would say given the number of those fires and given everything else, I would say no. I think the fire marshal is right, I think the biggest problem is evacuating people from a large building. Take a building like the Maritime Centre in my area. It would take at least 20 minutes to evacuate people if they do what they are supposed to do, which is to take the stairs. It is a long way down and if only one person stops or two people stop and ponder about whether they should keep on going down, then they affect the flow all the way down. We recently had, as the fire marshal knows, the same situation.

There was a misunderstanding, which was corrected after the fact, but there was at one point in a recent evacuation caused by a false alarm in a building where the backup went up 11 stories in a 20 storey building. That's not good. If someone had smelled smoke, which they did not, there would have been panic. How do you avoid that? You go over it as far as being proactive about the evacuation planing. The Fire Code of Canada, which is endorsed in the Fire Safety Act and currently in practice in the city, has a section specific to fire evacuation planning and specific to the requirements for the owners.

[1:30 p.m.]

At present I have been confining my efforts to the high-rises because of the number of people affected, but the law says that any building with a fire alarm system - and that includes a six unit apartment building - requires a full fire evacuation plan. To get around to all of those places and say, look, the owner of a five or six unit apartment building in north- end Dartmouth is no different from the owner of Maritime Centre as far as the law is concerned. I mean there are probably, literally, 2000 apartment buildings in HRM and that is just apartment buildings.

MR. MORASH: Maybe a question for the fire marshal. Would this building have ever had infrared or thermal imaging done in the vault or wherever the main power supplies come in?

MR. CORMIER: My chief electrical official is a former employee with the Department of Public Works and is one of the electrical engineers. That is periodically done. We are presently reviewing the electrical code Act and in touch with jurisdictions throughout North America to determine whether in fact, because of the type of electrical equipment we are now putting in, we need to come up with a maintenance requirement for electrical systems. It is something that everybody believes that you just put it in once and you never do it.

For instance, any of you who have screw-in fuses are probably unaware that at least once a year you should make sure those fuses are tightened down because they will, over time, as they heat and cool, contract and expand, and they will separate away from the buzz bar in the back and then you get burnout on the buzz bar. People are unaware they need to do maintenance on electrical.

MR. MORASH: That would be the same as the large wires coming into this building and where they go into the panels.

MR. CORMIER: Absolutely. There are two things that you do: one is to just sound the wires out to make sure there are no shorts in it; and the other one is the infra-system, for any extraordinary heat activation.

MR. MORASH: Do you have one of those machines or are they available in Nova Scotia?

MR. CORMIER: No, we wouldn't even be able to touch one of those. They are in Nova Scotia; there are companies who specialize in electrical maintenance who do that type of work. I do know that there are government buildings where that has been carried out. Now, on a regular basis, that I can't speak to, but we are looking at the maintenance section for the electrical Act.

MR. MORASH: It would be a concern by way of the maintenance people when you would have carried something like that out in the past?

MR. CORMIER: Yes, when the Department of Transportation and Public Works did.

MR. MORASH: Yes.

MR. CORMIER: But as for a requirement, where every five years this has to be done or every eight years or 10 years, that has never been addressed in the codes before. We are now thinking that perhaps that is one way of trying to provide some prevention or elimination. But, again, we need a long-term review of that, as Mr. Silver mentioned. It is an expensive process when you are looking at a 15 or 20 storey building, you have to do every electrical room and all the electrical all the way up through the building.

MR. MORASH: Not to dwell on it, but it certainly is a good preventative measure.

MR. CORMIER: We are not disagreeing, this is why we are looking at it now.

MR. MORASH: Yes.

MR. CORMIER: The one comment I would make is that a fire in a high-rise building, the impact on that is just the same as having a fire in, perhaps, as high as 200 homes. So one situation removed impacts 200 families. So, yes, we do have some concerns there.

I would like to just mention one thing. I was in Boston with the National Fire Protection Association last weekend and we went over the World Trade Centre. It might sound like there is not much you could do on fire safety for that. One of the fights that we have had over the years is whether we should evacuate people or do what we call 'defend in place'. That is, you stay in your apartment or stay in your hotel suite, keep the door closed, keep the smoke out and protect yourself there, because all the walls and everything are designed for a minimum of one hour and some of them as high as two hours rating. You are going to be there for a while.

The heartbreaking thing that occurred in New York was on those floors where people stayed, because that is what they were taught, which was defend in place, died; those who used the stairwells, lived. Now, that's the sort of thing when we think we might have a solution then all of a sudden it is not so easy anymore. So when we get physically challenged people in a building and the fire load is high enough, maybe they are not safe defending in place.

Anyway, the long and the short of it is, we have no simple answers and I wish we did but all we can do is the best with the information that we have.

MR. SILVER: I am constantly being asked by people who have physical disabilities, take theatres, there is a section in Park Lane theatre, and this is a modern building, you step down a number of steps to get down to it, if you are ever there, just think about it, and they have a section at the back of the theatre. I was just dealing with the general manager with that and the section at the back for people who have physical challenges, so they are almost always in wheelchairs. I have had to meet with some of these people who have complained to the general manager of the theatre. If there is a fire alarm, they want to go first, I say, no, no, you go last, because you might become an obstruction. That's a hard sell. But that's the way it is.

As the fire marshal said, we have been asked about the World Trade Centre, buildings like that weren't designed to have airplanes full of aviation fuel fly into them. A typical fire sprinkler system would have handled it and there would not have been that loss of life. I mean, probably every floor above where those planes hit, those lives were going to be lost.

It was a fire ball, it would have to come down through. Typically, in high-rises, they are very well looked after but things happen. That's the way it is.

This may be a terrible analogy but it is one that I use often. Until it crashed the Concorde was the safest airplane in the world. Now, who would have guessed that debris from a plane two minutes before would be carried up by a wheel of a Concorde and propelled into a fuel tank and have happen what happened. But based on mileage, and flying since 1976, the number of passengers and the number of flights, they have never had a problem until the first one.

MR. MORASH: One more on the prevention end of things. You said something about sprinkler heads freezing. I am assuming that that is mostly because of people leaving doors open and that type of thing and not because of design or installation?

MR. SILVER: I think maybe this one it was design. In this particular case, why it didn't happen before I don't know, but it was the unit directly above the electrical vault in this building, and this is a high-end building, well built, well maintained. I think that is what made it doubly shocking to everybody in it. They were out of that building for at least two days.

MR. MORASH: What was the age of the building?

MR. SILVER: You probably remember, it was the one where all the ruckus was about casting a shadow on the Public Gardens, 1988 possibly. It is a beautiful building. It just so happened though that the owners of the condo were in Florida and it was a real cold day and why it didn't happen before on another cold day I don't know but there was a sprinkler head right next to the window on the inside and for some reason it got real cold and it split and down came the water into the electrical room, which compromised the whole system. I mean who is going to stay in a darkened building with no heat. The heating was provided by the electrical system in that particular building, so they had no heat, they had no lights, had no electricity, had no elevators and, in fact, our firefighters carried people down from the 20th floor in arm lifts, down, everyone came down that way because so many of the tenants were well up in their years and they weren't able to come down, they could never have come down the stairwell. That's what happens, something that you really couldn't predict happened, and look how it compromised the whole building. It was just unfortunate.

MR. CHAIRMAN: Maureen.

MS. MAUREEN MACDONALD: I would like to apologize, first of all, for my lateness. I am Maureen MacDonald. I am the MLA for the north end of Halifax and in the four years that I have been the representative for this area we have had three serious fires that have resulted in one case in the deaths at Sunrise Manor, the tragic fire there, but also the more recent fire at the Gerrish building that you referred to, the Gerrish Street high-rise, but also in a multi-unit low-rise at the corner of Cunard and Windsor not so long ago, in the last

year, and quite a few people were displaced. I believe there were violations of the safety code in that case. So the issue of fire safety in urban settings has become really important, more important to me in the last few years, given these circumstances.

In addition to the Sunrise Manor situation, which I understand was a situation of careless smoking and no sprinklers in those buildings, lacking in a sprinkler system in a building that was built previous to the change in the Building Code. We have other buildings in the north end of Halifax that aren't sprinklered that are high-rises. I am wondering if we know how many buildings are in this situation in the HRM area and what are the implications of continuing along without having sprinkler systems in those buildings?

MR. SILVER: I don't know if an audit has been done in HRM. I don't think it would be difficult to do, for high-rises in particular. As the fire marshal said, as of 1990, you couldn't build a building over a certain height without them, so that's a plus. But there are a lot of them that still don't have them. Fenwick Towers is a perfect example: 32 storeys full of rambunctious students and again in my area, God bless me. What do you do? That's a big concern for us. Fires in a sprinklered building won't migrate floor to floor, the smoke will. The smoke will kill you.

I forget the second part of your question.

MS. MAUREEN MACDONALD: I was just wondering what the implication is of not sprinklering these buildings if we knew how many there were?

MR. SILVER: Do you mean what will be the implications of sprinklering them?

MS. MAUREEN MACDONALD: If there is a fire?

MR. SILVER: Financially it would be prohibitive to sprinkler a building. It is about \$100,000 a floor. Should they be done? Yes. In a perfect world, yes, but there is a lot you can do in a non-sprinklered building and that is getting the message out to the tenants that one person's problem is everybody's problem. That's the biggest problem that I have.

In what I do day-to-day, I go into older condo buildings, large ones, that were built without closures on their entry doors. That's been a major battle, because in a condo building, of which there are many in south-end Halifax, these were built before a certain date, so the entry doors were built without a closure on them. I walk in with the 1995 Fire Code under my arm which says, you get a closure. The next problem, they say, well, the door belongs to me. I haven't gone to court on that one yet. Maybe the inside of the door belongs to them, but I consider the outside of the door as part of the wall. For some buildings it hasn't been a hard sell but for others it has been. I say look - say there are 20 units on the floor - if your neighbour has a fire and your neighbour is lucky enough to get out, the door behind that

neighbour doesn't close, and you hear the fire alarm and you are trying to get out your front door, I said your neighbour's problem has just become your problem.

That's what I intend to use in court, which I will be going to soon for this one. I don't know if it is going to sell, but I am going to tell the judge what I firmly believe - one person's problem in a multi-family building is everyone's problem. The other thing is that if that building was built today it would be built with a closure on that door, and there is a reason for it. It is time, really, in some cases, for a lot of catching up on common sense, but that has been a major battle.

The other issue is, if you do as one of the buildings has done in my area, I called for closures on doors, 400 apartment units, and they put the heaviest closures in the world on. That means if you are 80 years old or 85 years old and you have an arthritis problem, opening the doors is a problem; although I asked the owners to consider spring-loaded hinges for that very reason - oh no, no, we will put on the \$120, heavy-duty closures because we don't have to worry about ever having to maintain it from a practical, financial point of view. They did no favours for those 400 units, and I reminded them of that.

MS. MAUREEN MACDONALD: Certainly, I have a lot of seniors living in manors as well, and I know the issue of fire doors and trying to keep fire doors shut and not propped open . . .

MR. SILVER: It is impossible because they use the stairwells as a path of travel.

MS. MAUREEN MACDONALD: . . . and these kinds of things is an ongoing sort of issue, for sure.

You indicated that you attend a fair number of Residential Tenancies Board hearings. I guess this is an area I don't know a great deal about and I am not sure if it is within the remit of this committee but I guess my question is with respect to harmonization between the Residential Tenancies Act and the Fire Code and whether or not it is your feeling and your experience that the Act has the teeth that are required to deal with this, and the process itself, whether it is a process that is helpful to deal with situations in an expedient and timely manner.

MR. SILVER: I have no knowledge of the Residential Tenancies Act per se. I do know, of the appearances I have made both at the Residential Tenancies Board and also Provincial Court and Supreme Court, either the hearing officer or the judges, Provincial or Supreme, place a lot of weight on documents like the Fire Code of Canada and the Building Code of Canada. They don't seem to ask a lot of questions, they accept as fact what we propose, and that has been my experience. Again, I can't refer to the Act itself, I have no knowledge of it, or very little, but when we quote sections, which we do and it is done formal in our correspondence of either the Fire Code or Building Code, those documents bring with

them a lot of weight. I don't think it is just because the judges may not be that familiar with that document as they would be with the Criminal Code of Canada but in this age of liability they realize that if, number one, in terms of a landlord, that the landlord, as far as the law is concerned is deemed responsible for proper maintenance of the building all of the time, whether or not they get visited by someone like us, they have to be in compliance at all times regardless of a visit, so there is a liability issue.

Number two, the Fire Code of Canada, in particular, spells out in black and white just what the responsibilities are. There is no jury, it is black and white. If you are literate you can read it, and you are either in compliance or you are not. In that way it has been an easy sell in court, for me anyway.

MS. MAUREEN MACDONALD: Earlier you mentioned that enforcement is the issue quite often. So I guess this must be a question of resources that get allocated to do prevention and enforcement. So, how many people are actually dedicated to doing the kind of work you do, to go into buildings like Sunrise Manor or Gordon B. Isenor?

MR. SILVER: In the city there are probably 13 of us in the fire prevention division, but up until three years ago someone in my area, for instance, would do everything. These would do the enforcement, the investigations and we would do the public education. We have since changed, so rather than all the fire prevention people doing everything, we have three people who do nothing but public education, two who do nothing but investigations and the rest of us do enforcement. I would say we have about seven enforcement people for the core of HRM right now and we are going to soon add two more because currently we don't look after enforcement outside the core. That is done by the deputy fire marshal for the area.

My understanding is - and the fire marshal can correct me - that as of April 1st, HRM will be looking after fire prevention activities in everything but provincial buildings and hospitals in HRM. We will be adding two people but we are taking on a much bigger area. Now, it certainly isn't as dense as what we have here but it is really a question of manpower. I mean, when I look at the Province of Nova Scotia and the minuscule number of manpower, people they have doing what I do, basically, it must be very frustrating. How can someone be proactive when one deputy has two or three counties?

MS. MAUREEN MACDONALD: It's impossible.

MR. SILVER: You can't be - it can only be complaint driven.

MS. MAUREEN MACDONALD: My final question is whether or not there is any difference between the way you approach enforcement between the private sector landlords and the public sector as a landlord. Specifically, I am thinking about the Metropolitan Authority.

MR. SILVER: There is no difference.

MS. MAUREEN MACDONALD: No difference.

MR. SILVER: No. I have taken them - well, I have threatened four times to take the city to court and I work for the city. (Laughter) Several of the buildings, they were among the worst landlords, but they have cleaned up their act. I was surprised how many buildings the city owns.

MS. MAUREEN MACDONALD: Oh, yes, it's a lot.

MR. SILVER: But they did and now they are all on board. But, no, there is no differential.

MS. MAUREEN MACDONALD: It's the province now, I think, who has become the major landlord in the public sector, pretty well, and a few non-profits still around. Thank you.

MR. SILVER: It is amazing how many buildings that governments do own. It is shocking, actually, to look down the list, see what they own, what they control and so on.

MS. MAUREEN MACDONALD: Yes.

MR. SILVER: The law applies to everybody and I think in the last three, four or five years, we have gone a long way to educating everybody in the system, that there are no exceptions.

In terms of what we do in the city day-to-day - as I am sure it is probably the same with the province - is that, if I come to a building where there are a lot of things to be done - and that happens often - all we really want the owner to do is look after the urgent problems on an urgent basis, which means right away, and the maintenance issues, if they have a lot of doors to change, or whatever it may be, all we ever ask of them is to be in correspondence with us and, in writing, propose a reasonable timetable. If the timetable is reasonable - and that is usually within three years - then we will accept it, but urgent matters looked after urgently.

A good example would be Dalhousie University, which, under the Fire Prevention Act, I won't be looking after anymore. But, currently, I do. They have over 2,000 rooms which they rent out to students and most of them, because of their age, didn't have closures on. We went back to the closure issue, again, okay, and they didn't have the right construction for their doors.

I wrote them a letter, identified the problems and I said, just send me back what you consider reasonable. Now, our office policy is, three years is it, but they sent me back a letter saying, we need seven years to do everything. Does it really matter to me? No, because I know they are going to do it and they have been sending me progress reports. I know, to come out of the blue and say, you've got to fix everything within 30 days, 60 days or a year is not reasonable. That is all we ever ask people in our positions, send us back what you can do reasonably that isn't urgent and it is never turned down. But they have to get the message. They have to get the first inspection too.

Like I say, in the past several years, there has been a lot of proactive work in HRM and outside of HRM in the province, but it is a slow process. Someone who has had a building for a hundred years and maybe has never been visited, to suddenly get a visit and be told that you have to meet the 1995 standard for everything but, say, sprinklers, it's a major PR job. It's not just quoting sections in the Fire Code and Building Code. It is almost making them feel good about what they have to do and when they spend money, they never feel good. It is a major PR job. That is the toughest part of my job, day to day, not going in and quoting the book. It is almost making them feel good about what they have to do and reminding them of their liability and that we are in it together. My fingerprints are everywhere, where I have been, so it's not just them, it's me too.

MR. CHAIRMAN: Thank you very much, Mr. Silver. Does anyone have any other questions for Mr. Silver? There were, I think, a couple of issues that we had from the Nova Scotia Building Advisory Committee that we wanted to question Mr. Cormier on, so if we could move to that issue. Graham, did you have any from that meeting?

MR. STEELE: Firstly, I wonder if Mr. Silver, I presume, could be excused at this point.

MR. CHAIRMAN: Certainly. I realize he is a busy man. We appreciate you coming in. Thank you very much.

MR. SILVER: Thank you.

MR. STEELE: Well, thank you very much for the opportunity, Mr. Chairman, because I think you know what the question is. As the chairman, I welcome you, if you want to put the question to Mr. Cormier.

MR. CHAIRMAN: No, it doesn't really matter. I am sure we all have the same questions, so . . .

MR. STEELE: All right. I was unkind enough, Bob, last week to ask a question in your absence, so now I will ask it in your presence. You are the only person who is a member of both the Fire Safety Advisory Council, or Committee?

MR. CORMIER: Council.

MR. STEELE: Council. You're also a member of the Building Advisory Committee. The fire safety committee is urging us to pass the bill as quickly as possible, the Building Advisory Committee is saying they have concerns that they think need to be looked after before the legislation is passed. You are the only person who is a member of both committees and it appears from what we have been told from both committees is that you support both of them. I guess the question is, how can you support both of them at the same time?

MR. CORMIER: By the way, I'm not the only one who is a member of both. The Building Code Coordinator is also a member of both. I would like to take you back and put this whole thing into context.

On September 13, 2000, the Building Advisory Committee met. Now, they had reviewed the Fire Safety Bill at the meeting before that. This meeting was to go over it and they asked me to attend. I was unable to make it, I was out of the province at the time. I have copies of the minutes of the meeting here for you. We went through a number of different things, including the Building Code regulations and everything else.

Now, first of all, let me say that at this particular stage, we had one reading on the bill and we were waiting for all of the commentary to come back in so we could get the bill back in the House for the next two readings.

The Building Advisory Committee was going to put forward commentary. My only interest, as I stated on that day - now, I apologize, I have to get my right copy here. I am missing Page 7, for some reason. Okay: Mr. Thornhill moved that the Building Code officials' recommendations be adopted by the Building Advisory Committee and be forwarded to the minister. Mr. Cormier suggested he would like this done by Friday, September 15th. All I was interested in was getting it to me so I could respond to it. They brought forward five different recommendations.

[2:00 p.m.]

I would like to give you some of the commentary that I made that was given: Mr. Cormier says there was no way any sections of the Fire Safety Bill regarding the authority of fire officials will be given over to the Building Code. These sections have been here for 40 years. Mr. Cormier's argument is that no matter what happens the fire official is responsible. Mr. Cormier said: I am not changing my opinion, you can take this to the minister if you like.

We had all of our arguments out. All that it was was an agreement to send the recommendations forward for comments back from the advisory council. I did not agree to the actual commentaries themselves. As a matter of fact, the report that you read was not done until two weeks ago. It was sent to me and I remarked to you at the time that I did not

comment back because I did not feel it appropriate for me to do so at that time. Also, we went down through the recommendations.

Recommendation 1 was for the approval or the adoption of the National Fire Code, they said either the Fire Prevention Act or the Building Code Act. Well, all I care is that I get the Fire Code adopted. I have been after it for 15 years. I could easily respond to that, the proper place for it is under the Fire Safety Bill.

Recommendation 2. The province follow a typical responsible model provided for municipal administration and enforcement of the Fire Code similar to the existing framework for the Building Code. Similar, not the same as, similar to. Mr. Cormier said the bill was a step in moving closer to that. I reiterated after that, although it is not captured, we do have the municipalities involved, we do have the appeal process, the municipalities are responsible. There is no mention in here, nor is it mentioned that day that the fire marshal would not be involved in the activities. I did not agree to that.

Recommendation 3. The Building Code be applicable to all buildings regardless of the ownership, licensing status or other circumstances. That is between the Department of Transportation and Public Works and the Department of Municipal Affairs as to whether the Building Code will be applied or not. It is really out of my ballpark, it is a Building Code issue. My feeling is that if we were to receive the value for the cost of the permits we give, I would be in agreement with it.

I have tried to be very conciliatory, I have tried to be very sympathetic and empathetic to the building inspectors' position, but I will be very blunt with you. Mr. Lind, in this particular meeting, made a comment that I think is worth mentioning. It will take me a second to find it, probably. Anyway, his commentary was basically that the - oh, I'm sorry, it wasn't Mr. Lind, it was Mr. McLaren. It says he likes municipal involvement - and we were talking then about the municipalities involved - but is concerned that there are inconsistencies around the province. The Office of the Fire Marshal has provided consistency. This is the discussion that was going on around these recommendations.

Recommendation 4. Where additional design or construction-set standards or amendments to the existing standards are deemed necessary, they be reflected in the Building Code and regulations. I just spent two years moving the sprinkler regulations from the Fire Code over to the Building Code where they belong. I just spent four years with the National Research Council in Ottawa taking all the Building Code requirements out of the Fire Code and putting them in the Building Code. I had to go along with this, that is what I stand for, that is what I believe in, but that is not retrofit. Those are not the requirements to meet fire safety, those are in the Fire Code, those are part of the Fire Code.

One of the major concerns they had was that Tourism, Community Services and a whole bunch of other government agencies have a whole pile of secret design requirements

somewhere. We don't inspect for anything else except what is in the Building Code or the Fire Code. I am unaware of any of these secret design requirements. It is an urban myth. (Laughter) I haven't found them yet. Yes, I do believe Tourism requires that you have to have windows on a bedroom for a tourist home. I think they do have a measurement, but if the Building Code permits it, then that is what they accept. Of course I agreed with it. Either I'm doing it or it's a myth anyway, so let's just get on with it. I just don't have time to fight some of these points anymore.

The last recommendation on the joint committee is to look after the Building Code and Fire Code. I have no problem with the two councils working together to make sure there is no overlap, that the owner is not being nailed twice. I don't have a problem with that. The biggest one seems to be how far you want to deflect that statement on how much municipal or provincial wants to get involved. Am I in agreement? Well, it is sort of like saying, are you pregnant or not pregnant? I am pregnant but I am going to have a boy not a girl. There is a difference in the end result. (Laughter)

I'm sorry, they can have it similar - I will put it to you this way, if you are going to take my authority to make this province fire safe away, then you also have to take my responsibility. You can't have it both ways. The only way I know of is to unify all of the resources that are required. That is what I set out to do, that is what the council set out to do, that is what all of the people we consulted with, all of the processes we went through, everything was to build that. I'm not going to get stuck in a power struggle.

We met with Halifax region. You have heard from the chief building official of Halifax region, you have heard from the chief fire official from Halifax region. Pat, myself, John and the deputy minister were called to a meeting, the Halifax Regional Municipality. They had serious questions with the Fire Safety Bill. We sat down, we spent five minutes shaking hands and congratulating each other and nodding, and then the four of us stood back and allowed the fire and building officials to embarrass their CEO, because the real problems were amongst the two of them, they had nothing to do with us whatsoever.

We are trying to smooth that out a little bit. We are trying to force them into working together. That is the reason the legislation is there. I have no more power over the Building Code next month or the next year than I have right now. Sometimes I get so infuriated I wonder - that's why my hair is so short, I can't get hold of it. (Laughter)

Anyway, we have a situation in Halifax region where we asked a building inspector to ensure a building permit and occupancy permit was put on a building. We started December 1999. Yesterday my deputy gave me a copy of a letter to go off to HRM to please advise us of what they are doing with it. If they don't move, we have to carry out the orders on the building.

So, I just can't sit back and say, well, we will place it over to the building officials and let them look after it. At the end of the day, I am going to be the one in the witness chair, trying to justify to somebody why something happened. I have news for you, I'm a coward, I'm going to run from that for as long as I possibly can. Basically, that is the only thing that upsets me about the process. Yes, I understand the municipalities' concern for costs; yes, I understand the fire and building inspectors who have approached you and said we don't want to lose that interworking relationship we have right now; yes, I can understand the fire officials who are concerned that if they get that Act, are we going to be required to do all kinds of extra training and buy all kinds of equipment and things, those things I can justify, those things the council can lay out explanation for, but I can't fight the urban myths, I can't fight the ghosts hiding behind the trees.

This was an attempt to get it out in the open, let's have a fight, and get it over with. I might add that we did meet with Municipal Affairs, they did go over the bill; they may not have liked it, but there was an agreement between Municipal Affairs and Labour on the issues that are in the Fire Safety Act related to the Building Code and the Fire Safety Act. That's an explanation on the process.

MR. CHAIRMAN: Just to clarify in my mind and perhaps others', when the Nova Scotia Building Advisory Council said that you seconded the motion - I think that is what the wording was - then they would have had an understanding of where you stood on this?

MR. CORMIER: Well, if they didn't from the first five pages of this meeting, then they did with the commentary that went with each one of them. My seconding of the motion was to get the darn thing down on paper and get it shipped over to us so we could respond to it. Remember, I had been fighting on this issue for five years with these individuals and we finally got it down to five points, only one of which was really contentious. I was quite happy to face that. I guess, yes, I did second the motion but that did not mean I was in agreement with the contents, and certainly not in agreement with the content of the full report that was delivered to you, the explanatory material that came with it.

MR. CHAIRMAN: I guess my only comment is - and I think this is a fair assessment - that they didn't appear to bring that message to us when they were here.

MR. CORMIER: Well, as I said, I brought copies of the minutes for your perusal and the comments were made beforehand.

MR. CHAIRMAN: Any other questions for the fire marshal?

MR. STEELE: I think that was an excellent answer to the question, thank you.

MR. CHAIRMAN: Thank you very much, Bob.

MR. CORMIER: Okay, no problem. I just want to make sure I have got a good copy here for you to have.

MR. CHAIRMAN: Thank you, Bob.

MR. CORMIER: Thank you.

MR. CHAIRMAN: I guess we have about, roughly, 45 minutes left that we could expand on the actual legislation. I believe we have agreement to do this, as we go through it, in an in-camera session.

[The committee's public session adjourned at 2:13 p.m.]