



# Legislative Assembly of Manitoba

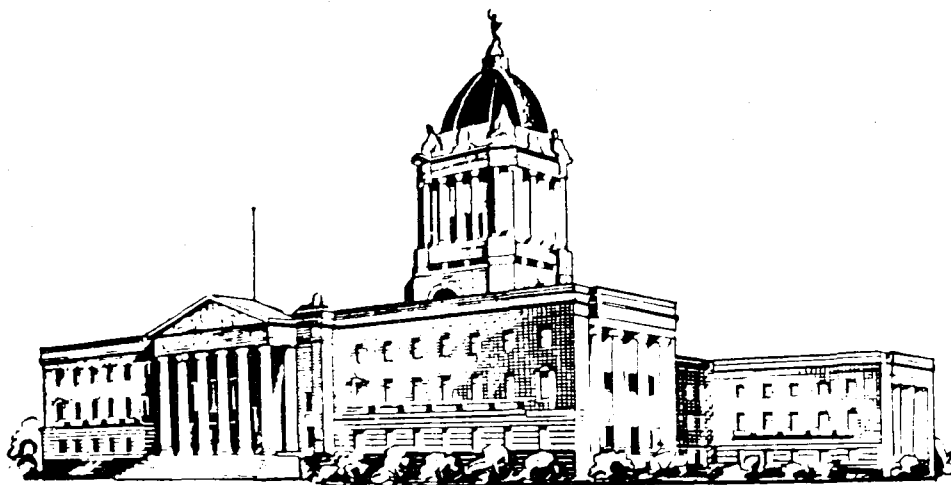
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HEARINGS OF THE STANDING COMMITTEE

ON

LAW AMENDMENTS

Chairman  
Mr. William Jenkins, M.L.A.  
Constituency of Logan



10:00 a.m., Thursday, May 13, 1976.

THE LEGISLATIVE ASSEMBLY OF MANITOBA  
 STANDING COMMITTEE ON LAW AMENDMENTS  
 10 a.m., Thursday, May 13, 1976

Chairman: Mr. William Jenkins.

MR. CHAIRMAN: I will call out the number of the Bills here and then I'll ask for people who wish to make representation. I have four people already who wish to make representations. I have the names down: Mr. R. G. Smethurst on Bill 21; Mr. Duhamé on Bill 17; Mr. Keleher on Bill 18; and Linda McKay on Bill 18.

We have before the committee:

- Bill No. 2 - An Act to amend The Criminal Injuries Compensation Act.
- No. 3 - An Act to amend The Garage Keepers Act.
- No. 4 - An Act to amend The Mental Health Act.
- No. 5 - An Act to amend The Condominium Act.
- No. 6 - An Act to amend The Communities Economic Development Fund Act.
- No. 9 - An Act to amend The Snowmobile Act.
- No.11 - An Act to amend The Queen's Bench Act.
- No.12 - An Act to amend The County Courts Act.
- No.13 - An Act to amend The Surrogate Courts Act.
- No.17 - An Act to amend The Liquor Control Act.
- No.18 - An Act to amend The Clean Environment Act.
- No.21 - An Act to amend The Condominium Act (2)
- No.22 - An Act to amend The Alcoholism Foundation Act.
- No.25 - An Act to amend The Highways Protection Act.
- No.28 - An Act to amend The Wheat Board Money Trust Act.
- No.29 - An Act to amend The Builders and Workmen Act.
- No.30 - The Conservation Districts Act.
- No.31 - An Act to amend The Oakwood War Memorial Scholarship Act.
- No.39 - An Act to amend The Fatal Accidents Act and The Limitations of Actions Act.
- No.40 - An Act to amend The Corrections Act.
- No.42 - An Act to amend The Social Allowances Act and to give Manitoba Regulation 260/75 retroactive effect.
- No.47 - An Act to amend The Highway Traffic Act.
- No.51 - The Retirement Plan Beneficiaries Act.
- No.52 - An Act to amend The Real Property Act.
- No.53 - An Act to amend The Registry Act.

Now are there any people who wish to make representation on those bills other than the names that I've read out. --(Interjection)-- Would you come forward and give me your name please.

MR. D. PERFUMO: Dario Perfumo, Manitoba Hotel Association. We would like to speak to Bill 17.

MR. CHAIRMAN: Anyone else wishing to speak to any other bill? Hearing none, then I would suggest we start on the first bill which is No. 17. Mr. Duhamé. You can proceed Mr. Duhamé.

MR. H. W. DUHAME: Mr. Chairman, Honourable Members of the Committee on Law Amendments: I am appearing here today as the representative of the Hotel and Restaurant Employees and Bartenders Union, Local No. 206, and I wish to speak on some of the proposed changes to the Government Liquor Control Act as are proposed in Bill No. 17.

While there are a number of proposals contained in Bill No. 17 which could generate some discussion, I intend today to confine my submission to the proposals to amend Section 110 of the Liquor Control Act, namely, the requirement for employees in licensed premises to be licensed by the Commission in order to be employed therein.

It is the opinion of the union members that this proposal is perhaps the first step in an effort to bring about consideration of self-service in licensed premises.

(MR. DUHAME cont'd)

The members are opposed to the proposed amendment to Section 110, Beverage Waiters Licenses, and the following are some of the reasons on which our members base their objections:

1. We believe that to eliminate this license would mean the employment of casual employees who would have no responsibility to their job, their employer or the public.
2. That these casual employees would have no authority or interest to see that the requirements of the Liquor Act were adhered to.
3. There would be little or no control over the amount of beer or liquor customers would have on their table.
4. Little control of patrons, or legal age requirements.
5. Little concern over the amount of liquor customers would consume.
6. Who would be responsible for violations of the Liquor Act?
7. The issuing of a Beverage License requires that the employer exercise some caution as to whom he signs the license application for.
8. It would cause a considerable amount of unemployment to employees in the industry while at the same time increase employers profit at the expense of the laid-off employees.

I might just mention in passing that a couple of comments in the local papers - last night's Tribune and the evening before Free Press - of an incident that happened at the Public Safety Building, indicates to us that some requirement should be made as to who works in these licensed premises.

9. The union members would also like to see the rules improved in relationship to the dress of persons who are employed in the industry. We believe that there is room for much improvement in the dress of employees in some licensed premises which we believe has a tendency to give the industry a bad image.

You will recall, Mr. Chairman, that years ago there was a requirement of proper dress for people employed in licensed premises and in the last few years this has seemed to deteriorate so that sometimes when you walk into a place you don't know who's the customers and who is the employee, and we think that this should be brought back to its previous standards and give some status and class to the industry as a whole.

10. We also are of the opinion that a joint training program of serving personnel would be advantageous to the employees, the employers and the general public.

A question that comes to mind is why is there this constant request from the licensed operators to abolish the requirement for beverage service personnel to be licensed? On the surface, it does not appear to be in the interest of the Government Liquor Control Commission. It is certainly not in the best interests of the employees of the industry who earn their livelihood and maintain their families. The employees work under enough pressure without the threat of every patron being a possible threat to their job.

I have heard no request from the general public that they want to have the beverage license abolished. This appears to leave only the licensed liquor operators, the hotel and lounge operators making the request. If this is so, what is the motive behind this request? It is the opinion of the members, one word, and that is "profit".

The food and beverage industry is well known for low wages and working conditions. Some licensees, through negotiated collective agreements, have attempted to make an effort to try and improve the situation, realizing in this day and age, that if you want good and reliable employees you have to pay for them. And some improvements have been made, although there is still a long way to go.

However, there are some operators who show little concern for the employees or the public, just as long as the money keeps rolling in. Something has to be done to see that these operators are not allowed to be a constant threat to their employees' job security, which I believe will take place if this amendment to Bill No. 17 is allowed to pass and become law.

For the reasons given, we believe that it would not be in the best interests of the employees in the industry, or the general public, to abolish the requirement for employees in licensed premises to be licensed through the Government Liquor Control Commission. Further, that we are given to understand that a committee has been established

(MR. DUHAME cont'd) . . . . . to review the entire Liquor Control Act, which raises the question of the necessity for piecemeal changes in the Act at this time.

All of which is respectfully submitted for the committee's consideration. Harry Duhamé, Hotel and Restaurant Bartenders Union.

MR. CHAIRMAN: Thank you, Mr. Duhamé. There may be some questions some of the members may wish to have answered. Are there any questions by any members of the committee? Mr. Toupin.

MR. TOUPIN: Mr. Chairman, I'm sorry I'm late for the presentation of Mr. Duhamé. I was fortunate in having a meeting with the honourable gentleman prior to his presentation here today.

We've considered the representation made by the representative of employees, as you're aware, Mr. Duhamé. We've had the employees canvassed, equally, pertaining to what they would favour pertaining to the section of the Act dealing with the licensing or non-licensing of employees working within licensed premises and as of yesterday, the percentage of employees favouring the section that we have before us pertaining to having them not required to be licensed is 92.8 percent in favour of deleting that requirement, and I have a signed document by every employee who was canvassed. In regard to the responsibility that lies with the licensee pertaining to infractions of the Liquor Control Act, that still remains the responsibility of the licensee, and/or the individual that is serving beverages in a licensed premise; so the onus lies on both parties, the licensee and the individual, whether that individual is licensed or not.

MR. CHAIRMAN: Mr. Duhamé.

MR. DUHAME: Yes. In reply to the Honourable Minister's statement about submitting this petition, or whatever it might be, around to the various employees, that's the first time I knew that the government took the interest to go around and petition employees. It perhaps might have been well if Mr. Toupin had of told the employees what it was all about, because when we got word that this petition was going around, and we told the employees the consequences, they were flabbergasted, because all that was being indicated to them was that they were going to save the price of the licence fee every year, they didn't know the other implications to it about the casual employees and the detriment or the possibility that they maybe lose their employment. And it's unfortunate, Mr. Toupin, that the Commission if they had been interested, if they contacted the other parties in this industry, they didn't contact us, and had a survey and indicate to the employees what really would happen to them, or could happen to them.

MR. CHAIRMAN: Mr. Toupin.

MR. TOUPIN: Mr. Chairman, again I'm not intending to enter into an argument with Mr. Duhamé. The government, or the agency itself, the Liquor Commission, did not conduct the survey; the survey was conducted not even at our request but was just sent to us, a copy of same was sent to us of every signed document and the percentage of employees canvassed. The survey was conducted by the Manitoba Hotel Association. I know that may have a bearing on members of the committee or on your union but I personally as the Minister responsible for the Liquor Control Act did not ask the Hotel Association to do same, they did it and sent me results on an ongoing basis. The last result was sent to my office yesterday and I'm only relaying to the Committee and to you, Sir, the results of the survey conducted, not at our request, not at our expense and was done by them on their own desire to find out exactly what the results would be.

MR. DUHAME: Mr. Chairman, might I apologize to the Honourable Minister, because I misinterpreted what he said; you know, if it wasn't the Commission and it was some employer group that was forwarding this petition then I apologize to the Minister for misinterpreting what you said.

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: Mr. Chairman, I would like to ask for clarification on numbers 9 and 10. In 9 you talk about the fact that it would be desirable to have improved appearances of employees and I'm just not quite sure what you have in mind there. Are you suggesting that there should be standards set in terms of distinctive dress and that the government should enforce this, in the case of No. 9? I assume what you have in mind is a sort of a distinctive dress and certain standards. Are you proposing that to us or you're just mentioning that that is desirable within the industry and that the industry

(MR. DOERN cont'd) . . . . itself should work on that?

MR. DUHAME: Well, in years past, Mr. Doern, the Commission itself, right or wrongly, used to issue a little pamphlet like this and indicate the type of dress that they thought was desirable in the industry, and for many years the accepted dress, you know, was white shirt, white blouse, dark trousers, this sort of thing, so that when a person went into an establishment that served alcoholic beverages, you could tell the serving personnel or the bartender from the customers. I suggest to you, Sir, that some of the places you go into today you pretty well have to see who's carrying the tray to find out who's working there and who's the customer. We think that's a bad situation because I think that it doesn't give a good image to the industry; and if we're trying to improve the tourist industry and the liquor industry in this province there should be some standards set. I don't say they have to be all in tuxedos, but certainly the dress should be something that a customer walks in and can tell who's working there and who's a customer.

MR. DOERN: Well, then I would ask you whether you feel that that is the responsibility of the industry or whether you feel that that has to be legislated by the government.

MR. DUHAME: Well, you know, I think that in all fairness it would be perhaps better if the industry itself could correct the situation, you know, rather than legislate. But if the industry itself will not take the steps to make the necessary desirable changes, then obviously someone else has to take a look at the situation.

MR. DOERN: And secondly on Point 10, you talk about a joint training program, etc., and obviously that would be desirable to improve standards. But again, is that the responsibility of the industry or are you suggesting that the government should legislate and enforce and run training programs and have testing. Whose responsibility is that?

MR. DUHAME: No. Again I would have to agree with you that this should be something that's done jointly with the industry and the union involved. I have to, in all fairness to the employer, we did attempt one time with Mr. Perfumo, to set up a joint bartenders' training school with the Red River Community College. Unfortunately, we couldn't get the pieces all put together and it come for nought. But I would agree with you that we can't have the government doing it all for us. We should do something in the industry ourselves. But, you know, it's the kind of an industry where sometimes you need rules.

MR. DOERN: Just for clarification, is there a place in Manitoba, maybe there are commercial outfits, but I assume that most waiters learn the trade by serving an apprenticeship, but what about bartenders, for example, are there any sort of waiter courses or schools and similarly with bartenders in the province?

MR. DUHAME: There are one and perhaps two commercial places. Some years ago the union attempted to set up a free bartending school. Unfortunately at that time the co-sponsor was not acceptable to the Liquor Commission at that particular time and, you know, it went for nought.

But I think there's at least one commercial establishment here that charges \$200 or more to teach a bartender.

MR. CHAIRMAN: Mr. Toupin.

MR. TOUPIN: Well, Mr. Chairman, again pertaining to the brief before us, I've had a chance to review it, most of the points that are made in the brief have been dealt with pertaining to the Act, whether it be the Act of the Liquor Control Commission itself, the regulations or internal policies of the Commission pertaining to conditions of the establishment itself that is being licenced by the Liquor Control Commission, working conditions pertaining to training of individuals, there are certain courses being had in the Province of Manitoba or elsewhere - I know of some indications by employees of courses that have been taken.

In my humble opinion, Mr. Chairman, the best course to be had in a licenced premise that is controlled by certain guidelines and standards established by the Liquor Control Commission is for the employer to set down conditions that he and the employees are responsible for and to fit that flexibility within a licenced premise. It changes from between regions of the province and it's very difficult to have a standard that would apply across a province pertaining to working arrangements and this was one of the reasons given to us for eliminating the compulsory aspect of the licence itself, so employees

(MR. TOUPIN cont'd) . . . . . would be more flexible between different sectors of the licenced premise itself, working, as an example between the restaurant, in some cases that is not full licenced, and the beverage room and/or cocktail lounge. So the points made by the union here have been dealt with in part, are being dealt with in some cases by the Liquor Control Commission, by the Review Committee that is now reviewing the policies of the Commission and equally to my knowledge by certainly the union in question and the Hotel Association pertaining to recommendations to myself or to the Liquor Control Commission directly.

MR. CHAIRMAN: Mr. McKenzie.

MR. McKENZIE: Yes, Mr. Chairman. Mr. Duhamé you make a statement here in your brief that this is the first step in an effort to bring about the consideration of self-service in licenced premises. What information or background material have you got for the Committee to substantiate or give us more information that they are in fact moving into a self-serve type of operation?

MR. DUHAME: Well, the information is limited at the present time, Mr. McKenzie. I think perhaps what our members are speaking about is that three or four years ago here you recall that the legions attempted to approach the Commission and have the requirements abolished for service, that the customers could go to the bar and pick up their own drinks, and I think that our people see this as but another threat to their employment if there's no requirement for a licence.

MR. McKENZIE: Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Patrick.

MR. PATRICK: Mr. Chairman, I wish to ask a question to Mr. Duhamé. Mr. Duhamé, your brief is on behalf of the Hotel Employees Association, I would assume that's what it is. You make a statement at the end of the brief that you believe it would not be in the best interest of the employees in the industry for the general public to abolish the requirement of licencing employees in the hotel industry, and there seems to be some discrepancy, because the Minister just indicated to us now that over 90 percent of the employees that have been polled or asked and they wish the licence to be abolished and here you're saying it would be in the best interest not to abolish. So are you still speaking for the employees, is this your own personal statement or have you had any communication with the employees on this particular question?

MR. DUHAME: Oh yes, the employees, as I'm saying to you, Mr. Patrick, that if I was working for you and you come to me with a petition and said, "Look Mr. Duhamé you can save yourself \$3.00 a year by signing this", you know I'd say, "Well that's good", because I have no fear that you're going to let me go so why shouldn't I save \$3.00 a year. But when I say to the employees on reverse, but once this licence is abolished then Mr. Patrick will have the opportunity - I presume if you were an owner - then there's no requirement for him to call you to work if he doesn't need you and John Smith is sitting there having a few drinks and he used to be a waiter or bartender, we'll call him in for a couple of hours. The person now says, "Well this isn't really what I understood. All I thought I was doing was saving myself \$3.00 a year." He didn't know that his job was going to be on the line.

MR. PATRICK: You indicate that there must have been pressure from the hotel people to sign these petitions. Did you personally have discussions and communication on this particular question with the employees themselves and what is your opinion . . .

MR. DUHAME: We have had people phone us up and tell us this, Mr. Patrick, in fact we had several hotels - I don't have it with me - who wanted to reverse the situation because - I'm not saying that the employer coerced and said if you don't sign this you're going to get fired, but it's like everything else when the employer goes around with a list and says I think this is in your best interest to sign this and you're going to save yourself some money the employee doesn't really look and ask too many questions until someone raises the alternative question.

MR. PATRICK: Would you believe that over 90 percent would sign such a petition?

MR. DUHAME: If the employer went and asked them, yes. And 75 or 80 percent would sign the other way if we went around and told them the problems that they would encounter.

MR. PATRICK: So you are personally fully convinced that the employees would be in favour of being licenced, is that it?

MR. DUHAME: That's why I'm here.

MR. CHAIRMAN: Mr. Henderson.

MR. HENDERSON: Thank you, Mr. Chairman. I'd like to ask in relation to 9, who do you think should pay for those uniforms that the employees are going to have?

MR. DUHAME: Under the Act at the present time, Mr. Henderson, if it's a specific type of dress the employer is required to pay for it. You know, I'm talking now about, perhaps some of you gentlemen frequent some of the higher priced lounges where people are required to wear a certain type of dress to fit in with the atmosphere of the lounge, the requirement there generally is that the employer pays for it because he wants the employees to wear a certain type of dress. I think in the average place for years we've had with some of the better chains, where the employer did supply the shirts and blouses and that to the employee. But then, as I say, the standards gradually deteriorated until now people are wearing whatever they want to come to work with and we think that's not a desirable situation in this kind of an industry.

MR. HENDERSON: And in Section 10 you're talking about a trainee course. Who's to pay for that?

MR. DUHAME: I'm not saying that the Liquor Commission should pay for that, Mr. Henderson, I think if we had mutual agreement we could perhaps jointly approach the Red River Community College for some sort of a funding. Other groups are doing it and I see no reason why the Hotel and Restaurant Union couldn't do the same.

MR. HENDERSON: You're making reference to your survey. Was the meeting of your locals called here after this other and then after the other forms were signed that the Minister referred to, Mr. Toupin?

MR. DUHAME: I'm not sure whether I follow you, Mr. Henderson, but . . .

MR. HENDERSON: Well your brief is representing the Hotel and Restaurant Employees and Bartenders Union.

MR. DUHAME: Yes.

MR. HENDERSON: Now how was this meeting called and was it called after this other survey had been taken, or questionnaire had been out?

MR. DUHAME: The position of the licence for beverage waiters has been a position of the employees in the industry . . . Well since I've been around anyway, because I think it's been a requirement since about 1927, am I right there, when the Liquor Act first came into being?

MR. HENDERSON: Yes, somewhere around that.

MR. DUHAME: '27 - '28, and it's been a requirement in Manitoba ever since. It was only raised again when it became knowledgeable that, first of all, that Bill 17 was going to be presented and then secondly, it came to our attention that these petitions were being circulated by various operators and it was at that time then, that at a general meeting they suggested we better do something about it and make a presentation to you gentlemen here today.

MR. HENDERSON: Did your general meeting have a notice sent to the different employees or was it just called amongst the executive?

MR. DUHAME: Oh no. When we have a meeting we send notices to the people, Mr. Henderson.

MR. HENDERSON: To everybody? Do you not believe that the hotel industry can pretty well set the standards for uniforms and that themselves without any intervention at all, because in rural areas in particular I know we have all sorts of standards and sometimes it's the hotel man himself or his wife and they'll be out with even different dresses from one time in the day to the other. We have a very different situation in some parts of the country.

MR. DUHAME: Well, you raise an interesting point, Mr. Henderson. The point is that in the food and beverage industry it's been traditional that cleanliness was next to Godliness, and if we're going to have people go in with overalls, and no discredit to anybody who's . . . but I'm just saying I think the customer, he's paying a fair buck for his food and his drink and I think he's entitled to come in and have the employees there have a proper mode of dress and I think the employee and the employers should be

(MR. DUHAME cont'd) . . . . interested in providing this. I don't think you should have to go into a place and look around and see which one is the waiter and which one is the customer walking around.

MR. HENDERSON: Well I certainly agree with you especially in good places and I know that they set their own standards and I don't think they'd have people like that working for them. While you say that they're paying a fair price for their drink and it always seems like that when you're buying it, we also know that some of the rural hotelmen are having a tough time trying making it pay too. So they have a different situation in different places. That's all, thank you.

MR. CHAIRMAN: Mr. Bilton.

MR. BILTON: Mr. Chairman, Mr. Duhame, we're talking about a very very old and accomplished industry and on this Item 10 that you speak of, "Joint Training Program", why wouldn't the union itself in its own interests instruct their union members in the decorum or whatever is necessary in the handling of beverages, why wouldn't they do it themselves in their own interest? Why would you want a training program possibly sponsored by the government?

MR. DUHAME: Well I suppose we're no different than other companies Mr. Bilton who get grants from the government to train people . . .

MR. BILTON: That's the problem, everybody wants a grant.

MR. DUHAME: . . . and if everybody else wants to give up the grants you know we'd be the first to agree with them because we've never had any, but we feel that if they're going to - we should have a training program and then if there is a training program we should get some funding, or attempt to get some funding, whether we're successful or not is another thing.

MR. BILTON: Now just what kind of funding would you require to train your union members in the proper decorum in a bar room?

MR. DUHAME: Well you go to several steps. It wouldn't take, well I wouldn't say it wouldn't take too long, there are lots of methods of training people. I'm sure if you've gone into some of the bars and you see somebody who hasn't worked there very long you'll see the kind of service you get, people reaching over the top of the glass, failing to look after the little niceties of the business, and you get others who are experienced. I think that this is what we need, people who are experienced in the trade, know how to greet people, know how to serve people, know how to mix drinks, know how to handle people who get a little out of line.

MR. BILTON: Well wouldn't you agree with me that the core of your union employees are people of that type.

MR. DUHAME: Most of them are, but some of them we get from other employers and we have to accept them.

MR. BILTON: Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Dillen.

MR. DILLEN: Yes, I'm going to get back to this one section of the Act that you take exception to and that is the Elimination of the Requirement of a Licence. It's my understanding that at the present time that a person makes an application for a licence to serve liquor and that he must go to the police station and indicate whether there is anything in his background that indicates that he may be a person who is an undesirable in the industry and that the \$3.00 licence fee is a fee that covers the cost of searching out the background of an individual who is making the application. If the licence fee is eliminated that would indicate that the employers, the industry then is prepared to accept the responsibility of searching out an individual's background just like Woolco does or the Post Office does or anybody else does; or do you think that the onus of responsibility should be on the employer in this case rather than the police forces as it presently stands?

MR. DUHAME: Well, Mr. Dillen, in answer to your question. I think the procedure is that the Liquor Commission has a form, I'm sure you gentlemen all have had one, that the employee fills in and indicates whether he's had any previous convictions, the employer signs it that if the Commission sees fit to grant this individual a licence the employer is prepared to give him employment, and then it proceeds along the way and then later on the employees perhaps files his form and pays his money and then



(MR. DUHAME cont'd) . . . . later on he gets a card or a letter asking him to appear at the Public Safety Building when they check him out. And if the Police Commission find that he's okay, fine. If they find that he doesn't meet their standards or the Liquor Commission standards then of course the licence I presume is denied. Whether the \$3.00 covers the cost of the search or not, Mr. Dillen I've no way of knowing. When you raised the question, as I indicated earlier, you see what happens, and thank God it doesn't happen that often, but the situation that happened a couple of days ago. Now if that person was of such a mental stability that he attacked the police officer, you know what would happen if he got a little annoyed at a customer in a place where he might have been hired to go to work,

MR. DILLEN: The next question is in regard to your concern, Mr. Duhame, that somehow as a result of not having the licence requirement people would be hired sort of off the street or taken out of a chair and given a tray in the same establishment where somebody may have become ill or slipped or become hurt or whatever the case may be, that in order to fill that position he would simply grab somebody in off the street and say come on take a tray and go to work. You know that appeared to be one of your concerns.

MR. DUHAME: This is a concern of our members, yes.

MR. DILLEN: Well is it not true that most establishments whether it is a hospital or a place that has to have a certain number of staff over a given period of time like . . . Well hotels are the same; that they have a sort of a surplus staff that they can call on who have licenses at the present time. You know you run an operation on the premise that some people are not going to show up for work for whatever reason and that you have to have somebody to call on, that it isn't the practice of the industry now or ever has been in the past for the industry just to call in somebody off the street to pick up a tray and go to work.

MR. DUHAME: Well, Mr. Dillen, I can't speak for all hotels but my experience in the hotel industry is that most of them work at a minimum and when somebody doesn't show up for work they're shorthanded.

MR. DILLEN: But they have people that they can call.

MR. DUHAME: Not always, only perhaps say January and February in your quiet time when people might be temporarily laid off. But generally speaking, to my knowledge most hotels operate at a minimum, they're not like, you know, we have other places that have a few people floating so that you can put them in a slot whenever somebody doesn't show up. But I don't find that happens so much in the hotel industry.

MR. DILLEN: Well, Mr. Duhame, I'll attempt to pose the same questions to the industry when you've completed your remarks.

MR. CHAIRMAN: Mr. Osland.

MR. OSIAND: Thank you, Mr. Chairman, through you to Mr. Duhame. Just a couple of questions. One, what is the average wage for bartenders?

MR. DUHAME: Oh, it's about \$175 - \$180 now.

MR. OSIAND: And how much an hour?

MR. DUHAME: Well it will be \$4.95.

MR. OSIAND: Are most of the employees part-time or full-time, is this a . . . ?

MR. DUHAME: Oh, I would say perhaps about 60 percent, perhaps even 75 percent might be full-time and the other 25 percent would be, you know, full-time during the summer and perhaps casual in slack periods.

MR. OSIAND: Do you feel that if there was an emphasis placed on the trade and an upgrading of the training that this would become more of a serious job as far as people applying for it and really sticking with it?

MR. DUHAME: Of course I've been in the business a long time and I've always felt that one of the things that is wrong with the industry is that it doesn't have status in the eyes of the work force. And I guess I haven't been too successful, but over the years I've attempted to try and bring some status to the industry because I believe that's what attracts good employees, when there's status. But when you have a *comme ci, comme ca* situation where people drift in and drift out how do you get people to feel that they've got to have some status in the work force. They always drift in and say well I'm going to get something better, maybe they stay a lifetime, but unfortunately they drift in with the idea of not staying too long.

MR. OSIAND: Thank you, I agree with your point, Mr. Duhamé.

MR. CHAIRMAN: Mr. Bilton.

MR. BILTON: Mr. Chairman, a question was asked a moment ago which prompts me to bother you again. With regard to the licencing, the suggestion was made that you're shorthanded so you might go out on the street or you might hire somebody to fill in that slot. What I would like to know is that with this licencing does that not also cover the fact that the person has been medically examined?

MR. DUHAME: I don't believe so, Mr. Bilton.

MR. BILTON: Are you telling the committee then that people are handling beverage and so on, working with the public in beverage rooms who are not medically examined annually or what have you?

MR. DUHAME: To my knowledge it is not a compulsory feature.

MR. BILTON: It's not compulsory? Thank you.

MR. DUHAME: But I would agree with you that it should be, if that answers .

. . .

MR. BILTON: Darn right.

MR. CHAIRMAN: Any further questions? Hearing none, thank you very much, Mr. Duhamé.

MR. DUHAME: Thank you, Committee.

MR. CHAIRMAN: I would just ask honourable members to keep the tone of conversation that's going on a bit down, down to a very dull roar, because it's very difficult for the Chair to hear and it must be difficult for the recording equipment.

Mr. Perfumo on Bill 17.

MR. PERFUMO: Thank you, Mr. Chairman.

MR. CHAIRMAN: Do you have copies of your brief?

MR. PERFUMO: No, Mr. Chairman, we have no written presentation . . .

MR. CHAIRMAN: That's fine, it will be recorded.

MR. PERFUMO: . . . all we're here for is to appeal to common sense and give you a few points of explanation, maybe answering some of the points that were raised.

MR. CHAIRMAN: . . . very difficult position if you ask him to appeal to common sense. I think they're all fairly good gentlemen, they'll listen.

MR. PERFUMO: First of all I would like to say that the Honourable Minister Mr. Toupin made some of the points that we were going to bring out regarding the petition although I would like to sort of elaborate on it just for one moment. First of all I would like to say, Mr. Chairman, that we are the only province in Canada that has such a system of asking people to pay to work, this is really what we're doing. And I would like to sort of rebuff Mr. Duhamé just slightly in that area, that about 95 percent of the licences, the \$3.00, are paid for by the licensee. So they're not saving no \$3.00.

I would like also to maybe save Mr. Duhamé and save the government a lot of money in view of grants. There is now a training program at Red River Community College for bartenders and waiters, bartenders in all classes. It has been started, it's a 26-hour course, there are no grants required, the industry is paying for the people that we are sending there, we pay them their wages while they go there. It costs \$25.00 to take the course, there's no need of no \$200.00. It's starting out as a 24-hour course. It's given at times when people can take it either in the evenings or different times through the week. So that course will now be available to all members of the industry.

We do receive an awful lot of requests from people outside the industry wanting to learn the fundamentals of bartending - and I'm not speaking now of beverage rooms only, I'm speaking of cocktail lounges also. The instructors have been drawn mostly from the industries interested. Now I leave that with you, that you know what industries are interested, including certain government bodies, that are interested in the serving of liquor.

I would also like to bring to the attention of the committee that the licensing of certain employees, certain beverage service employees in our industry does create a sort of class distinction if you wish, a sort of a discrimination. Because in the same establishment, they could be people serving liquor and/or wine or and/or food, whatever, in a certain licensed area, and I now speak of the restaurant or dining room. He or she does not require a license. And yet right across the lobby there's another room where they serve practically exactly the same beverages operating under the same rules and regulations and, Mr. Chairman, gentlemen, you all know that the Liquor Act has some very

(MR. PERFUMO cont'd) . . . . . stiff requirements and stiff regulations that apply to all of us including, the greatest onus is put on the licensee who employs these people, who has been given that license and therefore I would suggest to you that to have in the same establishment people serving the same identical product, in one room where he requires to be licensed and in another he does not require to be licensed. I would suggest that that does border on discrimination and does set up a sort of class distinction.

In our questionnaire that we sent out, I would like to read to you from our circular that went out requesting this, shall we say, the preference of the employees. Yes, I would not be truthful if I stood here and said to you that the industry has not asked for this for many years, we have been asking for this. If you recall in 1970 when Bill 75 was put before the same House that the elimination of waiters' licenses was also in there and at that time this group saw fit to delete it, for whatever reasons best known to yourselves, but I will read just in part, from our circular that went out on March 22, that sparked this questionnaire that the Honourable Mr. Toupin referred to. We say that in Bill 17 the elimination of waiters licenses is included and it must appear before Law Amendments before it receives final reading.

MR. GRAHAM: Mr. Chairman, on a point of order.

MR. CHAIRMAN: Mr. Graham on a point of order.

MR. GRAHAM: If we are to assess the validity of the questionnaire perhaps it should be read in its entirety.

MR. PERFUMO: It's very short, I gladly will. Dated March 22, 1976.

"Dear Members: Re: Beverage Waiters Licenses. Further to the presentation of our resolution to government, the elimination of waiters licenses is included in Bill 17, which has now received second reading in the House. The bill must pass Law Amendments Committee before it receives final reading. The industry has been asking for this for a long time" - and I just stated we have been asking for it. "But even more important is that we know that our licensed employees also are in favor of the elimination of licenses, but we need their support as well as yours to ensure acceptance. Therefore would you please see that your licensed employees sign the attached indicating their preference and return it to our office in the next few days. Thank you for your co-operation."

Indicating their preference I must say that a couple of the questionnaires that the Honourable Minister referred to, when the people did not quite understand it, asked to change their decision, and it was the other way, not in our favor, and we have submitted each and every one of them, the originals, not copies, but the original, and some of them say no, they prefer to keep the licenses. But when we speak of public opinion we like to suggest to you, Mr. Chairman and gentlemen, that our employees are also the public and when a total of 92 percent say, yes, we want to get rid of them - and it doesn't cost them no \$3.00 because as I said the majority of them are paid for by the licensees.

And I would like to draw one point to your attention also, that we broke down the replies between the rural areas and the City of Winnipeg, and we'd like to suggest at this time that this elimination of waiters licenses is much more important to our rural members than it is to our city members because the process that they must go through to get their license processed is sometimes two to three to four weeks. It's quite simple in some cases in the City of Winnipeg, but it's not that simple for our rural members, and this indicates the preference of the rural employees, whereas 95.6 percent - and these incidently, Mr. Minister, are the latest figures as of March 7th - 95.6 percent in the country were in favour and 4.4 were opposed. And in the City of Winnipeg, 15 percent were opposed, 84 were in favour. So it's still a very strong majority. I would like to suggest that many people would like to be elected with a popular vote of that magnitude.

Regarding responsibilities and control, Mr. Chairman, I find that very hard to understand where it would be suggested that, where would the onus rest. The onus always has been on the licensee and that's the way it should be. Sure we like our employees to have some responsibility, and they must have, we understand that, but the onus, it's the licensee that hangs that license up on the wall, he's the one that gets the closure if there are any infractions to the Act. And as far as training our people I would like to suggest that our industry, and I'm speaking for the hospitality industry as a whole, that we are the biggest, the largest in-plant trainers of any industry, at our cost. I'm happy to say

(MR. PERFUMO cont'd) . . . . . that in the past few years we have made some great strides in the training and education, upgrading of our industry. Case in point, the bartenders course that is now being offered at Red River Community College; it's been like pulling teeth to get them to accept the need for this, but we now have it and we're very happy with it. Hopefully, it will be well used by not only people in our industry, but also people wishing to enter into it.

Regarding dress, Mr. Chairman, I would like to suggest that most of our establishments have a set standard for dress and they supply those uniforms, no one is asked to supply their own, we supply them. In Mr. Duhamel's, some of his contracts that he has with some of our hotels it's written right in there, and even in the others that have no union contract, if they require a certain type of dress it is supplied, and normally under most circumstances even laundered or dry cleaned or whatever the case may be.

The dress that is decided upon particularly in rural areas, like Mr. Henderson just mentioned, is in keeping with the tastes of the public, not of the licensee. We have just finished a management advancement course in Brandon yesterday to which the Honourable Mr. Evans presented certificates to 26-some odd graduates that took it, that finished it, and I had a discussion with some of them related particularly to the dress. Their own particular dress, never mind that of the employees. And they said that their customers would feel very uncomfortable if they came into their establishment off the field or things of that nature and he himself would be standing there with a white shirt and all spiffed out; he wants to sort of keep in line with his own customers.

MR. GREEN: Which question is being answered?

MR. CHAIRMAN: Mr. Perfumo is still on his brief.

MR. GREEN: Oh, he hasn't reached the questions yet. I'm sorry I thought he was at questions.

A MEMBER: Oh, no. He's good for another hour yet.

MR. PERFUMO: Mr. Chairman, thank you . . . gladly answer questions.

MR. GREEN: Mr. Chairman, I wonder if I could see this Public Opinion Poll that you took.

MR. PERFUMO: . . . the circular, and I will also show you how it was .

. . .

MR. GREEN: I just want to see the circular.

MR. PERFUMO: Here's the question - circular and question.

MR. GREEN: And how was the circular distributed to the employees?

MR. PERFUMO: I can't answer that, Mr. Chairman, but I would say that it was either posted on their bulletin board or, in most cases . . . some of those that I've heard, it was posted on the bulletin board.

MR. GREEN: You're unaware as to whether the employer went up to the employee and asked him to sign this circular?

MR. PERFUMO: No, I can't tell you that, but I know that in one case, in one case the employees they misinterpreted the elimination and they were not in favour of it and they asked, the bar manager asked for the original one to be returned and they sent one stating that they were not in favour . . .

MR. GREEN: I wonder, Mr. Perfumo, whether you would trust a poll that was circulated by the union to its members.

MR. PERFUMO: Yes, we would, Mr. Chairman.

MR. GREEN: You would?

MR. PERFUMO: If it was circulated in this manner we certainly would.

MR. GREEN: Well in what manner, you don't know what manner it was circulated.

MR. PERFUMO: A statement that they should indicate their preference.

MR. GREEN: Yes, but you don't know whether the employer didn't go up to each employee and say I'd like you to indicate your preference on this circular.

MR. PERFUMO: No, I can't answer that, in honesty I can't answer that.

MR. GREEN: Then when you say that you would accept it if it was circulated in this way, you don't know which way it was circulated in.

MR. PERFUMO: We wouldn't question it because if we were told that it was circulated in an open manner we would say, fine, we'd have to take their word for it.

MR. GREEN: Well then you think that we should take a poll by the union of it's members?

MR. PERFUMO: I didn't say that, Mr. Chairman. Maybe the union was aware of this and had every right to influence their members if they so decided.

MR. GREEN: We have a Labour Relations Act, Mr. Perfumo that says that the union represents the members insofar as negotiations or the relationship between the employer and the employees concerned.

MR. PERFUMO: Only when they have certification.

MR. GREEN: Oh yes. Now this is done in areas I presume where certification has been obtained.

MR. PERFUMO: I'm sorry, I didn't catch the question.

MR. GREEN: Is there no hotels in which certification was obtained that this thing was circulated?

MR. PERFUMO: Every hotel was circulated so therefore those that are also certified receive the same equal opportunity.

MR. GREEN: Yes. So that you circulate it to get the opinion of employees in hotels where the union was certified?

MR. PERFUMO: Yes.

MR. GREEN: Yes. But you say that in those hotels the union speaks for the members.

MR. PERFUMO: Only a certain segment though, Mr. Chairman, I would like to maybe if we are talking about the union is certified in certain hotels, there are only about four hotels in the Province of Manitoba that the union has certification from . . .

MR. GREEN: Well, Mr. Perfumo, I'm going to tell you that I don't have the same faith as you, I would consider a poll by the employer over his employees to be the least trustworthy of all forms of public opinion polls.

MR. PERFUMO: May I ask the question, why?

MR. GREEN: Because, Mr. Perfumo, I have been an employee and I know the attitudes of employees when they are circulated by their employers. They feel that in order to secure their positions, in order to not cause trouble for themselves, that they will likely answer as their employer wants them to answer. That's why we have a separate procedure. We do not let the employer determine whether his employees want a trade union. That would be the least reliable form of information. If you want me to answer your question I will. I consider that's the least reliable form of information. I do that as a former employee and I know the feeling of employees in that respect.

MR. PERFUMO: I would like to suggest, Mr. Chairman, that when there is a certification or a contract in force and those are the ones that maybe should be accepted, they should be called out and you would find the result quite interesting in the ones that are certified. Even in that area I would suggest that those are the ones that maybe they should be given more weight than the others and they can be called out.

MR. GREEN: Mr. Perfumo, history has given us the answer on many occasions and history has indicated to us that employees prefer to unite together for their own well-being and not to rely on their employer. And I agree with them.

MR. CHAIRMAN: Mr. Toupin.

MR. TOUPIN: Mr. Chairman, I'd like to indicate to you and members of the committee that the decision to recommend the deletion of this requirement in the Act was done prior to this poll taken, it was decided to delete this requirement based on recommendations from different sectors including recommendations from the Liquor Control Commission itself, after discussion with a lot of groups, a lot of individuals. I personally met with both parties here making representations today; I met with the union and I met with the Hotel Association and discussed same with them.

The question that I'd like to pose to Mr. Perfumo is pertaining to a factor that came into existence after the decision had been taken to recommend to the House deletion of this section, but pertaining to the poll that was taken by the Hotel Association on their own volition in regards to the form that was circulated, and I wasn't even aware in what fashion the poll was taken. But the form itself, would you confirm or deny that each form was submitted separately and if you do have a copy of the form I would like you to read the form to members of the committee and was a form signed by each individual?

MR. PERFUMO: Mr. Chairman, to the Honourable Mr. Toupin, certainly. The form is a very very simple one. It has at the top of it the date. "I, We the undersigned employed at the (blank) hotel in Manitoba wish to indicate our view(s) on the elimination of beverage waiters' licences. Name, Badge Number, please check one in favour, opposed." That's all. In favour of elimination, opposed to elimination, and this is the one that I'm referring to, that one establishment the employees had when they wrote down "in favour", they checked "in favour", a few of them checked "in favour" and they thought that they were in favour of the licence. So they wanted to change their mind. That opportunity was given to them, another one was submitted to them and then forwarded to the Honourable Minister.

MR. CHAIRMAN: Mr. Pawley.

MR. PAWLEY: Well, I just wanted to pursue the questions on the poll, though, Mr. Perfumo. The poll, the questionnaires were, in fact, returned to the employer in each instance with information to the employer as to the name of the employee and as to his position in respect to this question?

MR. PERFUMO: Yes.

MR. PAWLEY: So that you couldn't consider it a secret ballot in any way, shape or form then?

MR. PERFUMO: Well, seeing as how the bill itself, the amendment is certainly not secret, we saw no reason for keeping this - they weren't voting for something, whether they wanted to be members of a union or things of that nature where secret ballots are definitely the order. And even the Minister could vouch to that I'm sure, is that they were submitted the way that they signed them in their own handwriting and nobody under no circumstances had any qualms or compulsions one way or the other . . .

MR. PAWLEY: I'm sorry. But each employee knew the position of their employer respecting this subject and also knew the position of the Manitoba Hotel Association, did they not?

MR. PERFUMO: I would say that each employee would know the position of our - the Association would know his position. But an employee's name to us doesn't mean all that much because we don't know the thousands of employees that signed this. It didn't matter to us.

MR. PAWLEY: But in most instances you would surely concur with me that they would know the position of their individual employer in respect to this question.

MR. PERFUMO: They would know that their individual employer knows their position?

MR. PAWLEY: No. That their individual employers would be pleased to see that the result of the question was an employee acceptance of a desire to eliminate the licence.

MR. PERFUMO: Mr. Chairman, to Mr. Pawley, I would like to suggest that some of our employers, some of our licensees are not in favour of elimination of the waiters' licence. I can tell you that. The Honourable Minister knows that, Mr. Chairman. Some of them don't. --(Interjection)-- I'm sorry, I didn't hear that. --(Interjection)--

MR. CHAIRMAN: Mr. Graham.

MR. PERFUMO: No, 15 percent in the City of Winnipeg I must say.

MR. GRAHAM: Mr. Chairman, through you to Mr. Perfumo. I would like to ask Mr. Perfumo if he has any idea of the total number of beverage room licences that have been issued in the province?

MR. PERFUMO: Beverage room licence or licensed.

MR. GRAHAM: Licence for employees.

MR. PERFUMO: 7,119.

MR. GRAHAM: Mr. Chairman, are most of those in the urban area or are they scattered throughout the province?

MR. PERFUMO: No, because by mere fact that we have 93 hotels in the City of Winnipeg and out of the 328 the balance are in the rural areas, I would say that the majority are in the rural areas.

MR. GRAHAM: A further question. I'm not too sure on the policy of the Liquor Commission. Does the Liquor Commission require that a beverage room be open

(MR. GRAHAM (cont'd) . . . . for certain specified hours?

MR. PERFUMO: No, there's a maximum. But there is a section in the Act whereas a licensee can apply for a curtailment of hours, but he couldn't go, you know, open four hours a day. I would imagine that they would look at it where the public should be serviced for a good portion of those hours that he's allowed to be open.

MR. GRAHAM: A further question. If there is a problem getting licenced employees, and I know this is the case in many rural areas, due to time lag in approval and method of approval of waiters' licences, have you any indication of what the view of the Liquor Commission would be if the hotel was forced to close because they had no licenced employees? Would they have a tendency to cancel his licence?

MR. PERFUMO: Well, the licensee would have to present his case and they would certainly call him in and find out the reason why, because certainly they have the power under the Act and if he closed just for no reason, and it has happened where certain portions of the establishment have had to be closed or the hours curtailed not necessarily because of unlicensed waiters, but for both those reasons that you say, and the licensee would be called in.

MR. GRAHAM: Mr. Chairman, I raise this because I know in my own area there are more than one operators who have had real problems getting licensed employees to provide the services that are required. I think this is probably the main reason why this amendment is before the committee at the present time. Can Mr. Perfumo indicate what the action of the Liquor Commission has been in the past, if unlicensed waiters have been used because of the fact that no licensed waiters were available.

MR. PERFUMO: Oh yes. Well the Commission, and rightly so, the Inspection Branch must carry out the Act as it is written today, and that particular section, now I don't know it verbatim, but 110 is quite lengthy at this time, states that not only must a waiter or that employee that is serving in that particular area be licensed but also must carry that badge on their person at all times. And there has been cases where the licensee has been reprimanded for the mere fact that the waiter did not carry the badge at that particular time but had one and, secondly, some have been closed for employing people strictly from need at that particular time in order to service the public that we are there to do primarily, because that person was unlicensed or maybe the expiration date... there was a seven day waiting period, but in a rural area that does not apply too well because once a person applies for a licence he has a working permit for seven days and if the licence is not received within seven days then if he has already employed that person that person must be taken off the floor. And it has caused us to lose employees because they say well hell, I can't wait for 14 days or - again I'm referring to the rural areas now, I'm being very strong on that point, I think I am, that the people have, have found employment elsewhere. And now at the \$5.00 an hour mark I don't think we're underpaying too much, because whether we want to accept it or not, let's face it, there are gratuities in this business of ours, some darn good ones too, so we're not underpaying. There might have been a time that our industry was in that position, I'm not denying that fact, but in order to attract people of good or whatever calibre we need to service the public, we must pay, and at \$5.00 an hour I don't think that we are underpaying.

MR. GRAHAM: I have no further questions at this time, Mr. Chairman.

MR. CHAIRMAN: Are there any further questions? Hearing none thank you, Mr. Perfumo.

MR. PERFUMO: Thank you.

MR. CHAIRMAN: That completes the hearings on Bill 17. Bill No. 18, Mr. Keleher. This is an Act to amend the Clean Environment Act.

MR. KELEHER: Mr. Chairman, this will be a brief by the Manitoba Environmental Council and Dr. Aitchison, one of the council members, will be reading the brief to you.

MR. CHAIRMAN: That's fine. Dr. Aitchison, if you would go to the podium there please. If you will give your name so that it will be recorded.

MR. AITCHISON: Yes, my name is Peter Aitchison, representing the Manitoba Environmental Council. Shall I begin, Mr. Chairman.

MR. CHAIRMAN: Yes, you may proceed.

MR. AITCHISON: The Manitoba Environmental Council strongly urges that Bill 18, which is an Act to amend the Clean Environment Act, be itself amended by deleting sections 14.1, 14.1(1), 14.1(2), 14.1(3) and 14.1(4). These sections of Bill 18 would allow municipalities to carry out activities which pollute the environment within the municipality without the permission of the Clean Environment Commission.

The Hon. Mr. Green has quite clearly indicated that the main motivations for these sections of Bill 18 are purely political problems arising from the mosquito dispute with the City of Winnipeg. This was clear from Hansard, March 4, 1976. While the Manitoba Environmental Council does not pass judgment on these political problems, we do feel strongly that many other considerations should be carefully weighed against them before approving this Bill 18.

The present Clean Environment Act already allows the Minister of Mines, Resources and Environmental Management considerable latitude in dealing with controversies with the City of Winnipeg. Under subsection 12(1) for example the "Lieutenant-Governor-in-Council may delegate part of the powers of the commission as he deems advisable to the City of Winnipeg for such period of time and subject to such conditions as he may deem fit". Further, under subsection 12(1)(a) the Minister himself "may approve the proposal, provided the proposal complies with the provisions of the Act and regulations". This is without referring to the Clean Environment Commission.

The Clean Environment Act was enacted substantially on the basis that some individuals and organizations were unwilling or unable to keep pollutants to a reasonable level, and so some control over these pollutants was needed to protect our environment, people and animals. Today with the rapid increase in numbers and amounts of pollutants, this protection is more important than ever, yet the amendments of the Act would change control of many pollutants from the reasonably impartial control by the Clean Environment Commission to the probably politically motivated control by Municipalities. The Hon. Mr. Green himself stated that the City of Winnipeg Councillors ". . . obviously no longer wish to have a rational means of having it namely mosquito control decided . . ." He also said that the City of Winnipeg has used ". . . the Clean Environment Commission as a scapegoat to try to evade responsibility of its own" These appeared in Hansard. Under these circumstances it hardly seems reasonable to trust the City of Winnipeg with such weighty and politically charged responsibilities. Other municipalities with less access to technical information would be even less likely to be able to handle these kinds of responsibility properly.

Further, the exemptions which Bill 18 proposes to give to the municipalities extend far beyond mosquito abatement. Bill 18, as now written, exempts all municipal operations from the jurisdiction of the Clean Environment Commission including, and these are examples:

1. Effluents from sewage treatment plants; well that can be argued but anyway;
2. The emissions from smoke stacks of incinerators and thermoelectric plants;
3. Ground-water contamination from garbage disposal by landfill.

I know Mr. Green interjected there that of course things which go beyond the boundaries are theoretically still controlled but this is a debatable point.

Bill 18 thus appears to recognize two types of pollution: that produced by private industry and that produced by municipal authorities. The former is to be regulated by the Government of Manitoba through the Clean Environment Commission, whereas the latter takes responsibility for their own regulation, subject only to a small measure of control allowed by certain subsections, 14.1(1)(c) and 14.1(1)(d) to the Department of Mines, Resources and Environmental Management. Governments of all kinds have lost respect, in recent years by failing to live by reasonable standards of conduct and by failing to live by the rules they apply to others. The Clean Environment Act at least had the positive virtue of requiring all potential polluters to submit to the judgment of the same regulatory body; Bill 18 removes this equitable treatment. Bill 18 will severely weaken the Clean Environment Commission through direct loss of powers and through the indirect loss of respect associated with a lack of responsibility to deal with municipal operations.

The division of jurisdiction by Municipality boundaries may be useful for some purposes but seems quite artificial and useless for pollutants. It seems a little absurd that people inside the municipality will have no protection from some pollutants even if



(MR. AITCHISON (cont'd) . . . . they are very close to its source, while people outside the municipality may have some protection from the same pollutant since the Clean Environment Commission may still have jurisdiction over pollutants which leave the municipality.

By removing responsibility for municipal activities from the Clean Environment Commission, Bill 18 removes from the citizens of the municipality the opportunity for open discussion, at a public hearing, of the issues, citizens' opinions and technical information regarding the proposed operation. Elected representatives concerned with public participation on important issues potentially affecting all citizens should encourage and not restrict, the opportunities for open discussion before an impartial, informed Commission.

Section 14.1(4) of Bill 18 does provide a mechanism by which the Minister may cause the exemption granted under subsection (1) or (2) to cease. To clarify that point separate from the brief. Even though municipalities may have jurisdiction over their own operations, if the pollutant goes beyond the boundaries, the Minister may refuse to grant permission for this. To continue with the brief: However, there is no provision in Bill 18 to ensure that the Minister is provided with information on the level of pollution within the municipality of contaminant discharge or beyond its boundaries. The granting of exemptions without time limits for review or mechanisms for monitoring the level of pollution is surely inconsistent with the spirit of the Clean Environment Act as well as the principles of good environmental management.

The technical difficulties of the implementation of Bill 18 are substantial. On the one hand, subsection 14.1(1)(a) prohibits any "demonstrable effect on the environment beyond the Municipality". Yet almost anything, and certainly mosquito fogging would produce detectable effects beyond the municipality with sufficiently sophisticated detection equipment. A literal interpretation here would make section 14.1 vacuous. On the other hand subsection 14.1(1)(b) has the seemingly contradictory provision that the municipality only has to take ". . . reasonable steps to contain or reduce the effect on the environment beyond the municipality . . .". The phrase "reasonable steps", just quoted from subsection 14.1(1)(b), is extraordinarily vague, and though it is not stated anywhere in Bill 18 who decides which steps are "reasonable", it is implied that this is done by the Department of Mines, Resources and Environmental Management. Yet it is clearly the role of the Clean Environment Commission to make judgements of this kind on what are "reasonable steps" to prevent contamination of the environment, or to decide what levels of pollutants are acceptable. This is therefore a further undermining of the power and purpose of the Clean Environment Commission. That's the end of the brief, Mr. Chairman.

MR. CHAIRMAN: Thank you, Dr. Aitchison. I have two members of the committee wish to ask questions, Mr. Graham and then Mr. Green.

MR. GRAHAM: Mr. Chairman, repeatedly through this brief the speaker refers to pollutants. Can the person tell us exactly what a pollutant is?

MR. AITCHISON: Well this is the form of language which is used in the Clean Environment Act and I am just echoing the kind of words which are used in the Clean Environment Act. It refers to pollutants, it is defined in the Clean Environment Act.

MR. GRAHAM: Then a pollutant is a form of language is it?

MR. AITCHISON: It's a pollutant. Let me see if I can find a definition here.

MR. GRAHAM: Mr. Chairman, for several years now I have wrestled with the problem and I don't think the Act properly spells out what a pollutant is. I have asked many people and yet no one seems to be able to tell me exactly what a pollutant is.

MR. AITCHISON: Well I can find a definition of contaminant which is somewhat similar. A contaminant, according to the original Act, means any solid, liquid, gas, water, odour, heat, sound, vibration, radiation or a combination of any of them that - well there's all kinds of things - is for example, is foreign to or in excess of the natural constituents of the environment. And there's a whole list of conditions, if you'd like me to read them I will, but it's very long.

MR. GRAHAM: Well, Mr. Chairman, when they talk about something being foreign to, does that mean that there can be absolutely no amount of that present whatsoever?

MR. AITCHISON: No, the original Clean Environment Act was set up to set limits on these pollutants. That was part of the language of the original Clean

(MR. AITCHISON (cont'd) . . . . . Environment Act.

MR. GRAHAM: Well, Mr. Chairman, if that was the case Mr. Aitchison tell us what are the limits, and for instance, I'll give him an example. What are the limits of soluble salts allowed in the waters in our jurisdiction?

MR. AITCHISON: I'm sorry, Mr. Green contradicted me there. What I mean is the Clean Environment Commission was supposed to set up limits like --(Interjection)-- well in Section 15(1) of the Clean Environment Act which I have, it says: "The Commission may by order prescribe limits for the purposes of this Act".

MR. GREEN: That's not the original Act, that's an amendment to the original Act.

MR. AITCHISON: Oh, that's an amended Act. I'm sorry, yes, I didn't realize that. I only have the amended Act. Okay, but in fact the Clean Environment Commission very rarely has set up these limits. I don't know whether they have not in any case actually.

MR. GREEN: They set up limits in numerous cases, I would say hundreds of cases.

MR. AITCHISON: Well they haven't done that in the case of these things like mosquito spraying. They've set up procedures by which it's done, but not limits on the pollutant in the environment.

MR. GREEN: Mr. Chairman, just on a point of order. I'm sorry, I just can't have it passed that the Clean Environment Commission has never set limits.

MR. AITCHISON: No I didn't say that.

MR. GREEN: In virtually hundreds of cases they have set limits.

MR. AITCHISON: I said I didn't know whether they have or not. I said they haven't in the case of mosquito spraying and things which are before this committee today.

MR. GREEN: Mr. Chairman, again, they have set limits with regard to mosquito spraying.

MR. AITCHISON: Not in the technical meaning of this word in the Act.

MR. CHAIRMAN: Order please. Order please. We're now generating into a debate and this is not the purpose, we are here to hear representation and I would ask the honourable members and persons making representation that we do not engage in debating the point. Mr. Graham would you continue, please.

MR. GRAHAM: Well, Mr. Chairman, then I will not deal with the Environment Commission at all, I'll deal with the Manitoba Environment Council who are presenting this brief. And I would ask them if they have suggested limits for any pollutant in the Province of Manitoba.

MR. AITCHISON: We have frequently given briefs to the Clean Environment Commission suggesting procedures which would limit the amount of pollutant, I mean, yes.

MR. GRAHAM: I think that until we have a clear understanding of how the Environment Commission works, I think we should know what limitations are applied to any substance in our environment and if we are going to attempt to control any single element in our environment. Because if we carry on the way this is going at the present time, I think there's a whole bunch of confusion developing and probably what is being recommended by the Environment Council might in fact be the very thing that is actually happening in the legislation.

MR. CHAIRMAN: Mr. Green.

MR. GREEN: Mr. Chairman, I agree with Mr. Graham that part of this bill is an attempt to eliminate confusion, and if that is a political objective, then I plead guilty, but that is the only basis upon which I said in the Legislature that the legislation had a political motivation. To clear up confusion such as the statement in your brief, that somehow the present legislation would be vacuous because one couldn't determine whether something fell within a municipality or not. Are you saying that that is different from existing legislation?

MR. AITCHISON: I said, Mr. Green, that almost any contaminant or pollutant which is emitted could be detected beyond the boundaries of the municipality.

MR. GREEN: And do you say that that is not the fact, a defect in the legislation that exists without this amendment?

MR. AITCHISON: The present legislation as far as I recall does not mention municipal boundaries so I don't understand your point.

MR. GREEN: Well we're going to try and clear up some confusion. The Clean Environment Commission has made an order, the Clean Environment Commission which you say should make this order, that you can spray for mosquitoes in parks and graveyards. Can you tell me how they could limit their order to parks and graveyards? Or is that a vacuous order? --(Interjection)-- Well you have described the present section as being vacuous. Would you say that the present power of the Clean Environment Commission in setting limits for mosquito spraying to parks and graveyards is a vacuous order? And if so, why have you not said that for the past three years when they have made such order?

MR. AITCHISON: Well, we have never ever mentioned graveyards in our brief or parks. This is something which the Clean Environment Commission has seen fit to do. If that's caused confusion it's the fault of the Clean Environment Commission, but that has nothing to do with the Act.

MR. GREEN: But that is the existing power of the Clean Environment Commission. Have you ever said that that is a vacuous order of the Clean Environment Commission?

MR. AITCHISON: Why would that be vacuous? They're still going to spray

MR. GREEN: How can it be confined literally, a literal interpretation, to parks and graveyards?

MR. AITCHISON: Well I doubt whether the Clean Environment Commission has ever said that it's literally going to be confined.

MR. GREEN: We are not going to say literally either, we are going to do exactly what the Clean Environment Commission has been doing up until now. And that is dealing with it on a reasonable basis.

MR. AITCHISON: All right. Are you depending on a minor point in my brief

MR. GREEN: Then the term that you use as vacuous, is only equally vacuous to what is now being done. Is that correct?

MR. AITCHISON: Really, Mr. Green, I don't think you're addressing the main points here. That was at the very end of my brief, it was a short point. I said it may be vacuous.

MR. GREEN: Yes, I want to deal with it point by point, and we'll get to the main point and we'll try to clear up every bit of confusion as it is put in the brief, vacuous point by vacuous point.

The Clean Environment Commission has limited spraying for mosquitoes in Pine Falls; they have given an order permitting spraying for mosquitoes in Pine Falls. Can you tell me whether that is a vacuous order because some of the spray, with the wind

MR. AITCHISON: If the Clean Environment Commission had a statement like this - "the operation of the industry undertaking or plant or process is not likely to result in a demonstrable affect on the environment beyond the municipality", literally it would be vacuous. But the Clean Environment Commission doesn't make that order. In fact the true confusion is going to be caused by the new amendment - because of the jurisdictional difficulties. There is no mention of these boundaries in the original Act, and now there's going to be all these artificial boundaries which have no relation to pollutants whatsoever, it's incredible jurisdictional and confusing tangle that is being introduced by this new amendment.

MR. GREEN: Mr. Aitchison, you say that there are no boundaries in the Clean Environment Commission orders. Can you tell me how you limit . . .

MR. AITCHISON: I said in the Act.

MR. GREEN: But they are making orders now, and have been making orders if you would take the trouble to find out, which limits spraying to graveyards and parks, which limits spraying to certain municipalities. And those things are now in the Clean Environment Act, they are not introduced at the present time. And you have said that those things are vacuous. They are no more vacuous than what is in the present Act, are they?

MR. AITCHISON: You're just creating a debating point over nothing here, Mr. Green.

MR. GREEN: Well will we agree then that that point means nothing, that that point with regard to . . .

MR. AITCHISON: The point that, if this Bill 18 is taken literally then it would be impossible to implement, that point still holds.

MR. GREEN: Well, isn't that true of the . . .

MR. AITCHISON: You're comparing orders of the Clean Environment Commission with an Act. They're not comparable. I'm talking about the Act not the orders of the Clean Environment Commission. If the Clean Environment Commission happens to come out with silly rulings, meaningless rulings, that's unfortunate, that can happen, I'm sure.

MR. GREEN: Mr. Aitchison, both the Clean Environment Commission and the Act and the regulations of the Act have to be enforced.

MR. AITCHISON: That's right.

MR. GREEN: In each case we are in the same position with regard to all of them. Can you tell me how an order under this new section is any different than the order of the Clean Environment Commission that spraying shall be limited to parks and graveyards and golf courses?

MR. AITCHISON: They're not even the same point. The spraying can be limited to parks and graveyards. I'm talking about the spread of the pollutant after the spraying. The spraying I'm sure is only carried out in the parks and graveyards if the Clean Environment say so. There's no vacuity in that.

MR. GREEN: Can you tell me how it will be limited to parks and graveyards

. . .

MR. AITCHISON: The actual spraying is done, carried out in the parks, it may spread afterwards, but you didn't mention that. That isn't what you're talking about here.

MR. GREEN: Yes, that's a great point. Then what you're saying is that the Act now which attempts to limit it to boundaries is not as good as the Clean Environment Commission's orders which limits it to parks, graveyards and golf courses.

MR. AITCHISON: You're confusing two things, Mr. Green. The Act talks about the spread of the pollutant . . .

MR. GREEN: I believe that you are confusing more than two things.

MR. CHAIRMAN: Order please.

MR. GREEN: He's telling me that I'm confusing - yeah - he's telling . . .

--(Interjection)-- I would ask the Honourable Member for Fort Rouge to keep his remarks to . . .

MR. CHAIRMAN: Order please. Order please. Order please. Order please. ORDER PLEASE. Now, if we're going to generate into a general argument around the table I suggest we take a recess for five minutes and let it cool off. Now, could we come back to the questioning and try and keep the questions and answers not to generate heat and debate. Mr. Green.

MR. GREEN: You indicate that the Act will interfere with the power and purposes of the Clean Environment Commission. Are you aware that all of the orders of the Commission are appealable to the Minister.

MR. AITCHISON: Yes, I am aware of that.

MR. GREEN: And the ultimate result, that power and purpose that you are talking about is decided upon by the Minister.

MR. AITCHISON: That's correct, yes.

MR. GREEN: So that ultimately this takes away a power from the Minister, not from the Clean Environment Commission.

MR. AITCHISON: Well, it takes away the power to advise to the Minister on certain activities.

MR. GREEN: But the Minister must make the final decision under the Clean Environment Commission orders.

MR. AITCHISON: That's correct, yes.

MR. GREEN: So this is a section which removes power ultimately from the Minister, not from the Clean Environment Commission; but at the present time all of the

(MR. GREEN cont'd) . . . orders of the Clean Environment Commission are appealable to the Minister.

MR. AITCHISON: That's correct.

MR. GREEN: And you think that that situation, appealable to myself, is better than being done by the Municipal Council?

MR. AITCHISON: Yes, Mr. Green, I think the present situation is better, yes.

MR. GREEN: Thank you for your extreme expression of confidence. Now, Mr. Chairman, I said that this Act was to remove confusion. Are you aware of any order of the Clean Environment Commission that prohibited spraying for mosquitoes in Greater Winnipeg?

MR. AITCHISON: I'm only aware of orders which limited spraying in some ways, such as to a single spraying per year, and this kind.

MR. GREEN: Well, let's take it previous to last year. Previous to last year, are you aware of any order of the Clean Environment Commission which prohibited spraying for mosquitoes in Winnipeg?

MR. AITCHISON: As I said, Mr. Green, the only order I'm aware of, of this kind, was a limitation. It didn't actually prohibit it, no.

MR. GREEN: Are you aware that many people in Greater Winnipeg were of the opinion, and stated so, that the Clean Environment Commission has prohibited spraying for mosquitoes in Greater Winnipeg?

MR. AITCHISON: Yes, I'm quite aware of this, I've read most of the publicity and I read your speech in Hansard.

MR. GREEN: So would you not agree that a great deal of confusion had been created by people suggesting that the Clean Environment prohibited spraying in Greater Winnipeg when in fact they had never done so?

MR. AITCHISON: There certainly was confusion, Mr. Green, yes. But I would add, the new situation if this amendment is passed will take the confusion away from the Provincial Legislature, but it will create even more within Winnipeg because of the different - there will be no proper forum to discuss these things any further and it will just become a publicity debate over this mosquito spraying. It will even be worse confusion than ever.

MR. GREEN: Are you aware, Sir, that the Minister at any time can ask the Clean Environment Commission to hold a hearing on any subject relating to the environment and have examination and cross-examination, and that if such a hearing is necessary it can be called within the existing legislation, not only by the Minister but by the Clean Environment Commission?

MR. AITCHISON: Yes, I quoted some of those portions of the original Act, yes.

MR. GREEN: And that that part of the Act has not been changed.

MR. AITCHISON: Yes.

MR. GREEN: So that the Clean Environment Commission, if there is a problem relating to environment in the Province of Manitoba that the Minister can ask it to hold a hearing or it can hold a hearing of its own volition.

MR. AITCHISON: Yes. Well, that's exactly one of the points I raised, that the Minister has had the right already to circumvent the Clean Environment Commission, you can stop all this confusion if you want and just approve the order. Or you can recommend to the . . .

MR. GREEN: I'm asking you whether under the amendment, as it proceeds, whether it will still not be possible to have a hearing with regard to any matter affecting the environment in Manitoba?

MR. AITCHISON: Presumably, I'm not sure of that point.

MR. GREEN: So the only thing that is really different is that the decision as to whether a contaminant will be released within a municipality which can reasonably be confined within its own border will come with the Municipal Councillor and not with the Minister of Mines and Natural Resources. Isn't that the only real difference - the effective difference?

MR. AITCHISON: The effective difference is that there will no longer be a citizen's right to attend any such hearing. It depends on you, if you want to call a hearing I suppose you can, it's not clear whether there's some contradiction between the

(MR. AITCHISON cont'd) . . . . original Act and this amendment. The amendment says that municipalities may begin operating the industry, undertaking, or plant without reference to the Commission and with very little reference to your department. I'm not sure that there isn't some contradiction here between the original Act and the amendment. One says you can operate without any real reference, they just have to send you a notice, and now you claim you can call the hearing if you feel like it. I don't know whether these are compatible.

MR. GREEN: Well, I suggest to you that I have on numerous occasions asked the Clean Environment Commission to hold hearings without application being made under Section 14 of the Act, and I refer to you 13(1): "The Commission may unless otherwise directed by the Minister for the purpose of carrying out its duties and functions under the Act, investigate any matter respecting the environment and for that purpose hold such hearings as it deems advisable." The Commission could still do that unless directed not to by the Minister.

MR. AITCHISON: Well, what's the point? I mean, they're not going to do it. I am sure the Commission haven't found it very pleasant in the past few years either, so they obviously aren't going to do that in respect of, say, mosquito spraying. They're not going to create themselves additional work and bad publicity, so I really don't see the point.

MR. GREEN: Well, why wouldn't they do that, are they worried about politics?

MR. AITCHISON: I'm sure they are, yes.

MR. GREEN: Why would you think they're worried about that?

MR. AITCHISON: Because I'm sure it's very unpleasant for them to have to suffer this bad publicity, also spend a lot of time in these hearings.

MR. GREEN: I have not had that problem with them.

MR. CHAIRMAN: Mr. Axworthy.

MR. AXWORTHY: Mr. Chairman, I'd like to come back to the point raised by the previous member concerning the question of the effects of orders by the Clean Environment Commission. Mr. Aitchison, can you tell me that in your reading of the orders of the Clean Environment Commission has there ever been any order which has specifically stated that the effects of some pollutant or contaminant that they will allow must be limited to a specific municipal boundary or jurisdiction?

MR. AITCHISON: I certainly can't recall any such order. There may be one, but I haven't read every order. But I doubt it.

MR. AXWORTHY: Well, let's clarify this because it's an important point, because the Minister seems to make it an important point. Has there ever been any order which has stated that these contaminants must stop at the boundaries of Pine Falls and not go one inch further beyond those boundaries? That is the point then, Mr. Chairman. --(Interjection)-- Well, that is the point, Mr. Chairman. --(Interjection)-- Mr. Chairman I think I have the floor and the mike, I believe, and I think that some order is required.

Now, in fact, Mr. Chairman, or to the witness, that the Clean Environment Commission has never been able to make an order which would in any way limit the effects of whatever pollutant or contaminant in the air to a municipal boundary, is it possible to do that, for a municipality to say that we will allow spraying within our boundaries and it will not have any effect or any spread or anything beyond our boundaries? --(Interjection)-- That's exactly what the Act says.

MR. GREEN: No, it doesn't.

MR. AXWORTHY: I'm asking the witness, Mr. Chairman . . . I'm not asking the Minister, I'm asking the witness.

MR. CHAIRMAN: Order please.

MR. AXWORTHY: Mr. Chairman, I'm asking the witness not the Minister, and I think the Minister should recognize his place in . . .

MR. GREEN: Mr. Chairman, he's not asking the witness . . .

MR. AXWORTHY: I am asking the witness . . .

MR. CHAIRMAN: Order please. ORDER PLEASE. ORDER!

MR. AXWORTHY: Mr. Chairman, I redirect my question to the witness. Could Mr. Aitchison tell us if there is any way that is technically possible for a municipality to determine what the effects will be of something that is beyond its boundary?

MR. AITCHISON: Well, I really don't see how it can, no, I think these things are so poorly known and certainly anything they emit will certainly - almost anything they emit will go beyond the boundaries anyway, but what the effect is, how could they tell? I don't know. It's very confusing I think.

MR. AXWORTHY: Well, so that is the point, Mr. Chairman, and if I ask the witness again it's a . . .

MR. GREEN: Read the section of the Act: "The operation of the industry, undertaking, plant or process is not likely to result in a demonstrable effect on the environment beyond the municipality." It doesn't say that not one portion of it shall go beyond the boundary.

MR. AXWORTHY: Well let me rephrase the question to satisfy the anxiety and curiosity of Mr. Green. Is there any way in which when such an order is made by a municipality - and I'm asking this to the witness not to Mr. Green - that they could technically scientifically provide a precise definition of "demonstrable effects"?

MR. AITCHISON: Well, I mean it's a meaningless phrase as it stands . . . I mean if you interpret in any meaning of what effect is, it's an effect if it be there, if it's there, if it's detectable it must have some effect just by being there. --(Interjection)--

MR. AXWORTHY: That's exactly the point. Mr. Chairman, I wonder if the witness would be allowed to . . .

MR. GREEN: Mr. Chairman, I am on a point of order . . .

MR. CHAIRMAN: Would the honourable member state his point of order.

MR. GREEN: I would ask Legislative Counsel, not somebody who has an interest in the matter, but Legislative Counsel, whether this type of provision is the kind of provision that is dealt with by enforcement bodies throughout the nation at all times.

MR. AXWORTHY: Mr. Chairman, on the point of order, I am asking the witness on the basis that he is here to present evidence from the point of view of a committee or a council that is looking at it from its technical or scientific point of view. I want to know if in fact there is some scientific or technical way of having this Act apply. It has nothing to do with the legal right, it has to do whether in fact the Act makes any sense from a scientific or technical point of view, and that is the purpose of the witness. That's why I'm asking these questions and I think that it would also be in order, Mr. Chairman, if the Minister will allow the witness to finish his point before he interrupted.

MR. AITCHISON: Yes, I would like to finish this point. This is the same point we started on at the beginning about the vacuousness of this particular subsection. Now, I'll just read it again. "The operation of the industry, undertaking, plant or process is not likely to result in a demonstrable effect on the environment beyond the municipality." It's really very hard to see what this can mean. If you take it in a very naive point which I hypothesized in my brief, if a demonstrable effect is just detecting it with some sophisticated detecting instrument, then this subsection would make the Act vacuous. Of course, Mr. Green questioned me on this, he says that's not the interpretation. On the other hand, if it's not to be interpreted in this very naive way then it's not clear how do you interpret it? Does it mean a damaging effect? Who knows? It's just open to presumably the interpretation of the Minister or his department. So it's transferring some of the what originally was . . . the advisory capacity of the Clean Environment Commission was to advise on just this kind of point, when is an effect on the environment something to worry about. This is being taken away from the Clean Environment Commission and being given to the Minister to decide when is an effect demonstrable, what does it mean? He will have to decide that, instead of the Clean Environment Commission.

MR. AXWORTHY: Mr. Chairman, just to come back to the point then, that the Clean Environment Commission presently makes orders that apply to any activity that would have an effect on the total environment, but does not ever attempt to say that it will have effect on this one side of the boundary but not on that other side of the boundary, because as you are stating, there is no really scientific basis for determining that. Is that correct?

MR. AITCHISON: Well, again, it's just a matter of interpretation of effect. You can interpret it however you want. There's no scientific meaning to this, no, it's just a word which is interpretable however the government wants to, I presume.

MR. AXWORTHY: So, Mr. Chairman, if I may address again to the witness,

(MR. AXWORTHY cont'd) . . . . . that if in fact that there is no real accurate way for anyone to determine that a particular pollutant or contaminant will or will not have a demonstrable effect within a specific jurisdiction, let's say a bordering jurisdiction, then it really makes that part of the Act pretty much now useless because it really means that the municipalities have no way of determining whether, if they allow a certain activity inside their own boundaries, that it will or will not have a demonstrable effect on a municipality next door to them.

MR. AITCHISON: Yes, I would certainly agree with that. I don't see how the municipality would have any hope, if ever, of using this. I think they'd use it and see what happened, you know, they'd probably just go ahead and hope for the best, would probably be the likely action.

MR. AXWORTHY: All right, Mr. Chairman, I think that we can establish that point then. The second set of questions I would have for Mr. Aitchison would be that you point out in your brief or in your statement that under the amendments to this Act there is no requirement at this point for a municipality to hold a hearing in order to determine or give an order allowing or disallowing a particular environmental activity. Is that correct?

MR. AITCHISON: No, there is no such thing, no, we don't have to have any hearings apparently.

MR. AXWORTHY: So from the point of view of the Environmental Council your concern - I just want to clarify this - is that really there is no way in which scientific evidence, citizen interest or otherwise can be presented to a municipality other than if they decide themselves that they would allow people to come before council or would set up their own procedures, that there is nothing in this Act that requires a municipality to ensure openness of hearings so that proper evidence could be presented, is that your interpretation or assessment of the council?

MR. AITCHISON: Well, yes, the only requirement seems to be forwarding Point 1(c) or (d): "The municipality before it begins operating the industry, undertaking, plant or process files with the department a statement describing the industry, undertaking, plant, process, etc., setting out dates it intends to begin the operation." So it has to file some statement with the department and it also has to file with the department "a statement containing detailed assessment of the possible effects on the environment within and beyond the municipality of the operation of the industry, undertaking, plant . . ." There's no public involvement in this, it's just apparently between the department and the municipality.

MR. AXWORTHY: Mr. Chairman, then if one of the major differences between the previous Act and the way the Act would work under this amendment is that that there would in effect, in those areas where the municipality claims jurisdiction because the effects are not demonstrable beyond its boundary, would you say that still a major problem of the Act is that at the present time under the Clean Environment Commission that there has been a useful experience of people being able to make scientific presentations on the Act or interest on behalf of certain communities and has that worked to the point where the decisions have been informed by such presentations?

MR. AITCHISON: Well, I feel that's the case. For example, in hearings I've been present at I think there's been a move towards better decision-making, there's more concern to do a good job than there was before, in, for example, mosquito spraying. That's my opinion, yes. It's unfortunate this adverse publicity has occurred over these things, but I think that's something one has to live with.

MR. AXWORTHY: Well, Mr. Aitchison, from the point of view of the Environmental Council which is a group of people representing different . . . I gather represents business and municipalities and different kinds of associations . . .

MR. AITCHISON: Well anyone who has a legitimate interest in the environment is eligible for membership, and what we consider as such . . .

MR. AXWORTHY: Has this issue been discussed by the council?

MR. AITCHISON: This brief?

MR. AXWORTHY: This particular bill, this brief.

MR. AITCHISON: No, we haven't had a meeting since the matter came up. It's been approved by the executive, this brief.



MR. AXWORTHY: By the executive, the brief.

MR. AITCHISON: Yes, or the council.

MR. AXWORTHY: Would you be able to, either from your own point of view or perhaps speaking for the council, indicate whether the issue that was raised in debates in this House, that in effect we should give decision-making back to the decision-makers, the politicians at the municipal level, from your opinion as a private citizen, can issues such as this, dealing with environmental matters, particularly those that are dealing in a fairly complex area where you're dealing with chemicals and have a lot of scientific evidence attached to them, what is your assessment or the assessment of the council in relation to simply putting it back into a political body to make a decision without having an opportunity for proper assessment of scientific evidence? Does it work elsewhere or what is the opinion of your group on this?

MR. AITCHISON: Well our opinion I think was clear in the brief, that it's a step backward in things. In the U.S.A. or anywhere else the step forwards in environmental management in this sense have all come from the government unfortunately, it's government regulation, and I think to lose government regulation is a bad step. Even Mr. Green himself has said that the City of Winnipeg has not in the past taken a responsible attitude towards say mosquito control, and I really don't see how this change in the Act is going to change that situation.

MR. CHAIRMAN: Mr. Green on a point of order.

MR. GREEN: Mr. Chairman, on a point of privilege.

MR. CHAIRMAN: Privilege.

MR. GREEN: I have said that they have not taken responsible action because they have not had the responsibility. I believe if they have the responsibility they will take responsible action.

MR. AITCHISON: Well that's your interpretation but I'm not so sure that . . .

MR. CHAIRMAN: Order please.

MR. GREEN: Mr. Chairman, I just talk about the point that the member is making that I have said that they have not taken responsible action. I did not pursue it on that point.

MR. AXWORTHY: . . . from the point of view of the council then. Would the council be somewhat happier with the bill and not consider it such a retrograde step if in fact there was some amendment to the bill that would indicate that municipalities should hold public hearings and allow for presentations similar to what happens in the Clean Environment Commission, so that that kind of evidence could come forward and there would be some insurance for the public that decisions would be made on the grounds of the full evidence related to the matter?

MR. AITCHISON: Yes, that's equivalent to setting up a new Clean Environment Commission for every municipality, that seems a very complicated way of going about it, it's a possibility to consider, but I really would rather . . . I feel a centralized one is better. If you start separating them each one has to start from scratch, whereas in theory the present Clean Environment Commission once it's discussed mosquito spraying for one municipality, say, has information and standards that it can apply all over Manitoba, which is a great advantage, it cuts down the work they have to do.

MR. AXWORTHY: So your position then is that really the only effective way of ensuring that there is a build-up of a body of knowledge and information about the different environmental effects of different activities, is to have a provincial-wide commission that is then able to make its orders, which could then be, if so ordered, overturned by the Minister or interfered directly by him.

MR. AITCHISON: Yes, of course you're just getting to my opinion here. This is not a matter we've discussed in the council, provincial-wide clean environment commissions. I mean it's just my opinion, yes; that it should be one Clean Environment Commission, yes.

MR. AXWORTHY: Okay. One final matter I'd like to ask, Mr. Chairman, is the matter of the Minister's right to ask for hearings if and when and so he decides, which still remains as part of the powers of the Act. I wonder if Mr. Aitchison could give his assessment or opinion on the question of whether in fact that if the Minister was to do that, that would even look like more political interference in the activities of the municipalities

(MR. AXWORTHY cont'd) . . . . . if a Minister overturned their Act or asked for a hearing of the Commission, as is presently the case. And I'm asking it on the basis of the degree to which the municipalities now see the activity of the Clean Environment Commission as an interference in their rightful role.

MR. AITCHISON: Yes, well that's apparently the City of Winnipeg's position that they constantly come out with press reports saying the Clean Environment Commission is interfering with what should be rightfully theirs. And as I think I indicated to Mr. Green, I don't think it's very likely he ever would intervene in such a situation and hold a hearing even though he may have the power under the Clean Environment Act. It seems very unlikely he ever would want to open it up in that way which would be quite an adverse thing publicly to do I would think.

MR. AXWORTHY: One final set of questions, Mr. Chairman, to Mr. Aitchison on behalf of the council. Has the council itself undertaken any studies or assessments about the effects or damages related to the use of chemicals in the air in terms of the build-up of chemicals in the different municipalities in Manitoba and to what degree it may constitute a danger to health or whatever?

MR. AITCHISON: No, we haven't done any actual field work studies. We wish we could, it's a pretty complicated and difficult thing to do. We have actually reviewed a lot of information put out by various research bodies to see how this applies to Manitoba; of course it doesn't apply very well, but we've done what we can with our present resources we've tried.

MR. AXWORTHY: Mr. Chairman, I'm wondering if Mr. Aitchison could indicate though that even on the basis of the limited assessment that you've made, to what degree does the council view the problem of the use of chemicals particularly in the air as something that has a potentially damaging effect, particularly in the health of people or other species.

MR. AITCHISON: Well, of course, it's just great concern at the moment, we feel there's potentially quite bad problems but I mean we haven't got the research to prove anything. But there is a lot of concern in the council that not only is there maybe build-ups or dangerous side effects but also that things could at least be better controlled is, you know, the most we can do at the moment, and to lose this control is quite bad in the present situation. There certainly is a proliferation of chemicals and usages which is quite disturbing.

MR. AXWORTHY: Mr. Aitchison the point came up again in our debate that all these chemicals that are used in fact have been tested by the Federal Government and that they have been given approval for use. If that's the case, if the Federal Government has done this testing, why would the council be concerned about this build-up or the concentration of chemicals? Could you give us some explanation on that?

MR. AITCHISON: This testing by the Federal Government is a real potential red herring; they only test them individually, of course, was one point. There's no limit to the amount of chemicals that can be introduced to the environment, if you combine them altogether. They don't test them that way. Everybody thinks they test them and pronounce them safe and of course they don't, they don't pretend to do that.

MR. AXWORTHY: Excuse me, Mr. Chairman. They don't say that they are safe?

MR. AITCHISON: Oh, certainly not.

MR. AXWORTHY: Oh, I see, that's interesting.

MR. AITCHISON: That is a real red herring. If you look at any statements made by the Federal Government all they say is that we've carried out certain tests and according to these tests we think that if the chemical is used at a certain level, there's a good chance it won't kill people or have obviously bad effects. But they really have little idea, they don't think it's actually safe. I mean the decision to use it is a political one. The scientists give a certain body of information, they do what tests they can, they do the best they can, which is not too good, and then after that it's a political decision to use a chemical. They can't say it's safe, they just can say with a given probability of 90 percent say that it doesn't cause birth defects or something but they can't be sure, they really can't tell. The testing isn't sophisticated enough to tell.

MR. AXWORTHY: Mr. Chairman, then if this Act was to go into effect the way it is designed, it means then that the City of Winnipeg could give approval to a certain

(MR. AXWORTHY cont'd) . . . . number of chemicals that go in the air, let's say for spraying purposes, and East St. Paul could allow some and West St. Paul could allow some and the Municipality of Rosser could allow some, but at some point they all come together in some sort of chemical concentration which would have a whole series of unintended effects or effects we don't know?

MR. AITCHISON: That's quite possible, yes. Right, it's never tested, no.

MR. AXWORTHY: So it comes back to the question of demonstrable effect then, we have no way of knowing whether in fact the allowance of that kind of activity would have a demonstrable effect because these things combine in the air . . .

MR. AITCHISON: In fact the chemicals are often not tested in the way they're used, like methoxychlor to my knowledge has never been tested for ingestion by breathing, it's tested by consumption in the diet and, of course, chemicals which are breathed in can have quite different effects than chemicals which are eaten or ingested in some way.

MR. AXWORTHY: Well, Mr. Chairman, that last point is of some concern. You mean at this stage we don't really know in many cases what the health effects are of many of these chemicals and so on that we are using?

MR. AITCHISON: Oh, certainly not. I mean it's very expensive this testing, even as it is. It's very rudimentary even at this present level. They just do their best with what they can. They have these limitations of money, time and complexity. They just do what they can with the present situation and then they say well, you take it from here, this is what we can tell you, it's safe up to a point but we don't know how safe, we don't know what it does. And then it's a political decision, the politicians have to decide.

MR. AXWORTHY: All right.

MR. CHAIRMAN: I wonder if you'd keep the questions confined to the brief as much as possible.

MR. AXWORTHY: Mr. Chairman, I'm trying to deal with the central point at issue which is the question of demonstrable effect and what we're determining now is that there is very little way of determining demonstrable effect and that certainly there's no way municipalities can determine demonstrable effect and in fact it may be that even the Clean Environment Commission even can't because we're not doing the proper research testing assessments of the use of chemicals in this province. But certainly there is no way the municipalities can do it and that's the point that we're trying to raise, that it really makes the amendments to the Act totally and completely ludicrous. Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Graham.

MR. GRAHAM: Mr. Chairman, I would like to ask Mr. Aitchison one question. If a municipality wishes to clean its streets by sweeping and thereby creating a dust problem or whether it wants to wash them down and possibly create a problem in their sewage lagoon, should that decision be made by the municipality or should it be made by the Clean Environment Commission?

MR. AITCHISON: Well I don't know. It may come under the Clean Environment Commission, I've never even thought about it. I've never even heard about it.

MR. CHAIRMAN: Mr. Osland.

MR. OSLAND: Mr. Chairman, through you to Mr. Aitchison. Do you feel that there is enough of the public that are aware of the problems that you're concerned about with these pollutants and contaminants?

MR. AITCHISON: Well, obviously not. If there were more people aware, I think there would be more people giving briefs here today than just me.

MR. OSLAND: Quite right.

MR. AITCHISON: I think most people are not aware of the issues, right.

MR. OSLAND: Well one of the questions that arises with myself as far as what's going on, first of all it's a Manitoba Environmental Council that you are a member of?

MR. AITCHISON: Yes, that's correct.

MR. OSLAND: How is your membership representative for the whole of Manitoba?

MR. AITCHISON: Well it's not just Winnipeg, this is a government legislative . . . is this a government legislated body? We're appointed by the Minister himself . . . even though we have our differences.

MR. OSLAND: I really don't understand your concern that the municipalities cannot participate in this as say have an Environmental Council at every municipal level, with your body disseminating information to educate each individual group at the municipal level and thereby developing the expertise right across the province and making more people aware. I don't understand . . .

MR. AITCHISON: We have attempted to disseminate information across the province but I mean it won't help them if they can't make representations to the Clean Environment Commission any longer. I mean what use is it to them?

MR. OSLAND: Well here we are in 1976 . . .

MR. AITCHISON: Yes.

MR. OSLAND: . . . and we've got a problem, you know, in society we've got a problem of all these pollutants, etc. and somehow or another all we've been talking about and what's brought all the big concern up is just Winnipeg again with the mosquito control. And I can tell you right now that from my riding we have problems up there in the north, up in Churchill, in the Churchill riding. We haven't got this sort of expertise that you have here, and somehow or other you haven't got anyone in our area trained, educated and promoting your stance.

MR. AITCHISON: Maybe we haven't been to Churchill but, for example, last week or the week before some people went up to Thompson and gave a presentation there to a local group and we want to continue this. We are actually making plans that if some local person will sponsor and get it organized, we will send out the most expert people we have to talk about a given issue.

MR. OSLAND: It still brings me back to my original feeling that I don't see your concern with this legislation. If we give the control over our whole damn country back to the people at the local level and quit this big brother attitude I think we're going to get somewhere, and I don't think you're getting anywhere at the moment with your council, with your spraying in Winnipeg.

MR. CHAIRMAN: Order please. You're starting to make a speech, Mr. Osland. You are supposed to be asking questions. Are there any further questions. Mr. Green.

MR. GREEN: Mr. Chairman, . . . I would really regret the dialogue that took place and conditions which I am real unhappy with. I am disturbed that there is a suggestion that this is being done for political reasons when the political reasons have nothing to do with vote getting one way or the other, but have to do with trying to undo confusion that has been created by virtue of the present Act. Those were the political motivations, no others, and I regret that the controversy occurred.

MR. CHAIRMAN: Any further questions? Hearing none, thank you, Dr. Aitchison.

Linda McKay. Not here?

MR. KELEHER: Excuse me, Mr. Chairman, that probably is an oversight. I think she was going to alert me when this committee was meeting.

MR. CHAIRMAN: She evidently did a good job. Mr. Smethurst, on Bill 21, An Act to amend the Condominium Act (2).

MR. ROBERT SMETHURST: Mr. Chairman and committee members. I'm appearing here today in my personal capacity as one who has been interested in condominium legislation since its inception in 1968. I do not have a written brief for you today, however my comments will be brief and if you felt it was necessary I could provide you with written copies of the two or three small amendments that I am going to be proposing to Bill 21.

I might add that I have already made known to the proponent of the bill, Mr. Axworthy, and to a representative of the Honourable Minister, these views that I will be presenting to you today.

It is quite obvious as I read the bill that the intention of these amendments is to protect the rights of tenants in the event of a conversion of their residential building into a condominium. If that is the case, and I sincerely believe it is, then the first change that I would suggest to the proposed Section 5(1.1) is the addition of the word "residential" in the first line after the word "contains", so the first line would read: "Where the property to which a declaration relates contains residential buildings". In other words, this proposed amendment, I think, is relating to residential properties and not commercial

(MR. SMETHURST cont'd) . . . . properties, there is no need for these provisions of safety to be put in with respect to any commercial properties where there are leases of same.

The next matter and it is the one really that I believe is the most important is the provision set out in subsection (b) of Section 5(1.1), the effect of which is that a tenant must be given a three-month option from the date of registration of the condominium to purchase that unit. Now, as I have mentioned, the intention of all of the amendments and particularly this clause I gather is to protect the rights of tenants in the event of a conversion by giving them the first right to purchase the unit in which they are living. Now what happens in a condominium conversion, and I have had some experience in this having handled one and been involved in some others, is that the owner must arrange his unit financing ahead of time before the registration of the condominium declaration and the other documents, that is the plans that are filed in the Land Titles Office. In most cases that financing will be contingent on a certain number or a certain percent of units being sold before the registration of the document. In other words, the mortgage lender or the proposed mortgage lender says, "We will provide you with this mortgage financing if in fact you are able to confirm to us that a certain percentage of the units have been sold." At that point then the owner of the development goes out and first of all speaks to the tenants, his first market and really his best market in selling condominium units are the tenants who are in that building right now. And as a matter of fact, Mr. Chairman, and members, what in fact does happen and has happened here in Manitoba and in other provinces, the owner offers a substantial incentive to the tenants to purchase their units, and the reason for this is that there are certain selling costs and so on which are going to be saved if he sells to the tenants and these savings can then be passed on to the tenants in that block. And it is only if the tenant does not purchase that unit that he will then make an attempt to sell the units to other members of the public.

It therefore is my suggestion that subsection (b) would be amended in this fashion, and I might add just before I give the proposed change in wording, Mr. Chairman, I do not feel that a three-month option would be necessary in circumstances such as this and it would be my recommendation that it would be reduced to a 30-day period. And the reason for that is this. The owner of the development will have made the arrangements for the financing of the mortgages if he is going to turn it into a condominium. In other words, everything is all in effect and ready for the tenant should he choose to purchase. From practical experience I have found that the tenant will know very quickly or make up his mind very quickly whether he wants to purchase that unit or whether he wants to remain as a tenant. And I should at this point perhaps stress one thing. That is that the rights of tenants are not affected by the legislation; if a person is in tenancy, he can remain in tenancy just the same as before the conversion. So that his rights are protected.

Now I note that subsection (c) requires a statement to that effect in the declaration and I find no problem or difficulty with that although, in fact, from a legal standpoint I don't think that is necessary, but certainly it creates no problem, it clearly sets out the rights of the tenants in such a case of a conversion, and therefore I see no difficulty in leaving that clause there.

The proposed wording then of subsection (b) and I'll read it through, Mr. Chairman, so that you can follow the proposed amendment: "it contains a statement that each tenant, who on the date of registration is in occupation under a written lease, has" - and then I suggest the adding of these words - "been given an option or will be given" - then we carry on with the wording that's here - "an option exercisable at any time within" - then I propose changing three months to 30 days - "after the date of" - and then I propose deleting the word registration and in place of that the words - "receipt of the option". The rest of the clause is exactly as it is now. So that the effect of this proposed change would be that if an owner of a development is proposing to convert it he will, after having made his necessary arrangements as I mentioned with the financial institutions for lining up the mortgages and so on, he would be required to give the tenant a 30-day option to purchase his block, at a specified price of course. That tenant then if he did not exercise that option within that period of time, the owner could then proceed to attempt to sell that and any other units in the property which would be subject to the rights of those tenants. So that it is unlikely that he would be able to sell the particular unit that that tenant was

(MR. SMETHURST cont'd) . . . . . in because obviously he has a lease and the lease rights are protected by the statute. But it does enable the owner of the development who has the required consents or the required number of units sold at a time in some future date, it does enable him then to go ahead with the conversion and to go ahead and sell those units to those tenants that do want to buy and to those members of the public who may want to buy for investment or other purposes. And in the meantime the tenants' rights with respect to the units that they are living in are protected.

There is another factor which I think should be mentioned at this point and it's in the way of a general comment really, that conversions are, I believe, and I sincerely believe this, one way of making available to the lower income earners a means of purchasing accommodation, a means that these days are becoming increasingly difficult due to the rising costs of single-family dwellings, and we are all aware of these rapidly rising costs that are putting home ownership out of the means of many of our population. The experience has been with condominium conversions that it is making possible to persons of more modest means an opportunity to purchase their accommodation so that they can own it or acquire ownership through a period of time instead of being confined to rental payments.

With respect to the proposed Section 7.1, Mr. Chairman, I would like to say that I heartily agree with this particular recommendation, I think it is a good one. I think frankly that what is set out here is in fact or would be in fact followed by any owners or developments who are responsible persons who are going to be considering conversion of their units, but this clause certainly makes it quite clear to any prospective purchaser that he is - well it makes it that a prospective purchaser is entitled to, at the very least, this particular information.

There is actually one other that I might add to it as a suggestion and if it were added then I would think that perhaps clause (b) would not be necessary; and that is that a copy of the declaration - and the declaration in a condominium is sort of the governing document, it's like a constitution or by-laws really, it governs how that property is going to be owned and who has what rights and so on - so I would like to suggest that perhaps 7.1 might be added by requiring that a copy of the proposed declaration would be provided to a prospective purchaser.

I use the word "proposed" for a specific reason. Sometimes at the last minute some little changes are required in the declaration form because of requirements of the Land Titles Office or the mortgage lender or maybe just some oversight of the owner, so I would not think that it would have to be restricted to an exact copy. But so long as there were no material changes in that declaration then I suggest that the rights of the prospective purchasers would be protected and it would enable them then to have all of the information available to them at least 48 hours before the agreement would be binding on them.

Mr. Chairman, that concludes my remarks with respect to the bill.

MR. CHAIRMAN: Thank you, Mr. Smethurst.

MR. GREEN: A point of order. Is there a copy of your brief, Mr. Smethurst?

MR. SMETHURST: No, Mr. Green, I mentioned at the outset I don't have a copy of it available but I had made these comments known, as I say, to a representative of the Minister and to Mr. Axworthy. If you wanted . . .

MR. GREEN: It will be on the record now.

MR. SMETHURST: That's right. If you did want anything, I could certainly provide it.

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: Mr. Chairman, one of the features of the bill is that you have to have the written consent of 50 percent of the tenants. I'm just wondering if you could indicate whether you had considered a higher figure or why you would support this figure rather than say 98 percent.

MR. SMETHURST: Well actually, Mr. Doern, speaking personally, I am not particularly in favour of requiring the consents at all of the tenant, but I think that it's something that can be lived with, that it does offer reasonable protection. I think that as long as at least half of the persons living in the block or in the townhouse development, as the case may be, had indicated that they were willing to agree to this, that it was then reasonable, it would not unreasonably prevent those from purchasing units or conversion

(MR. SMETHURST cont'd) . . . . going ahead and allowing the other tenants to purchase their units. So I certainly wouldn't be agreeable personally to any higher figure - as I say personally I'd prefer none - but I think this is reasonable and that it can be lived with.

MR. DOERN: So your preference is for no figure or even a lesser figure?

MR. SMETHURST: I would say so, yes.

MR. DOERN: Secondly, do you have any fears about a wholesale conversion to condominiums either as a natural process which appears to be going on in other cities or as a result of rent controls, I mean do you foresee that in Winnipeg there are going to be signs all over the place "converting to condominium, contact owner/manager." Do you see this as a result of rent control legislation, as a natural trend, or do you see it as kind of a slow evolving process in our province?

MR. SMETHURST: Well speaking historically, it's pretty obvious that the acceptance of conversions here has been a very slow process, I think from 1968 to now, I think we've had - the last word I think was seven or eight condominiums, that is all in that period of time. Now I know that many other cities, Toronto, Vancouver, for instance, have had great numbers of condominiums and a fair number of conversions, I believe, my understanding is nothing like the number of conversions as there have been new developments. To answer your main question, no, I don't think that there would be any wholesale conversions taking place, there may be some as I say, and I think that would probably be quite welcome from the standpoint of the marketplace and making available accommodation. I think that just the monetary considerations and the restraints of the lending institutions and so on will certainly cut back or make it not an easy thing to convert and therefore it will be specific situations. I don't think it would be general at all. That's my reading of it.

MR. DOERN: So your position is sort of being put, it is not as a result of a concern or a reaction against the rent control legislation, you'd be putting this today if there were no rent control?

MR. SMETHURST: Absolutely.

MR. DOERN: The other question, Mr. Chairman, is do you think that apartment block owners should be prevented from converting to other purposes? For example, supposing someone owned an apartment block and he decided that he was going to convert it to office space, either a portion of the block, like a few suites, I notice an ad in the paper recently, at Holiday Towers they appear to be offering small carpeted offices which I suspect are really apartments, or like Edmonton Street and nearby where you have some sort of a mix, you have in some of the blocks offices of businessmen or architects which are clearly apartments being used as offices. So I'm saying do you have any concern about this or would you be prepared to recommend legislation in that area as well, to block or limit attempts by people who own apartment blocks to convert for commercial purposes, or is that not one of your concerns?

MR. SMETHURST: I must admit I hadn't really directed my attention to that. I don't think that that would happen in any great quantity. The use of the units I think is something that would be dictated probably by location, by zoning, by many other things. Certainly there have been some very fine developments that have been very good mixes, of commercial and residential but I think that would be more under the heading of new construction and really not too much in the way of conversions. I can't really see that happening, at least from my knowledge of the Winnipeg market.

MR. DOERN: I can't either.

MR. CHAIRMAN: Mr. Graham.

MR. GRAHAM: Mr. Chairman, I just have one question, and it's regarding subleases. Maybe there are some of us here who are more familiar with subletting because that's our method of living while the Legislature's in session. You mentioned that you have 30 days notice which would be handed to the lessee.

MR. SMETHURST: To the tenant, yes, lessee.

MR. GRAHAM: Will there be any problem. I suspect there's a fair amount of subletting going on in the city. Would that 30 days be from the time that the tenant receives a notice or when you mail it to him, because it could be a month before you could catch up to the actual tenant who has sublet his apartment.

MR. TALLIN: Receipt of the option is the words that Mr. Smethurst suggested, so that receipt means receipt . . .

MR. GRAHAM: So it would be from the day that he receives that notice, even if it takes a month to track him down?

MR. SMETHURST: That is right.

MR. GRAHAM: That's all I wanted to know.

MR. CHAIRMAN: Mr. Axworthy.

MR. AXWORTHY: Mr. Chairman, I just wanted to indicate that Mr. Smethurst, as he indicated, gave these proposed amendments, and I have no objection to them. I think that they improve the bill and I would just indicate my own approval of them, and in fact thank Mr. Smethurst for appearing on his own time. He was the original drafter of the condominium legislation or worked on it and I think it's very helpful to have his contribution on this.

MR. CHAIRMAN: There are no further representations before the committee, and the hour of adjournment having arrived, I thank Mr. Smethurst.

MR. GREEN: Mr. Chairman, I think that when we next meet that we go into these bills that we have heard representations on, and I'm just trying to think . . . maybe Tuesday morning.

MR. CHAIRMAN: Committee rise.