



Second Session — Thirty-Second Legislature
of the
Legislative Assembly of Manitoba

STANDING COMMITTEE

on

LAW AMENDMENTS

31-32 Elizabeth II

*Chairman
Mr. P. Eyer
Constituency of River East*



MG-8048

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ADAM, Hon. A.R. (Pete)	Ste. Rose	NDP
ANSTETT, Andy	Springfield	NDP
ASHTON, Steve	Thompson	NDP
BANMAN, Robert (Bob)	La Verendrye	PC
BLAKE, David R. (Dave)	Minnedosa	PC
BROWN, Arnold	Rhineland	PC
BUCKLASCHUK, Hon. John M.	Gimli	NDP
CARROLL, Q.C., Henry N.	Brandon West	IND
CORRIN, Brian	Ellice	NDP
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DESJARDINS, Hon. Laurent	St. Boniface	NDP
DODICK, Doreen	Riel	NDP
DOERN, Russell	Elmwood	NDP
DOLIN, Hon. Mary Beth	Kildonan	NDP
DOWNEY, James E.	Arthur	PC
DRIEDGER, Albert	Emerson	PC
ENNS, Harry	Lakeside	PC
EVANS, Hon. Leonard S.	Brandon East	NDP
EYLER, Phil	River East	NDP
FILMON, Gary	Tuxedo	PC
FOX, Peter	Concordia	NDP
GOURLAY, D.M. (Doug)	Swan River	PC
GRAHAM, Harry	Virden	PC
HAMMOND, Gerrie	Kirkfield Park	PC
HARAPIAK, Harry M.	The Pas	NDP
HARPER, Elijah	Rupertsland	NDP
HEMPHILL, Hon. Maureen	Logan	NDP
HYDE, Lloyd	Portage la Prairie	PC
JOHNSTON, J. Frank	Sturgeon Creek	PC
KOSTYRA, Hon. Eugene	Seven Oaks	NDP
KOVNATS, Abe	Niakwa	PC
LECUYER, Gérard	Radisson	NDP
LYON, Q.C., Hon. Sterling	Charleswood	PC
MACKLING, Q.C., Hon. Al	St. James	NDP
MALINOWSKI, Donald M.	St. Johns	NDP
MANNES, Clayton	Morris	PC
McKENZIE, J. Wally	Roblin-Russell	PC
MERCIER, Q.C., G.W.J. (Gerry)	St. Norbert	PC
NORDMAN, Rurik (Ric)	Assiniboia	PC
OLESON, Charlotte	Gladstone	PC
ORCHARD, Donald	Pembina	PC
PAWLEY, Q.C., Hon. Howard R.	Selkirk	NDP
PARASIUK, Hon. Wilson	Transcona	NDP
PENNER, Q.C., Hon. Roland	Fort Rouge	NDP
PHILLIPS, Myrna A.	Wolseley	NDP
PLOHMAN, Hon. John	Dauphin	NDP
RANSOM, A. Brian	Turtle Mountain	PC
SANTOS, Conrad	Burrows	NDP
SCHROEDER, Hon. Vic	Rossmere	NDP
SCOTT, Don	Inkster	NDP
SHERMAN, L.R. (Bud)	Fort Garry	PC
SMITH, Hon. Muriel	Osborne	NDP
STEEN, Warren	River Heights	PC
STORIE, Hon. Jerry T.	Flin Flon	NDP
URUSKI, Hon. Bill	Interlake	NDP
USKIW, Hon. Samuel	Lac du Bonnet	NDP
WALDING, Hon. D. James	St. Vital	NDP

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LAW AMENDMENTS

Thursday, 9 June, 1983

TIME — 10:00 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Phil Eyer (River East)

ATTENDANCE — QUORUM - 10

Members of the Committee present:

Hon. Ms. Dolin, Hon. Mr. Evans, Hon. Ms. Hemphill, Hon. Messrs. Kostyra, Parasiuk, Penner and Plohman, Hon. Mrs. Smith and Hon. Mr. Storie

Messrs. Brown, Corrin, Doern, Mrs. Dodick, Messrs. Downey, Driedger, Enns, Eyer, Graham, Harapiak, Hyde, Johnston, Malinowski and Manness, Mrs. Oleson, Ms. Phillips, Messrs. Ransom, Santos, Scott and Steen

APPEARING: Mr. Rae Tallin, Legislative Counsel

WITNESSES: Presentation made on Bill No. 4:

Mr. Walter Kucharczyk, Private Citizen

Presentation made on Bill No. 12:

Mr. Doug Connery, Association of Irrigators in Manitoba

Presentation made on Bill No. 15:

Mr. Gary A. MacDonald, Manitoba Wholesale Implement Association

Presentation made on Bill No. 43:

Mr. A. Cerilli, Manitoba Federation of Labour

Presentations made on Bill No. 50:

Mr. Florencio B. Antonio, Association of the Non-Recognized Filipino Professional and Technicians in Manitoba Inc.

Mr. Mario J. Santos, Chairman of the Presidents' Council

Mr. Myron Spalsky, Manitoba Parents for Ukrainian Education Inc.

Mr. Rod E. Cantiveros, Editor/Publisher of the New Silangan

Mr. Dante Buenaventura, Filipino Folk Arts, Inc.

MATTERS UNDER DISCUSSION:

Bill No. 4 — The Manitoba Oil and Gas Corporation Act; Loi sur la société Manitobaine du pétrole et du gaz naturel.

(Hon. Mr. Parasiuk)

Bill No. 12 — The Water Rights Act; Loi sur les droits d'utilisation de l'eau.

(Hon. Mr. Mackling)

Bill No. 15 — An Act to amend The Highway Traffic Act.

(Hon. Mr. Uskiw)

Bill No. 17 — An Act to amend The Judgments Act.

(Hon. Mr. Penner)

Bill No. 25 — An Act to repeal the Statute of Frauds; Loi abrogeant la loi intitulée "Statute of Frauds."

(Hon. Mr. Penner)

Bill No. 35 — An Act to amend The Trustee Act.

(Hon. Mr. Penner)

Bill No. 43 — The Transportation of Dangerous Goods Act; Loi sur le transport des marchandises dangereuses.

(Hon. Mr. Uskiw)

Bill No. 46 — The Perpetuities and Accumulations Act; Loi sur les dispositions à titre perpétuel et la capitalisation.

(Hon. Mr. Penner)

Bill No. 50 — The Manitoba Intercultural Council Act; Loi sur le conseil interculturel du Manitoba.

(Hon. Mr. Kostyra)

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MR. CHAIRMAN: Committee, come to order. We are considering the committee stage of Bills 4, 12, 15, 17, 25, 35, 43, 46 and 50. We also have a list of five people who would like to make presentations on Bills 4, 12, 15, 43 and 50. What is the will of the committee on how to proceed? Should we listen to the presentations and then proceed to the clause-by-clause of the bills? Agreed. Shall we take the bills in order?

The Member for Virden.

MR. H. GRAHAM: Mr. Chairman, I would suggest that if any of the people making presentations are from out of the city, maybe we should hear them first.

MR. CHAIRMAN: Are any of the members of the public present who wish to make a presentation from out of town? Okay, would you like to make your presentation first? Would you state your name for the record so that we know who you are and what organization you represent?

MR. D. CONNERY: My name is Doug Connery and I'm with the Irrigators Association of Manitoba.

MR. CHAIRMAN: Before you proceed, maybe I could explain some of the procedures we follow here. What happens is this is a committee which hears representations from the public. After you make your presentation there may be members of the committee who wish to ask you questions to clarify what you were saying.

Mr. Parasiuk, on a point or order.

HON. W. PARASIUK: Would it be appropriate if we set a 20-or a 40-minute time limit to presentations, so that everyone knows before they're coming up for presentations, rather than, say, getting into a situation where we're having a one-or a two-hour presentation and not being aware of it and in a sense changing the rules in the middle?

MR. CHAIRMAN: Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, had we done that with the Surface Rights Bill that was under Mr. Parasiuk's jurisdiction, we would have a great deal of difficulty, so I would wonder why he would want to impose those restrictions now.

HON. W. PARASIUK: Yes, I hadn't thought of it at that stage but I realize that we did have some long presentations, that possibly could have been shorter or, secondly, could have split up into 40-minute presentations, because I know that one long presentation was made by eight people who specifically presented particular pieces. That's been done before.

I can recall when the Conservative Government was in office and had a majority of the committee when Family Law representations were being made, there were limits of 40 minutes or 20 minutes. I just raise this. If there's no general consensus on it, I'm not going to push it, because I think we can probably have all the representation made this morning without difficulty. It's just that people are trying to establish a ground rule for someone coming up and making a representation. If the Opposition objects, I don't know if we'll press the case, but if we have some general consensus we could go with a 40-minute time limit.

MR. CHAIRMAN: Is there a consensus on that point?
Mr. Ransom.

MR. B. RANSOM: Mr. Chairman, I don't especially have any objection to that. There may have been situations in the past where it's been done and I suppose you can make the case that when an individual member has a time limit placed upon him for speeches and certain stages of a bill, that you could require a person making a presentation to do that. It happens that this morning there aren't very many presentations and I don't expect it will be a problem.

MR. CHAIRMAN: Could we perhaps than suggest a flexible guideline of 30 minutes?

Very well then, Mr. Connery, if possible we would appreciate it if you could keep your presentation, and other members keep your presentation to within 30 minutes, although it is flexible for going beyond 30 minutes.

As I was saying after the presentation there may be members who would like to ask questions to clarify your position. The committee is not a committee for debate though between members, and members of the public, and members of the committee, so it basically will be a one-way questioning of the committee to yourself or the presenter.

Also as you may notice behind me there is a recording booth and the general procedure is for the Chairman to recognize each speaker, primarily so that the Hansard recorders downstairs will know who is speaking and when it comes out in Hansard they will have the proper names to the proper scripts. So I would appreciate it if members of the public and members of the committee would wait to be recognized before speaking.

Having said that, Mr. Connery, I'd like to invite you to begin your presentation. This is on Bill No. 12, The Water Rights Act.

BILL NO. 12 - THE WATER RIGHTS ACT

MR. D. CONNERY: Okay. The blue sheet in front of you is what I'm going to be reading directly off of. Myself and other directors of the Irrigators Association have gotten together and the different points on this blue sheet are concerns that we have in what has been proposed for the new bill, parts that we would like to clarify if we could, and there's other statements in there saying of parts that have been changed in the bill that we do approve of.

Okay, to start with No. 1, Section 1, "Licensee" is defined as "a person who . . .". Previously, "licensee" was defined as "person or company, to whom . . .". AIM feels that companies, as well as individuals, should be eligible for licences.

The word "company" has been left out and just the word "person" has been left in the bill now. A lot of farms that are irrigating are companies, they're not in individual names.

Point No. 2, in Section 1: The phrase "does not include the use of water for recreational purposes" in the definition of "industrial purposes" is approved by AIM. However, explanation is sought as to the place of the watering of golf courses in the priorities of other places. What we're asking here is, just what is the definition of recreational?

Point No. 4, Section 5(3)(a): A complete farming enterprise was built around irrigation and it is unreasonable to have licences with a limited term. AIM strongly feels that licences should have no life-span limit.

(b) With a limited term, it is possible to have a licence expire and to have the water reallocated with no compensation. If the term must be fixed, renewal should be automatic. Non-renewal of an expired licence should be considered equivalent to cancellation, requiring notice, hearing and possible compensation as stipulated in Sections 14 and 19.

No. 5 is more for clarification. "Preliminary work" requires definition or explanation. For example, preliminary work might include test drilling and engineering studies. Permanent work should not be required for preliminary work.

No. 6. AIM feels that the issuance of a permit for preliminary work should be accompanied by an assurance that if the necessary work is done and sufficient work is found, a licence will be issued. There is an assurance for a period of time for preliminary work, but there is not an assurance of a set time for licence to be handed out if all the criteria is being met.

Point 7 and 8 pretty well fit in there too. Okay, 9 and 10 are pretty well self-explanatory. I don't know if I really need to read over them.

No. 11 is a point that we all have some great concerns about. AIM holds the firm position that in the case of transfer of land title, an irrigation licence should be transferred as well. Therefore, section 11 should read, "Where an estate or interest in land is transferred, any subsisting licence relating to the estate or interest is automatically also transferred provided that the Minister is informed of the transfer within 60 days. A licence that is transferred retains its precedence as stipulated in section 8."

A lot of the farms that have been built on irrigation, their profitability is set on a long period of time. Also passing on from generation to generation for that farm to continue, it would also need that timespan that they know that they would be able to irrigate. Without some kind of assurance, it's pretty hard for some of these farms to make some long-term commitments without some - well guarantees are the things that we need to be able to continue on farming in the future will be there for us.

Point No. 12 is more for clarification. Where several licensees of a common water source hold licences for a purpose lower in priority than the purpose given in a new application, on what basis are cancellations or restrictions placed? Are all licensees treated equally (proportionally), or according to the precedence of their licences? This is a point that we would just like to have clarified if we could, so we would know what the situation would be when that point arises.

Points No. 13, 14, 15, 16, 17 and 18 are all points of protection that have been added into the proposed bill to protect the farmers or have some means of compensation or arbitration to settle the problem.

Point No. 1, further down: The proposed Act stipulates time limits which must be followed by licenced applicants. Similar time limits should be stipulated for licensing authority for the acknowledgment and processing of a license application.

There has been a time limit set for licences that are applied for that they must be put into place or whatever, but there is not time limit set for a licence being handed out after the equipment has been put into place. If the time period was over a year before the licence came out, we felt that a lot of farmers who already had their equipment put into place, and if they're going to start farming in the spring would be pumping illegally if the licences weren't handed out within a stipulated time.

We have a concern with the present backlog of applications and we feel that this backlog should be tried to be cleared up as soon as possible. There is a backlog of applications and there is a backlog of a lot of renewals that have been sitting there maybe for a year or two, a renewal hasn't been sent out yet and a lot of people are pumping illegally.

The question of emergency cutoffs have not been answered. To quote from the AIM position paper presented to the hearings on Ground Water Management in 1981, our statement was: "Before any new user receives a licence, adequacy of supply must be established. In the majority of cases, this should ensure the availability of water. However, in emergency situations, when water may be scarce, all licenced irrigators should be rationed in direct proportion to licenced acreage. This agreement would encourage everyone's efforts to conserve water in rare cases of water shortages. In contrast, the present 'last on, first

off' arrangement provides no incentive to conserve water, except for the most junior licensees." This is a point that maybe up till now hasn't been too much of a concern. With irrigation expanding very quickly this could be a very major concern in the future.

That's about all I have for my presentation right now. Some of the points I've gone over very quickly, but most of them are spelled out very clearly, the ones that I have gone over quickly.

MR. CHAIRMAN: Are there any questions for clarification for Mr. Connery?

Mr. Ransom.

MR. B. RANSOM: In terms of the transfer of the licence with the title to the land, that is a recommendation, of course, that was made by the Water Commission when they did their investigation into ground water management in Manitoba and that recommendation is included in their September, 1981 report. It's a position certainly that I agree with. I can outline to Mr. Connery the rough terms of what prevails with respect to forestry licences where there is a 20-year term on those licences and at the end of each five-year period the terms of the licence are then reviewed. If the resource is still there, if there hasn't been a fire, or insect damage to deplete the resource, or the inventory is still proved to be accurate, and the licensee is still meeting the terms of the agreement then that agreement then is extended for another five years. So that there is a continuing period of time that essentially ranges between 15 and 20 years of duration unless there is some reason that the agreement should be allowed to run down towards the end. That seems to me to be the sort of system that would be useful with respect to water rights and I'm wondering what Mr. Connery would think of that kind of system.

MR. D. CONNERY: We would appreciate any kind of length of a period that we could get in that kind of situation. The longer the period that we can get the better, due to the pay back period on a lot of our costs because right now it might look like we're just looking at irrigation costs that we're concerned about. But the irrigation cost is maybe a tenth of what is totally involved.

I need water to grow the vegetables on my vegetable farm but once I've got them growing the sheds, and the packing sheds, and the equipment and everything else is all tied up in one lump sum. Without the water for me to grow my vegetables, my equipment, all my capital assets that are tied up are then useless because they can only be used for vegetables.

So without some kind of lengthy guarantee or renewal, or some kind of system for - we can see maybe as times change the amount of water available might change too but we would like to have some kind of roll back or continuation of the licence as long as we could, and transfer, if my son wants to farm in the future. If the water license isn't able to be transferred into his name, or whatever, then the farm would stop right there because without the water we wouldn't be able to do the type of work we do.

Or if a farmer who has built a vegetable farm has no family to continue on the business and would like

to sell it for resale, he cannot sell it as a vegetable farm if he doesn't have the water licence to go with it so then what he's going to get for his farm as a total is not going to be very much. What is he going to do with his buildings, and his equipment, and everything else if he does not have some kind of guarantee that that licence will be able to go with the sale of the farm?

As we were saying here, the Minister was told six months ahead of time, or some kind of system was set up so that there would be an acknowledgement of what's going to be happening. It just didn't happen on its own.

MR. B. RANSOM: I realize now I confused the two arguments there in presenting them to you. One is the transfer, and the other is the term of the lease.

The point I want to make with the first one is that the Water Commission recommends it be transferable, as do you. Perhaps you could just indicate to the committee what kind of investment we are talking about here so that the committee realizes that the person who is selling out their operation has a very significant investment which they have no guarantee then on the market of that unless the licence is transferable.

MR. D. CONNERY: Well, our farm is just strictly vegetables and probably is one of the larger vegetable farms in Manitoba. I'm just pulling a figure out of my head because we haven't had our farm looked at in a number of years for a price, but . . .

MR. B. RANSOM: Just the equipment.

MR. D. CONNERY: Just the equipment and buildings alone?

MR. B. RANSOM: The irrigation equipment.

MR. D. CONNERY: Oh, the irrigation equipment alone. We're probably looking at \$40,000 or \$50,000 minimum, that would be irrigation equipment alone.

MR. B. RANSOM: And that would be to cover, I take it, a fairly small area relatively speaking because the vegetable operation - I would judge that some operators who are irrigating corn or sunflowers, for example, could easily have a quarter of a million, half a million dollars invested in the irrigation equipment.

MR. D. CONNERY: Yes, they would. We only irrigate 400 acres and the irrigation cost seems very small, but our other capital costs that go for the running of the farm might be around 700,000.00. So, without the water our other \$700,000 isn't worth anything.

MR. CHAIRMAN: Mr. Santos.

MR. C. SANTOS: Thank you, Mr. Chairman.
I would like to ask Mr. Connery about Section 11.

MR. D. CONNERY: Point No. 11 on our form?

MR. C. SANTOS: On your form.
When you own something like a piece of property and it is a necessary appurtenance thereto like land

with a building on it, the building goes with the land when you sell it, right?

MR. D. CONNERY: True.

MR. C. SANTOS: Are you saying that a licence is just like a building on the land, that it always goes with the land, an essential part of the land?

MR. D. CONNERY: If that licence is going to be used to the same extent as it was by the previous owner, I think it should, as long as it meets the criteria, that person is going to meet the criteria of that licence as it was before, we would like to see it transferable.

MR. C. SANTOS: Mr. Chairman, if I own a motor vehicle, I have to register it and insure it with Autopac so that I will have the licence to operate it. As soon as I sell that motor vehicle to a purchaser, my registration and licence automatically cease. The new purchaser has to apply for a new licence to operate the same vehicle. In much the same way I would say is the licence to use water upon the land.

MR. D. CONNERY: Okay, we agree that a person is going to have to apply, they will have to have a licence in their own name, but what we would like is for the licence to be able to be transferable and have the same holding that it had before, because if I'm selling our large farm, if the licence cannot go along with it and there will not be any water licence for that land, that land can only be used for grain farming or some other thing - my carrot harvester that I have, my ice plant that I have for broccoli, my refrigeration for the carrot shed and everything else is no good to a grain farmer or a corn farmer or a dairyman. So for me to be able to sell that to somebody else that cannot irrigate, that value is only going to be of whatever it can be sold for and that's going to be at way below cost of what it's going to be worth.

MR. CHAIRMAN: I would like to remind Mr. Santos that this is not a debating forum, if you have any questions.

MR. C. SANTOS: I just had to ask some other questions of him. The point I would like to ask is whether a privilege, which is not an essential part of the realty, should be considered as an appurtenance of the realty when it is just a privilege to use water? Do you agree?

MR. D. CONNERY: I agree that the water is held by the Crown, and that we have to have a licence to be able to pump. Our association as irrigators though are trying to make everything as legalized as we can. Up until now, there are probably maybe a third of the people that are pumping water that don't even have licences. Up until about two or three years ago, there were a large amount of people that didn't even know that they needed to have a licence. So up until now, the ground rules have been there, but they haven't been clarified or they haven't been acted upon.

What we are trying to do is trying to get everything as legal as we can, get everything set down so that we know as irrigators where we stand. We know what

we can legally do and so we can plan our future, but we're trying to also make it follow some of the rules that have been taken as granted up until now.

MR. C. SANTOS: Mr. Chairman, if Mr. Connery agrees that the right to use the waterline is a right of the Crown, won't he agree that to transfer it as part of the land will be to privatize the right to water and, therefore, transfer it from ownership of the Crown to ownership by the owner of the land?

MR. D. CONNERY: I didn't quite understand that question.

MR. C. SANTOS: The question is does Mr. Connery agree that to give absolute right to the use of water to the owner of the land is, in effect, to transfer the right to use the water from the Crown to the owner of the land?

MR. D. CONNERY: The grower does not get the absolute right, because in the Act there are other portions that state in there that if the grower doesn't meet the criteria of the irrigation or whatever that the licence is suspended or it has to go to arbitration before it's suspended. So there are other portions of the Act that would cover that.

As long as the grower meets the stipulations of The Water Act, we would like the licences to be transferrable.

MR. C. SANTOS: Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Enns.

MR. H. ENNS: Mr. Chairman, I know it's not appropriate to comment, but I will nonetheless. It is always nice to have the Minister responsible for the bill present to hear some of the suggestions that are being made, particularly at committee stage.

Through you, Mr. Chairman, to Mr. Connery, on Item No. 3 on the reverse side of the bill . . .

MR. B. RANSOM: . . . he's not here.

MR. H. ENNS: Pardon?

MR. B. RANSOM: You might had add, for the record, that he's not here.

MR. H. ENNS: I thought I was doing that obtusely. "Before any new user receives a licence, adequacy of supply must be established," which we take for granted. "In the majority of cases, this should ensure the availability of water. However, in emergency situations, when water may be scarce, all licensed irrigators should be rationed in direct proportion to licensed acreage."

I'm assuming, of course, that is a position that your organization has taken and is willing to accept and live with. I don't think we've had to face that situation too often, but I just want to underline that is a position that your association is officially prepared to live with, a joint conservation of scarce supply should it be scarce.

MR. CHAIRMAN: Mr. Connery.

MR. D. CONNERY: True. Our stand on this whole bill is not to have something put in that is just good enough for today. We also want something that is going to be good enough for the future because, like I was saying before, we need some kind of long-term guarantee. If we have proposals in there that are going to be good enough for us to stand by 10, 15, 25, 30 years from now, we know that we're not going to be running into some kind of problems. But if we put in proposals that are only good enough for today but not 10 years down the road, we know that we're going to be running into the same problems again. It's taken us a long time to get to where we are now, and I know if we have problems 10 years down the road it would take a long time after that for the problems to get solved again.

MR. H. ENNS: I know my colleague, the Member for Turtle Mountain, asked this question, but I ask it again if for no other reason but to help to educate members of the committee such as Mr. Santos, can you give us some global figures of, for instance, the scale and scope of the irrigation industry in Manitoba? Is that unfair of me to ask? Ballpark figures, how many millions of dollars worth of equipment are we talking about? What scale of industry are we talking about?

MR. D. CONNERY: I cannot cover the whole irrigation industry in Manitoba because I don't get involved in the total thing. But in the Portage area alone, just talking about the six main vegetable growers, two years ago our wages paid out to workers was about \$1.5 million. Our operating expenses on fertilizer, fuels and everything else was close to about \$2.5 million. That doesn't include capital. That's just day-to-day operating, so vegetable irrigation is very intensified. It probably would be the largest, but potatoes is quite large and now corn is getting into it and also other cereals. So the type of farming that is done with irrigation is very expensive, but it also pays back to the Manitoba society very quickly.

MR. CHAIRMAN: Mr. Penner.

HON. R. PENNER: Thank you, Mr. Chairman. First of all, I have been asked by the Minister to say that he was called away on other business. He is a morning person, and he was in the building before 8 o'clock this morning. The reference that was made that he's not here because he's not a morning person is inaccurate. His Legislative Assistance is here by design.

Furthermore, he has received this brief from the AIM, and I'm instructed to say - indeed, I'm happy to say on my own account - that first of all I would like to thank AIM very much for a very thoughtful and well-considered brief, to assure them that the points made will be considered, that we will not move to clause-by-clause consideration of the bill until the Minister is here and has had an opportunity to consider whether or not there are amendments that he wants to make flowing out of the presentation which, again let me repeat, is an excellent one.

I don't want to deal with the various aspects. Certainly I don't at this stage want to deal with the question raised in Paragraph 11 which is an interesting one and might be considered in alternative ways. I just want to

say that with respect to the first point concerning the licensee defined as "a person." "Person" by The Interpretation Act of the Province of Manitoba does include corporations, so corporations are covered.

Again, thank you very much for a very good presentation.

MR. CHAIRMAN: Are there any further questions for Mr. Connery? Seeing none, I would like to thank you for taking the trouble to come here today, Mr. Connery. On behalf of the committee, thank you once again.

MR. D. CONNERY: Thank you, ladies and gentlemen, for your time.

MR. CHAIRMAN: Is it agreed that we proceed in numerical order on the bills? (Agreed)

Bill No. 4, the member of the public wishing to make a presentation is Mr. Walter Kucharczyk.

BILL NO. 4 - THE MANITOBA OIL AND GAS CORPORATION ACT

MR. W. KUCHARCZYK: Good morning. Mr. Chairman, I will spell my last name for the benefit of the Hansard people, K-U-C-H-A-R-C-Z-Y-K.

HON. R. PENNER: We have that Walter. It's a matter of record.

MR. W. KUCHARCZYK: I'm not as learned, Sir, as you are. I am not a past professor of the law. — (Interjection)

MR. CHAIRMAN: Order please.

MR. W. KUCHARCZYK: I see the honourable member from around Melita. He's in kind of a poor mood this morning. Maybe he knew in advance that I will be here.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. CHAIRMAN: Order please.

MR. W. KUCHARCZYK: Mr. Chairman, pertaining to Bill No. 4, I'd like to divide that in two parts; one the history and philosophical aspects of it, and two, in slightly technical end of it, which will be brief. By the way, I promise the Honourable Mr. Chairman, the Honourable Minister of Energy and Mines, I will be very brief. How much time do I have?

So, once for and all, over 30 years smelling the crude oil from Iraq and a little bit in Poland yet - let me put it this way. The question of hydrocarbons does not belong to any political theory or practise. It's simply a question of supply and demand and when it comes to find it, now that's not the Ukrainian garlic sausage. You can't smell in advance - that takes lots of hard work. Start with your physical, do physical work, then subsequently, once you have established possible formation, then that's when the money counts. You toss the coin up and hope for the best because you might find the same formation full of saltwater instead of oil.

Now, I heard time and time again, in some cases rightly so, that the amateur enters this particular industry

and I will go back to 1974-75, very briefly. I hope, Mr. Chairman, you, Sir, and through you, of course, to the committee and the government, will learn the lesson not to interfere politically in such scientific work; that is to say, the exploration. To refresh your memory, Mr. Chairman, at the time when the political aspects were used jointly, 54 dry wells had been drilled, jointly, and two separately by the department.

Now, since Mr. Green is not here any longer and by Mr. Green, I mean the past Minister of the Crown, and since no compulsory participation by the Crown exists - because it was wiped out from the books - I say to you, good luck with Bill No. 4. You go back to 1908, and I think, even though not being Anglo-Saxon, an example should be taken from the British Empire, the days when the sun never settled. Is that correct English? — (Interjection) — Never set, sun. Thank you, kindly. Thank you. Well, that's a benefit for me too. Very well. Now then, 1906, I believe, or 1908 . . .

MR. H. ENNS: That's when the Irish screwed it up.

MR. W. KUCHARCZYK: I hear we have entertainment, the honourable gentleman for Lakeside. In 1906 or 1908, the BP came to be, which was strictly controlled, of course, by the British Government and I believe the Royal household had some interests in it - maybe they still have some. Now, the British Petroleum should ring a bell, because a recent transaction where they really made the money on Petro-Canada, by selling the most unprofitable end of it - the service station operations; however, again an example of the know-how by the British, they kept the reserves that they established in Alberta.

Royal Dutch Shell, I don't think there's much influence of the Marxism. It was non-existent then when they went into the business and still Royal Dutch Shell controls all there under different names. Here in Canada, I believe, Shell Canada Resources Limited operations from "A" to "Z" from exploration, right through their refinery, transportation, interest in pipelines, through retail market of the energy matters, such as various gasolines, diesel fuel, etc., in excess of 700 by-products that do come from the crude oil.

Then, of course, one cannot bypass traditional company - the Aquitaine of France. France learned a lot from others and they took advantage. So they have a field; they have a beautiful field in Alberta.

While we're on this subject, I would like to point out to you, Mr. Chairman, that I've been privy to the lectures by honourable memory, Dr. Sproule - not honourable member - honourable memory. Dr. Sproule is one of the outstanding persons in petroleum industry in Canada, and as early as 1950, after the Second World War, of course, which ended May 8, 1945, he advocated that because of a shortage of capital, the petroleum industry should be looked into from a joint venture point of view; that is to say, the Government of Canada to contribute the cash as a silent partner and people with the know-how go ahead and do more exploration in Alberta and Northern Territories. Nobody can interpret that to me. I was present, I listened. My company paid my expenses in Jasper - all right.

Now then, nothing happened, of course, from the federal point of view - it takes them time, no matter

who is in power - it takes them time to make up their minds, because they look at the political aspects. In the meantime, the majors moved in, took advantage of the suggestion and the oil-well fields and today it's history.

Why I'm referring to the history, because even though on the surface the ManOil might be in a doubtful position, particularly from the point of view of \$20 million, that's kind of a limited amount. But in principle, there is nothing wrong with it whatsoever, and I ask my friends in the major companies; they say, we can have a joint venture anytime with them. We can use our knowledge and if they put up the money they are sure we go ahead with them. That's majors. Of course, Mr. Chairman, the Honourable Minister doesn't believe in majors, he believes in juniors - that's his favourite expression. Of course, he is a Minister, he is privileged to have his opinion and I guess I have my own too. Nothing wrong also to go together with junior companies.

You people very often overlook one very important aspect and the aspect is the availability of the land. Unfortunately, under this particular bill you cannot expropriate, so you have to utilize either your own title to mines and minerals that you did not sell yet on the public sales, or go jointly with the one who already has a title to mines and minerals including petroleum and natural gas and related hydrocarbons.

I want to refresh your memory very briefly. Petro-Canada moved in finally, they discovered - somebody showed them on a map where Manitoba is and they moved into Manitoba for a couple of wells. Great deal! All of a sudden, they found something very realistic - the question of the land. You have no land, well how the heck can you build the house? Suspend it in the air? If you have no land, well then, and you are too big like Petro-Canada . . . moved from normal place where it is of the executives, right on the forehead, while they cool off in Manitoba. I say to you, Mr. Chairman, the area of Manitoba is as puzzling as the first date when you and I - well, you are still young and I'm old - the first date, we don't know what we have and the only answer is: drilling. You can have geophysical interpretation. Unless the drilling is done, then you can assess what you have.

One day, Sir, now it just might be of some interest. I mentioned before, the gentlemen, I never remember his constituency name correctly from Melita.

A MEMBER: Arthur.

MR. W. KUCHARCZYK: Thank you.

That very first well where lots of land was available, it was known as a Downey No. 1. How you know? So, when I heard his name, I thought, well, now that son of a gun went in politics, eh. By how many feet they missed?

A MEMBER: Downey No. 1.

MR. W. KUCHARCZYK: Yes. — (Interjection) — I'm glad the Hansard doesn't put signs with the fingers.

By a few feet they missed the discovery, that was Jimmy Owens of Texas was drilling that well, which is immediately north of today's Waskada. You gentlemen

take a pride and rightly so in Waskada, because it's really the most booming area in Canada right now - no kidding - the most booming, but why? For a very simple reason - land.

The knowledge was there as far back as 1952-53, Sir. Then the Government of Canada all of a sudden puts in the law that affects foreign corporations, Royal Dutch Shell had the whole block of the Waskada. So, they had to sublet that on a royalty basis to somebody else who was interested.

Now, a point in common with the land. As I said before, without the land you can't do a darn thing, and I say the technical people of ManOil should be left alone from political interference of the Government of the Day - it doesn't matter who is in power again, eh - and give them the chance to use their knowledge, because you're going to hire the whole staff.

Here already I see in a proposed bill, Sir, on Page 3, it says, right on the top: "Priority to Manitoba Interests." Paragraph 5: "In exercising any of its powers, the corporation shall give priority to the exploration for and development of oil and natural gas within Manitoba.

Well, Sir, last time when you were patient with me over an hour and a half or so - I don't know if you were patient, but you didn't show otherwise - we have Manitoba Mineral Rights in the Province of Saskatchewan through the history of railway company going broke, and Manitoba had a title to both Surface Rights and Mineral Rights. As a matter of fact, I was anxious yesterday when there was a question discussed of right away the removal of the railroads, what are you going to do about the Mineral Rights. Well, through the law, it will be wrong to tie the hands of those from whom you expect to be productive and fulfill the obligation.

So when you are going through today, through your law amendment process, I hope I won't say something wrong and if I do, I do not belittle the Minister in charge, Mr. Chairman, but I think — (Interjection) — thanks, but I think he should consult people with whom he anticipates to work in the field. It's one thing to put in a bill and another thing to implement, Sir. That's my suggestion on that particular point.

Secondly, on Page 6, in Paragraph 14(1), you limit to \$5 million. You might run into the situation that - excuse my expression, but that's what they say in the oil industry and I think elsewhere too - when the hell breaks loose, you can't afford to run back and forth. If you heed tremendous discovery your \$5 million is just a peanut stand, that's all, in comparison with the operations in the industry, eh. So, you should not tie the hands of those people at least from two points of view, amount and timing, because time is an essence in petroleum industry as any other mining industry. So, perhaps you'd be good enough, Mr. Chairman, through you, Sir, to the Minister - to take a good look at it.

Now, in connection again with the past, at least that's what they used to tell me, you learn on mistakes of the past. The damage to petroleum industry was done back in Manitoba retroactively to April 1st, 1974 on the old oil. The taxes were incredible and still they are, despite the fact that I hear from both political parties how good they are to petroleum industry - wonderful - but my accountant doesn't tell me that, because the old oil tax is still there. Once and for all, don't try to

mislead those that know better because that comes out of their pockets, eh.

So, when you talk about the new oil today, I think it only fair to the public to tell the public the truth. You inherited the tax and, of course, back even in the old country, they used to say, "there is no rake that rakes away, always rakes towards the one who rakes." So, you're really doing a good raking job, and I'm talking about the old oil. That's why I'm retired here and that's your tough luck, because I make your life miserable, as you know, once in a while, because I have enough time, eh.

By the way, I give the credit to anyone whenever is credit due and I might disagree on some points, but when the person earns through the public performance, eh, I take my hat off - well, I don't wear a hat, so I bow.

Mr. Chairman, what happened in Waskada, it happened many years ago in the Province of Saskatchewan initially by Mr. Thatcher on the potash he had 3 percent tax. He sucked in the potash companies and look what happened. That's one example, eh. In petroleum, Sir, the same thing.

Since it's an open season on petroleum industry I think, Sir, it's your duty, Mr. Chairman, to explain to the public that those companies are not man eater. They contribute a lot, because if you look at any aspect of your life, and I bet you one to a thousand that ladies here have 99.9 percent of things they wear on them that comes from crude oil, except the hairdoes, I don't know about it. The crude oil is producing so much today in everyday life, the necessary commodities. Even farmers know that. I mean the farmer farmers not just suitcase farmers.

So coming to a more serious aspect without going into details of the bill because, Mr. Chairman, Mr. Minister has the access to people, up to date as to equipment, the aerial survey and the records back since 19, I think, '48 of even holes below 500 feet, 500 or below 500.

Well, of course, the staff will have a free hand under the present Minister, Mr. Chairman. It just happens I have observed that long enough. It's not Mr. Sid Green, he knew best what's good for people than people themselves. Even in industry, we had a meeting one time, 13 of us, and after two minutes, he said, sorry, I have another appointment. That's how it ended and I won't go into all the details.

So I say to you, Mr. Chairman, in conclusion, that if you will not interfere with those whom you will entrust in positions from a political point of view, and if you will not develop the champagne taste on a beer income, then you have just as good a chance in relation to capitalization as any other company in this province, in Saskatchewan and Alberta. Sure, don't let somebody throw at you, say, a year before last, \$7.2 billion taxes and royalties by Imperial.

MR. H. ENNS: You got me now, Walter.

MR. W. KUCHARCZYK: I've got you a long time ago, Sir.

MR. H. ENNS: Thank you. Because the know-how, you can buy. But the last sentence or the last paragraph,

I say don't make a surgeon or a medical doctor make pair of shoes, and the shoemaker to remove an appendix. Act according, please, because that's my tax dollar too. Thank you.

MR. CHAIRMAN: Are there any questions for Mr. Kucharczyk?

Mr. Parasiuk.

HON. W. PARASIUK: Yes, I'd like to thank Mr. Kucharczyk for his presentation. I think he's had a lot of experience in the oil industry.

I would point out to him that the \$5 million limitation is for temporary loans, for cash flow purposes, but Section 16 says that there can be loans by the government. This would have to be done by Order-in-Council and it would have to go through a loan Act which would have to be debated then in the Legislature.

So that type of flexibility does exist and, of course, it would have to get legislative approval through a loan Act. So that flexibility and the concern that Mr. Kucharczyk had about not being able to respond to a find or a major possibility that flexibility does exist within the Act.

MR. W. KUCHARCZUK: Mr. Chairman, I like to thank the Minister - it's first time - for explaining to me the details. It's the first time he's been so nice. I guess he knows the ManOil is going through. Thank you, Sir.

MR. CHAIRMAN: On behalf of the committee, I would like to thank you, Mr. Kucharczuk, for coming here today.

MR. W. KUCHARCZUK: Thank you, Sir. Good day to you all and I hope you will be productive in due course. I have no issue to bug you with.

BILL NO. 15 - AN ACT TO AMEND THE HIGHWAY TRAFFIC ACT

MR. CHAIRMAN: The next person on my list for making a presentation is Mr. Gary MacDonald of The Manitoba Wholesale Implement Association who would like to make a presentation on Bill No. 15, An Act to Amend The Highway Traffic Act.

MR. CHAIRMAN: Mr. MacDonald.

MR. G. MacDONALD: My name is Gary MacDonald, and I am Vice-President and Director of Marketing of Macdon Industries here in Winnipeg. I'm here today representing the Manitoba Wholesale Implement Association and the Canadian Farm and Industrial Equipment Institute.

With regard to An Act to Amend The Highway Traffic Act, Bill 15, the Canadian Farm and Industrial Equipment Institute is a trade association whose members are manufacturers and distributors of farm and industrial equipment marketed in Canada. Members' sales account annually for a large majority of the total market for field-type machinery and implements sold in Canada. CFIEI has recently reviewed Bill 15, An Act to Amend The Highway Traffic Act, and would like to take this opportunity to express the concerns which it has with this legislation.

Sections 4 to 7 inclusive of the bill require that certain lighting equipment and reflectors be included on self-propelled implements of husbandry; and farm tractors, when operated on a highway at a time when lamps are required, to be lighted, by Section 33, Clause 11 of the Act.

While we agree with the amendments in principle, it would appear that most, if not all, manufacturers do not currently have the ability to produce equipment which will comply with the standard set out in the bill. In order that lighting requirements for this type of equipment in the Province of Manitoba be consistent with the requirements of other jurisdictions, we would strongly suggest that you consider amending Bill 15 to provide the lighting and reflectors to be carried on this type of equipment will be acceptable if they comply with the American Society of Agricultural Engineers Standard: S279.8, which we have in front of you. Lighting and Marketing of Agricultural Equipment on Highways, which in turn is based in part upon the Society of Automotive Engineers Standard J594. Similar standards for construction and industrial equipment are also available as SAE Standards J1029 and J99.

Most manufacturers are able to comply with the above standards at present. The imposition of different standards by the Manitoba Government will in all likelihood result in farmers purchasing equipment which, although equipped with lighting and reflectors, does not comply with the standards contained in the bill. A large majority of this type of equipment is manufactured outside of Canada and as such we are sure you can understand most manufacturers are unable to produce machinery and equipment equipped with lighting and reflectors which will meet the requirements of a single jurisdiction when those requirements are not consistent with those of other jurisdictions.

The burden of obtaining and installing lighting and reflectors which comply with the requirements of Bill 15 would then fall upon Manitoba farmers, and we would suggest that advantages of requiring a Manitoba farmer to replace lighting equipment supplied on a machine by the manufacturer when that lighting equipment complies with an internationally recognized standard.

CFIEI therefore believes that the passage of this bill in its current form would create significant problems for farmers in the Province of Manitoba, and we would strongly urge you to consider amending Bill 15 in the manner suggested above.

That's the submission from the Canadian Farm and Industrial Equipment Institute and the Manitoba Wholesale Implement Association endorses that submission. I've also attached a copy of the ASAE Standard S279.8 and it's fairly detailed, so I won't read through it in the interest of time, but as an example I would like to read one or two clauses to give you an indication of the type of specifics they get into.

Section 3 - Lighting and Marking Requirements:

3.1 relates to the definition of the vehicles involved. Propelling vehicles, or tractors, or self-propelled units.

3.1.1: At least two head lamps conforming to SAE Standard J975. Headlamps for Agricultural Equipment, and mounted at the same level and as widely spaced laterally as practicable. Lamps projecting a trapezoidal light pattern and mounted at a height of 2.1 metres (7 ft.) or less shall be aimed so that the top of the beam is at least 1 degree below lamp center level but not

more than 4 degrees below lamp center level and centered laterally.

This is just an example of the type of standards that the majority of manufacturers throughout Canada and the United States are designing to, and we feel very strongly that the amendments brought out in the bill will impose some undue hardships on the farmers and also dealers, but particularly farmers of the Province of Manitoba.

In closing, the farm machinery safety with regards to on-farm or highway transport are major concerns of our organizations. We are eager to assist and contribute our expertise to these or any other amendments to be made to The Highway Traffic Act regarding farm machinery.

Thank you.

MR. CHAIRMAN: Are there any questions for Mr. MacDonald?

Mr. Uskiw.

HON. S. USKIW: Mr. Chairman, I want to thank Mr. MacDonald for the benefit of his views. I just want to raise one question arising from your comments. I believe it was inadvertent on your part to replace the word "question" with "suggestion" or something of that nature which you used, unless it was your intent to change the context of that paragraph on Page 2 where you say, "We would question" and you said, "We would suggest." I presume that was an inadvertent . . .

MR. G. MacDONALD: Yes, Sir, it was. It's to be taken in context with the writing. My apologies.

HON. S. USKIW: That's fine. That's an important difference obviously.

MR. CHAIRMAN: Mr. Downey.

MR. J. DOWNEY: Mr. Chairman, I have a question in relationship to the comments that you make that you are not producing the equipment that would meet this Act, and would have to have some changes made to the manufacturing of farm equipment. Would it be a fairly major cost to the companies and, therefore, be carried over to the farm community if this were to be carried through and implemented?

MR. G. MacDONALD: Sir, I think the major concern of these amendments, although there aren't a lot of amendments particularly affecting this area, the one relating to having pilot vehicles before and after machines on the highway, we feel, could be a major problem. The lighting is very specific in the standards set out by ASAE, and a lot of the machinery that is sold in Manitoba is manufactured outside of the province. A lot of it comes from the United States, and so there would be a lot of difficulty for the local farmers and dealers to deal with the legislation as it now stands.

MR. J. DOWNEY: Therefore, there would be fairly major cost implications to bring the machines up to the standards that are being set by the government?

MR. G. MacDONALD: With regards to the reflectors they are suggesting, it would be more of an

inconvenience, I guess, than a cost. But with regards to the clause relating to the piloting, it would be, I would say, a dramatic cost. But more important, it would virtually grind the nighttime working to a halt. As you know, in the months of August and September when we are harvesting, swathing and combining primarily, there is a lot of nighttime work going on and it would really impose an undue hardship.

MR. CHAIRMAN: Mr. Manness.

MR. C. MANNES: Thank you, Mr. Chairman. I would ask Mr. MacDonald if it is not in some situations just unfeasible, particularly for the farmer who is farming alone and who hauls his own grain during harvest, it's virtually impossible to bring somebody, at least, from his farm to act as a driver for a pilot vehicle.

MR. G. MacDONALD: I would agree. Correct.

MR. CHAIRMAN: Are there any further questions for Mr. MacDonald? Seeing none then, I would like to thank you for taking the trouble to come here today, Mr. MacDonald. On behalf of the committee, thank you once again.

MR. G. MacDONALD: Thank you.

MR. CHAIRMAN: The next presentation on my list is on Bill No. 43, The Transportation of Dangerous Goods Act, to be presented by Mr. Al Cerilli.

BILL NO. 43 - THE TRANSPORTATION OF DANGEROUS GOODS ACT

MR. A. CERILLI: Thank you, Mr. Chairman, committee members. I'm Al Cerilli, C-E-R-I-L-L-I, and I represent the Canadian Brotherhood of Railway Transport and General Workers. I am also on the executive of the Manitoba Federation of Labour.

I want to highlight my presentation, which will be verbal, by saying that the introduction of Bill 43 is a positive step towards public safety in the mode of transportation as a whole when we're talking about the transport of dangerous and hazardous goods. The transportation of dangerous and hazardous goods has been and is a serious concern of our union, not only because we represent some 500 employees in Manitoba who are involved in the handling or could be involved in the handling and transportation of dangerous goods, but also are highway drivers.

Our concern also deals with the safe disposal of these dangerous and hazardous goods. I say that, for the benefit of this committee, I was one of the members of the Symposium on Hazardous and Dangerous Goods. Let me tell you that it was one of the most educational processes that I've ever been involved in in my life.

First of all, we had world-wide calibre speakers that dealt with the dangerous product of hazardous wastes, which we as a society produce, and the transportation thereof, and the disposal thereof. One only has to recognize the Love Canal, the Mississaugas, the MacGregor spills, the CPR yards in our own backyard here and so on. Most recently, the land site in Toronto which many of you have probably seen in the news

last night, that homes were built on a site which buried atomic waste. I suggest that we can no longer afford the luxury of simply scratching the surface when we deal with transportation of dangerous and hazardous goods and their disposal.

Accidents do not only happen on the railways. They happen also on the road truck transport. Let me tell you that it might be a worthwhile exercise, Mr. Chairman, for this committee to get some evidence and information from the associations and the companies involved and the railways to show that when a tanker truck blows up in the middle of a city, it could destroy that area and kill many people involved in that surrounding particular street. So those are just some of the highlights I want to make this committee aware of.

We are concerned about a number of things, particularly the hours of work for highway drivers, which in my view is still involved in the days of slavery in that the driver teams, the sleeper cabs, still have to work 70 hours a week. A single driver that will be transporting these dangerous and hazardous goods still has to work 60 hours a week. Needless to say, we are concerned with this type of working condition which will involve and could be disastrous to the public as a whole.

I want to overemphasize that public safety and employee safety must override any company concern that may come before you and present what they may feel is the form of deregulation in regards to the transportation of any goods, never mind dangerous and hazardous.

I want to remind this committee that while the United States has deregulated to some degree, you must realize that their experience and their control is very simple. When you are violating those regulations, which hopefully will accompany this Bill 43, the inspectors that are involved simply take your truck off the highway. It's as simple as that. And with me I have Mr. John Bockstael, who is a local officer of Local 209 of the Brotherhood here, who is a highway driver, and I'm sure that he can tell you that the abuse of drugs and other such stimulants to stay awake, because of these long hours that have been going on for much too long, are running rampant in the transportation field, and I suggest that these things must be addressed, particularly in the regulations.

I would also suggest, Mr. Chairman, that the public be made aware of the dangers that are involved in regard to the transportation of these dangerous and hazardous goods. It's worthy to note that while I was sitting here this morning, we heard from other speakers presenting concerns about other parts of the agenda before you, and in a sense they were dealing with chemicals, oil spills, if you like, and so on. Most of these things are transported by rail or by truck; by air; also by water. And when these accidents happen, I don't have to remind you that the safety of the public is in danger.

With that, Mr. Chairman, I would like to suggest some inclusions in the present legislation, particularly with Section 1, Definitions. We would like to see the definition of employee included, which means a qualified driver, as specified under the regulations. Simple enough, we'll deal with all the specifics under the regulations.

However, in our perusal of the document before us, we note that this was excluded and we would suggest that the definition of employee be included in the Act itself.

Our other concern is the hours of work, which would mean those hours of driving by an employee as specified under the regulations. If we go to Page 3, Section 3, we'd like to see an inclusion in Subsection 4.2 under (c). "The dangerous goods shall be labelled and accompanied with instructions on how to handle and treat the goods in case of an accident or spill." Again, as specified under the regulations.

If you go to Page 4, Offences and Penalty, I touched on the fact that in the United States experience they have what they call "take you off the highway", "take your truck off the road", either because your driver has violated the hours of driving or for some serious offence. And I think that under 6 in the first line where it says, "every person who," we would like to see included, "every person and/or company who contravenes any provisions." That makes it consistent with the penalties that both can be in fact penalized.

If I sound harsh because of the penalties, Mr. Chairman, it's only because our concern, which we feel is a time bomb ticking away in regard to the public safety, and I think that this is a step in the right direction by the government and I'm sure that this committee will deal with it accordingly in making sure that this particular piece of legislation has all the protection for the public necessary.

Thank you very much. I'll answer any questions that you may have.

MR. CHAIRMAN: Are there any questions for Mr. Cerilli?

Mr. Uskiw.

HON. S. USKIW: Yes, Mr. Cerilli, we certainly will take your suggestions under advisement, but it appears to me that some of them are beyond the jurisdiction of the province, and therefore we can only use our persuasive abilities in that regard with respect to federal lawmakers and so on.

With respect to safe disposal, that's another department that is responsible for that, and there will have to be another piece of legislation under The Environment Act, so that we appreciate that you're giving us an overview, but there are two or three jurisdictions that had to deal with this issue.

Our involvement has mainly to do with the transportation end and once we have found a problem that doesn't apply to us as far as jurisdiction is concerned, we simply refer it to the jurisdiction that has the authority.

MR. A. CERILLI: Yes, Mr. Minister, and certainly I was aware of that and I congratulate not only this Provincial Government, but the other Provincial Governments and the Federal Government in seeing that there is uniformity in regard to this particular piece of legislation involving the transportation of dangerous goods. I'm sure that in your deliberations with the other Ministers and the Federal Minister, when the time comes, that you'll remind them that these hours of work still exist and it's their jurisdiction to make sure that they are corrected.

On the other hand, there are only provincial transportation modes within the province which I'm sure this government will see to it that they are controlled

by proper legislation in regard to the hours of work and in fact they're not abused.

In regard to the disposal, I think here again, Mr. Minister, that you're absolutely correct. However, one goes hand in hand and in this regard I think that we have, as I stated in the presentation, that we cannot afford the luxury of simply burying the stuff in the ground any longer, that we must see to it that the proper disposal of these chemicals and dangerous goods is properly done by a plant, the same as the European experience. They're so far ahead of us, not only here in Canada, but in the States as well, that I just want to leave you with this thought that I suggested at the symposium, that all these land sites are like perking coffee pots which are ready to explode, in fact are starting to explode and we won't have to worry about atomic warfare, we'll simply be choking on our own garbage.

MR. CHAIRMAN: Are there any further questions for Mr. Cerilli?

Seeing none then, on behalf of the committee I would like to thank you for taking the time to come here today.

MR. A. CERILLI: Thank you very much.

BILL NO. 50 - THE MANITOBA INTERCULTURAL COUNCIL ACT

MR. CHAIRMAN: The next bill to be considered for public presentation is Bill No. 50, The Manitoba Intercultural Council Act. The first person to make a presentation is Mr. Florencio B. Antonio, representing the Association of Non-Recognized Filipino Professional and Technicians in Manitoba Inc.

MR. F. ANTONIO: My name is Florencio B. Antonio, I'm the President of an organization of professionals and technicians under the name of the Association of Non-Recognized Filipino Professionals and Technicians in Manitoba Inc.

I wish to put on record in the proceedings of this Law Amendment Committee that speaking on behalf of the members of the association of the Non-Recognized Filipino Professionals and Technicians in Manitoba, that we support the establishment of The Manitoba Intercultural Council for the following reasons.

First, the Manitoba Intercultural provides a formal governmental forum, whereby the various ethnic communities in Manitoba will participate in decision-making in the government.

Second, the Intercultural Council serves as a training ground for community leadership among the various ethnic communities in Manitoba.

Thirdly, the Intercultural Council supplies the necessary communication network that links all ethnic minority groups from various cultural backgrounds, thereby contributing to the mutual understanding and tolerance among the various groups in framework of unity and diversity.

We are pleased that this promise of the majority party in government has now been almost realized with the passage of this bill. The passage of this bill of proposed legislation will be one big step forward in making our

Provincial Government a truly representative system, where every minority group has a voice in the formulation of multicultural policies. I thank you.

MR. CHAIRMAN: Are there any questions for Mr. Antonio? Seeing none, I would thank you for taking the trouble to come here today, Mr. Antonio.

The next person on my list is Mr. Mario Santos, the President of the Council.

MR. M. SANTOS: Mr. Chairman, my name is Mario Santos and I am here today on behalf of the Presidents' Council, the ethnic organizations regarding your Bill 50. We have distributed copies - I guess we've given you copies of our presentation, and also, signatures of those members who met last Saturday in an emergency meeting dealing with this brief.

MR. CHAIRMAN: Before proceeding, could we have the Sergeant-at-Arms close the door in the back? There seems to be a lot of noise in the hall. Are the briefs distributed? Mr. Santos.

MR. M. SANTOS: Thank you, Mr. Chairman.

In December of 1981 Presidents from ten ethnic organizations of Manitoba gathered for an informal meeting for the purpose of establishing a forum to pursue a multicultural policy for the Province of Manitoba. These founding members have agreed that a provincial Multicultural Council should be formed with representation from all ethnic organizations in order to develop a provincial multicultural policy.

The Presidents' Council had formal meetings with an expanded membership of 32 on June 4, 1981; September 8, 1981; December 5, 1981; January 16, 1982; May 8, 1982; September 3, 1982; November 21, 1982 and February 19, 1983. We, the founding members of the Presidents' Council, fully endorsed the concept of the Intercultural Council. A close to total support for the Intercultural Council has been demonstrated by the ethnic organizations which met on April 18, 1983 at the North Star Inn. It is expected that the Intercultural Council will be established speedily by legislation. The legislation required to bring the Intercultural Council into effect should be passed without further delay, so that the Council can begin the work with which it is charged to do so.

In order that the Intercultural Council may carry out its functions properly, it is essential that the Council has control over its functions and adequate funding to fulfill its mandate.

The aspirations of the ethnic communities have been expressed many times culminating in the establishment of this council in April 1983. They are waiting for the Council to begin its work. It is our hope that you will approve this bill without undue delay.

Consequently, based on the above, we respectfully request that the Legislative Committee endorse the establishment of the Intercultural Council. Thank you.

MR. CHAIRMAN: Are there any questions for Mr. Santos? Mr. Kostyra.

HON. E. KOSTYRA: Thank you, Mr. Chairman. I'd like to thank Mr. Santos and the Presidents' Council for

their brief this morning and their recommendation of support of the bill.

Mr. Santos, in the third paragraph of your brief, you indicate that, in part, you state that it's essential that the Council has control over its function. In your view, is the Presidents' Council satisfied that that's the case, with respect to the way the bill is prepared at the present time?

MR. CHAIRMAN: Mr. Santos.

MR. M. SANTOS: Yes, it is. I believe, including all the debate that took place at the North Star Inn, it was made quite clear by all the representatives of the ethnic organizations that, in fact, the bill, as it is, was fully endorsed by a unanimous standing vote at the time. We made it quite clear, and all the speakers who got up and spoke on it, that we wanted to make sure that this Council was - although not totally independent from governments; nevertheless, be allowed to proceed its own way, in a sense and having in mind whatever - going according to the law that is established and whatever regulations they establish. Nevertheless, the Council wants to do its work on its own, without every time wanting to do something, come in and make that request. So, the bill as it is now, was definitely voted on and there was unanimous approval at the North Star Inn, yes.

MR. CHAIRMAN: Mr. Manness.

MR. C. MANNES: Mr. Chairman, also referring to the third paragraph, it says, the Council, as long as it has control over its function and an adequate funding to fulfill its mandate. What does the Council consider an adequate funding level to be?

MR. M. SANTOS: I guess you will get many definitions of what adequate funding is, but I don't even know if any funds have been allocated for this Council yet. But one would hope that there'll be funding, having in mind that we are facing some serious economic times, the government would allocate enough funds so that this Council could, if you look at the way that the Council's supposed to function, you've allocated enough funds so that, in fact, the various committees could work and go into their jobs dealing with the various departments, that they suggested they deal with in the by-laws, and I could never give you a dollar figure. I mean, that's impossible.

MR. C. MANNES: Has no preliminary budget then been developed working from now forward, once this bill is passed?

MR. M. SANTOS: I couldn't speak for the Council. At that meeting, there were representatives made to this Intercultural Council, and according to the by-laws, they will get their executive and when the executive is elected, I think the executive then will strike a budget and the thing will go on in that fashion.

We, as Presidents' Council, what are considering was that the principle, the advocate funding as provided in the bill, will be maintained and will be approved in that fashion. Dollar amounts - well, that's something for the

executive of Intercultural Council then to decide what they need, and of course, I guess in the end, the government decision on how much that they're willing to give.

MR. C. MANNES: Has any estimate been made as to what private donations or contributions, other than government, will be made to the total revenues for the Council in a given year?

MR. M. SANTOS: I'd like to stress that the Council has not begun its work yet, because this legislation has to get through first, in order for that Council to meet and this why I read today, asking you to approve this legislation, so, in fact, the Council can begin its work; and that is our major problem, that we've been waiting, waiting, waiting and it's almost there, but actually some people get quite impatient that it's almost there but somehow seems to be almost there but never there.

MR. G. MERCIER: Mr. Santos, what do you see as the requirements to register an ethnocultural group?

MR. M. SANTOS: What do I see as the requirements? I understand that that is spelled out in the by-laws and those by-laws would also prove that and I didn't hear anyone complaining at that time. I don't recall the exact wording but whatever was there in the by-laws was definitely proved by those who were present, there was quite a number.

MR. G. MERCIER: You can't tell us what the requirements will be for a group to be registered? Or what you would see as the requirements.

MR. M. SANTOS: Again, I can't recall the exact wording of the by-law itself, but I think it said something. I think that's something to do with the by-laws and those were approved at the initial meeting and, who am I to start all of a sudden formulating the by-laws which in effect have already been approved by the community of representatives as a whole.

MR. CHAIRMAN: Mr. Kostyra.

HON. E. KOSTYRA: Thank you, Mr. Chairman. I was going to point out with respect to members and their questions that those are questions that would be better put to . . . In fact some of them have been answered in the review of the Estimates of the Department of Cultural Affairs and Historic Resources. I don't think we can expect a person making a presentation to the committee to answer questions as to things that are properly the matter of government with respect to budget and other matters.

MR. CHAIRMAN: Mr. Conrad Santos.

MR. C. SANTOS: I'd like to ask Mr. Santos if the Presidents Council membership is limited to the organized groups themselves as members, or simply an organization of the elected presidents of such organized groups?

MR. M. SANTOS: If you notice, I'm one of the founding members and I was then the President of the Portuguese

Association of Manitoba. Because we have elections every year, I decided not to seek re-election. Somebody else was elected president. However, the presidents themselves, decided to keep me as their president and this is why I am here today, that's automatic.

The Council is for presidents and for presidents only. That means the organizations send their presidents and when elections take place, a new president, if he is a new president elected, automatically that new president becomes the representative on that Council.

MR. C. SANTOS: Mr. Chairman, what happened to the old president who is no longer president of a member . . .

MR. M. SANTOS: Well, that's it, he's finished with the Council. As far as representing is concerned, he's finished with the council.

MR. C. SANTOS: Mr. Chairman, so the actual memberships are in fact the elected president of its organized group?

MR. M. SANTOS: That's a requirement. They must be presidents of the organizations. If they're not presidents, then they give their seat to somebody else.

MR. C. SANTOS: Another question, Mr. Chairman. How does the Council as a group see the nature of its relationship with the Multicultural Council itself, which is being established by the Act?

MR. M. SANTOS: Which relationship?

MR. C. SANTOS: The relationship between your Council, presidents Council and the Multicultural Council itself.

MR. M. SANTOS: Okay. You must understand that we were afforded some time ago, even before this idea of the Intercultural Council was in place, we were the ones in fact who came up with that idea. So at one particular meeting, after the government announced that they were proceeding with the implementation of a Council, I put it to a vote in one of our meetings - I can't recall which one but I believe it was in December, it was one of our meetings, I couldn't recall the exact date, but I put it to a vote - should we abolish ourselves? Because now that the government has indicated that they would come with a Council and that was one of the main reasons that we got together was, in fact, to get something done on this important matter.

The view, the issue was discussed at a full meeting, representatives from most of the ethnic communities, including the major ethnic communities, and the view was unanimous that we should not dissolve; we should wait and see what happens, and if things were going fine with the new Council, whenever that takes place, then we should reconsider whether or not we should abolish ourselves.

However, there was a feeling that for the time being, we'd keep being as we are, keep an eye on this Council and it may be that in the future we will still want to continue on the basis that presidents rarely have an occasion to meet with other fellow presidents and this

is certainly a forum where presidents from the various organizations can meet once in a blue moon to discuss common concerns; and they, in the long run, may decide to keep this organization together based on the premise that the presidents would like to meet periodically. On the Council, what you have is representatives of organizations, not necessarily the presidents.

MR. C. SANTOS: Thank you, Mr. Chairman.

MR. CHAIRMAN: Are there any further questions for Mr. Santos? Seeing none, then on behalf of the committee I would like to thank you for taking the trouble to come here today, Mr. Santos.

The next person on my list wishing to make a presentation is Mr. Myron Spalsky, representing the Manitoba Parents for Ukrainian Education.

MR. M. SPALSKY: Thank you. I have a limited number of copies here of the submission.

Manitoba Parents for Ukrainian Education Inc. is a province-wide organization which is composed of parents whose children are enrolled in the English-Ukrainian bilingual program in the public school system of Manitoba.

Our organization has long felt the need for an organization like the Manitoba Intercultural Council. This body can provide Manitoba's minority communities with a forum to discuss our common concerns and to discuss these directly with the departments and agencies of the provincial government to which the concerns relate.

We wish to bring your attention to the following issues:

First of all, it has been our position in the past that the name of the Council should be "The Multicultural Council" and not the "Intercultural Council". We say that by way of pointing out that the concept of multiculturalism is a broad concept, which within it, includes the concept of intercultural sharing.

Secondly, regarding the registration process, we feel that the registration process which we saw at the assembly was very positive in that it allows the individual organization to register themselves according to their self-defined structures. That is, there is no imposition from the top of what is the structure, what is an organization, what is a committee.

We are in full agreement with those guidelines wherein the organizations' primary purpose is political, or religious such as a church, are excluded from registration as delegates. With the exception of those two categories, there cannot at any time in the future, with these guidelines, be the possibility of the exclusion of a bona fide organization which directly serves an ethnocultural population group, or one which is composed of and directly serves a number of these groups.

Third, the proposed structure of the Council is unique to all governments in Canada, I believe. It's one which provides a balance between the individual community interest and the broad community issues on the other hand. Because government appointments are limited to one-third of the total membership of the Council, there is little danger of the appointed sector overpowering the elected sector.

Fourthly, the funding for the Council must be sufficient to allow the Council to operate effectively. First of all,

the Council must be able to hire co-ordinating and research staff to allow the Council to operate effectively to deal with the issues. By not providing staffing to do this, the Council will be rendered ineffective.

Secondly, the Council has to provide its members with the funds to travel as well as some per diems to allow those who interrupt their working day to carry on the affairs of the Council. Otherwise, if we retain it in a strictly voluntary capacity, I doubt whether that Council would be that effective.

In summary, we urge you to give this bill your full support so that the Council can commence its activities at the earliest possible time.

Thank you.

MR. CHAIRMAN: Are there any questions for Mr. Spalsky?

Mr. Kostyra.

HON. E. KOSTYRA: First of all, I would like to thank Mr. Spalsky and the Manitoba Parents for Ukrainian Education for their brief today. With respect to the points that you raised in regards to the bill, point one, you expressed the concern that the term "intercultural" is not as broad as the term "multicultural" and "multiculturalism," and that interculturalism relates only to small area within the broader concept.

I don't know if you are aware, but in Section 3 of the Act, the purposes of the Council, it spells out that "The Council shall make recommendations and provide information and advice to the Government . . . through the Minister on all ethnocultural matters in the province . . ." and then it goes on to list a number of specific areas. But I guess the operative or the key words there are that it's to advise government on all ethnocultural matters. So in view of that, do you still believe that the term or the title for the Council would limit its actual functioning?

MR. CHAIRMAN: Mr. Spalsky.

MR. M. SPALSKY: We don't believe that it will limit the function of the Council, but it would be much clearer to an outsider if the term "multiculturalism" were used to reflect what is actually in the bill now and what the proposal is for the Council; that it will deal with a broad number of issues ranging from cultural development to human rights to media. Within that is the concept of sharing and working together as groups as a concept. However, that is not going to impede on the Council's effectiveness. The title itself is not going to impede that work.

MR. CHAIRMAN: Mr. Ransom.

MR. B. RANSOM: Mr. Spalsky, I see in the bill, the reference is to "ethnocultural groups," but in your presentation you have twice, I believe, referred to "minority communities." Do you see an ethnocultural group as also having to be a minority group?

MR. M. SPALSKY: That's a fairly difficult question. Within the multicultural area, there isn't interchangeability between ethnocultural, ethnic and minority. When I speak in this context here of the

Intercultural Council, when referring to the ethnocultural population group, I am referring to those groups which are not defined within The Official Languages Act or are not historically to official groups or the majority groups. I am using that term interchangeably, minority and ethnocultural population group.

MR. B. RANSOM: I guess the difficulty that we in the opposition and perhaps some other members of the committee here will be having is that the bill refers to the make-up of the committee consisting, for instance, of members "elected by each registered ethnocultural group." Then the bill says that the provisional members of the Council shall provide for ". . . the method of registering ethnocultural groups . . ."

You seem to have some knowledge of proposed guidelines that would be followed in setting out the method of registering ethnocultural groups. I don't have those guidelines, so I guess it's a question that we will have to ask of the Minister whether he has those guidelines or not, but I would just point out to you that it does present a little difficulty for members of the Legislature to be asked to approve something when we don't know what the intentions will be.

MR. CHAIRMAN: Mr. Kostyra.

HON. E. KOSTYRA: Just on clarification on the last point, I would suggest that the member ask the opposition critic of Cultural Affairs, who does have a copy of those proposed guidelines. They were circulated during Second Reading debate on the bill.

MR. CHAIRMAN: Are there any further questions?
Mr. Santos.

MR. C. SANTOS: Mr. Chairman, I would like to ask Mr. Spalsky what is meant by one small area of that concept, whether that concept, the phrase relates to multicultural or intercultural; in other words to clarify the distinction that he is trying to make in Paragraph No. 1.

MR. CHAIRMAN: Mr. Spalsky.

MR. M. SPALSKY: The traditional definition of multiculturalism that has been operative over the last number of years connotes that multiculturalism is divided into various areas; cultural development, the performing arts, community development, linguistic questions, race relations, human rights, intercultural sharing, broader issues of education, immigrant integration, the women's question and on down the line.

Now when I speak to the issue of intercultural sharing, it's within that context. Intercultural sharing, much like a number of other issues like the women's issue, are cross-disciplinary within that concept of multiculturalism.

MR. C. SANTOS: Mr. Chairman, the second sentence in the first paragraph says, ". . . interculturalism relates only to one small area in that concept." I'd like to know what is that small area in more specific terms.

MR. M. SPALSKY: When groups develop and are able to express their needs and concerns internally and

priorize their needs and concerns internally and then externalize those needs to other organizations within their own community, to organizations outside of their own community, that becomes intercultural sharing.

It's the hope of these organizations that are participating in the Council that they are given the type of base and the ability to express themselves and to relate their concerns to each other. That's intercultural sharing. That is a relatively small area within the total concept of multiculturalism.

MR. C. SANTOS: Mr. Chairman, is it also possible - I'd like to ask Mr. Spalsky if it's still possible to have intercultural sharing of multicultural concerns.

MR. M. SPALSKY: There is no distinction between interculturalism and multiculturalism. It's just that multiculturalism is an overall concept. Interculturalism is one area within that overall concept. It's a very important and critical area to the development of multiculturalism, because if the groups don't start working together and recognizing that they each have the same concerns and the same problems, regardless of whether they are more established or less established, whether they've been here for 80 or 90 years or have been here for 10 years, their concerns are the same. Part of the importance of this Council is that it provides that type of a forum to allow these groups to communicate the fact that they're all the same ultimately and their problems are all the same.

MR. C. SANTOS: Mr. Chairman, if the answer to the question whether or not multicultural concern can be shared between groups, then there is really no distinction between multicultural and intercultural concepts. Is that correct?

MR. CHAIRMAN: This committee is not a debating forum.

MR. C. SANTOS: I'm just asking whether Mr. Spalsky would agree to that conclusion?

MR. M. SPALSKY: No, I wouldn't.

MR. C. SANTOS: Thank you.

MR. CHAIRMAN: Mr. Manness.

MR. C. MANNES: Thank you, Mr. Chairman. Mr. Spalsky, referring to your submission on Page 3, fourth point, you say, "the Council must be provided with sufficient funding for the following purposes:" - and I'm going to read from b), you say, "to provide members of the Council with travel and incidental expenses. When you say travel, do you mean within the province or do you mean anywhere around the world? Specifically what do you have in mind?"

MR. M. SPALSKY: Very specifically within the province the council must be able to meet. There are a number of members on the council who have been elected already who are from outside of Winnipeg and they require funds to travel. There may be occasion for representation from this council to other councils,

similar councils across Canada, or indeed to what is becoming a growing concern in the United States where they may request the participation of members of our council in their deliberations. Certainly, we should be able to provide them, because we have a unique opportunity in Manitoba to show what a council of this nature can do.

MR. CHAIRMAN: Are there any further questions?
Mr. Santos.

MR. C. SANTOS: Thank you, Mr. Chairman.

With respect to Paragraph 2, second sentence, it says: we are in full agreement with the proposed guidelines utilized for the First Ethnocultural Assembly, wherein organizations whose primary purpose is political and religious institutions are excluded from registration as delegates.

I'd like a definition from Mr. Spalsky of what he considers as political institutions.

MR. M. SPALSKY: Well, a political organization, an organization whose primary purpose for existing is to pursue political aims, whose purpose is not necessarily to stimulate community development or involvement in an area within multiculturalism.

Similarly the religious question, if I can respond to that at the same time, is very similar. A church would not be eligible, a church is not eligible for receiving grants, for example.

MR. C. SANTOS: Mr. Chairman, is Mr. Spalsky limiting the definition of political organization to registered political party?

MR. M. SPALSKY: No. As you know, most ethnocultural communities have within their own structures, within their own communities, organizations whose primary purpose is political. Whether the political question relates to their existence in Canada or to their homelands, there are, nevertheless, a number of political organizations within each community and those organizations do little else but pursue their political goals.

MR. C. SANTOS: Mr. Chairman, if the word "political" is used in its broadest term beyond what we call partisan, I suggest that it is a difficult concept because it would seem that all those ethnocultural groups who are concerned with public issues will in that sense be political and they will be excluded.

MR. M. SPALSKY: About 98 percent of the ethnocultural organizations have concerns and have objects which relate to cultural development, linguistic development, human rights and they facilitate the interaction within their own community in that specific area. Their political nature and the fact that they must relate in one way or another to departments and agencies of government is secondary to their primary purpose and their primary object, and that would be the defining line that the council would have to deal with.

MR. C. SANTOS: Would Mr. Spalsky agree that to limit the word "political" to politically partisanly or

ideologically motivated organizations or groups would be more realistic?

MR. M. SPALSKY: It depends which definitions of political partisanship you utilize. If you utilize the traditional Canadian parties as the partisan base, then I would submit that that would be insufficient to cover the areas. Within our community, we have, I think, three organizations in Manitoba which are political but which do not relate to the traditional Canadian political parties, and yet, their primary purpose is political.

MR. C. SANTOS: Thank you, Mr. Chairman.

MR. CHAIRMAN: Are there any further questions?

Seeing none, then on behalf of the committee, I would like to thank you Mr. Spalsky for coming here today.

MR. M. SPALSKY: Thank you.

MR. CHAIRMAN: The next person appearing on my list is Mr. Rod Cantiveros, who I understand has left - oh, he has not left. Okay, Mr. Cantiveros represents the Editor and Publisher of the New Silangan.

MR. R. CANTIVEROS: Thank you, Mr. Chairman, for giving me a chance to voice out something about the immediacy and importance of the Interculture Council here in Manitoba, and I think we have to give special credit to the Government of Manitoba to have this bill passed Second Reading, the probability to be passed, because I think only here in Manitoba that multicultural council has to be enacted and to become a law, to have a continuity of the multiculturalism program here in Manitoba. I think Manitoba will be the model of other provinces here in Canada.

Now, my name is Rod Cantiveros, the Editor/Publisher of the Philippine Newspaper, the New Silangan, the paper for Filipino-Canadian Manitobans and also for Western Canada. Now, I presented or I submitted a very short brief in order to support the early passage of Bill No. 50, and you'll find out in my short brief, this brief actually, that we have to have something, a structure or a concrete foundation, to develop and at the same time to contribute to the propagation and the communication of the various cultural heritages here in Manitoba because as far I know we are very active in the multiculturalism program of the government. As far as I'm concerned my paper is always open to all possible news releases although the two papers, the Free Press and the Sun, they would avoid any news item about multiculturalism, especially after the conference, not even a single line printed in the Free Press and one column buried in the Winnipeg Sun.

I think that with this multiculturalism, we can have more participation of the visible minority. For my paper, it will be always available for every news item that can be disseminated to all ethnic or to all ethnocultural groups.

The last part of my brief, if we want to have the strength on our cultural fabrics, Intercultural Council member representatives can firmly contribute the various fibres, hues and strengths of the cultural heritage, and I think that's the foundation of a great country.

Thank you.

MR. CHAIRMAN: Are there any questions for Mr. Cantiveros?

Seeing none, then, I would like to thank you on behalf of the committee for appearing here today, Mr. Cantiveros.

MR. R. CANTIVEROS: Thank you.

MR. CHAIRMAN: The next person on my list is Mr. Dino Longhi of the Dante Cultural Society and Italian-Canadian League of Manitoba. Is Mr. Longhi present?

The last person on my list is Mr. Dante Buenaventura representing the Filipino Folk Arts, Inc.

Mr. Buenaventura.

MR. D. BUENAVENTURA: Good morning, ladies and gentlemen.

I took some time off to deliver a message. I am the Executive Director of the Macderaget (phonetic) Filipino Folk Arts, Inc. It is mostly composed of young people. One of our programs is called: Alternative to the Streets. Alternative to the Streets means we are offering the enhancement and activities along culture as an alternative to fighting in the streets, video games and things like that.

I had a chance to talk to the kids the other day and this is the message that they wanted me to tell you. In one of the canteens, in one of the public high schools in Winnipeg, people usually call each other names. If they have coffee together, they wouldn't really mind being called a Flip for Filipino, Poilack for a Pollack, a Paki for a Paki, but if they don't have coffee together and they don't get to communicate with each other, then they fight.

When we were talking about it one of them was saying something about communication gap. One who just came from the Philippines said that's a beautiful term and he said it was miscommunity gap. We think that this miscommunity gap, which is grammatically wrong, also represents the kind of relationship that they have with those people that they don't know.

The message that they would like me to present to you is that The Intercultural Councils Act should be passed as soon as possible because it will definitely lesson that kind of down to earth example of having no communication among people.

I also would like to share one information in regard to a very specific situation in my community. Before the Intercultural Council Conference was called members of my community, the leaders especially for the last 10 years have not been able to sit down, face each other and talk, and simply because there was this kind of thing, the Intercultural Council Conference, I am very happy to inform you that for the first time probably in the last 10 years they were able to sit down, talk and be able to decide on one thing.

This is not only true with the Filipino community, this is a lot truer in other communities as well. This is a very emotional appeal. I think it should continue. It's through the Intercultural Council that it will be realized.

Thank you.

MR. CHAIRMAN: Are there any questions for Mr. Buenaventura?

Mr. Ransom.

MR. B. RANSOM: Mr. Chairman, it isn't really a question, but I've noted in three or four of the presentations now that there seems to be some concern expressed that the bill wasn't moving through, that it wasn't being approved. I just would like to point out to those who have made submissions that the bill has been moving through the process as fast as it is possible for it to move through the process and that there has been no effort on anyone's part to delay the passage of this bill. I don't think anyone need be concerned about whether or not this bill is going to pass with the approval of the Legislature.

MR. CHAIRMAN: Mr. Buenaventura.

MR. D. BUENAVENTURA: The group knows, and the other Filipino organizations which I had connections with also know, and we never had the idea that some people are not doing what they should do. What we're trying to do now, getting off work and trying to speak here, is just to let you know that they are very concerned about it and I'm very sure you are as well.

MR. CHAIRMAN: Are there any further questions for Mr. Buenaventura?

Seeing none then, I would like to thank you for coming here today and to take the time off to make your presentation to this committee.

MR. D. BUENAVENTURA: You're welcome, Mr. Chairman.

MR. CHAIRMAN: Is Mr. Dino Longhi present? That completes the list of public presentations then for consideration today.

What is the will of the committee? Proceed with Bill No. 4, The Manitoba Oil and Gas Corporation Act.

BILL NO. 4 - THE MANITOBA OIL AND GAS CORPORATION ACT Cont'd

MR. CHAIRMAN: Mr. Parasiuk.

HON. W. PARASIUK: Mr. Chairman, I'd just like to take a few minutes and use this opportunity to respond to concerns that were raised by members of the opposition in the debate on this bill. I'll deal with them as expeditiously as I can.

The concern was raised that the idea of financing a corporation through share capital is inappropriate because in effect it allows the corporation to receive interest free loans from the government.

Now in response to that this corporation is being established much like a private corporation through the sale of its shares. In this case, the province is the sole purchaser shareholder. If the corporation is financed solely through loans to it by the province the corporation will immediately be in a deficit position and will make it extremely difficult for it to repay interest on these loans, especially in the initial instance.

Past experience has shown that these interest charges are usually written off by the province. As such we are trying to start the corporation with the more reasonable debt equity ratio.

In addition, I said that in the review of Crown Investments Estimates that I would look at a way of indicating what might be called opportunity cost of the money in the Annual Reports of Corporations or in a report that I would submit by the Department of Crown Investments that could be considered in the review of that department's estimates.

Another question that was raised is why is it necessary to have 200,000 shares in a corporation where the government is by law going to be the only shareholder.

Section 11(1) allows the province to equity finance the corporation. A large number of shares provides flexibility in financing the corporation, the amounts of time and timing of financing can be done on the basis of corporate need. For example, if the Board of Directors decide only \$2 million is required for the first year, the province need only purchase 20,000 shares.

Sections 14, 15, and 16 also allow the province the option to include some debt financing of the corporation. Total funding either by shares or loans is limited by The Loans Act to \$20 million and this Act provides for up to an additional \$5 million of temporary borrowings. That could be expanded with future loans by the government, but again that would have to be done by Order-in-Council and by a separate Loans Act. It would again be debated in the Legislature so there's a method for legislative accountability.

A question was raised as to why it was necessary to have a provision in this bill for a member of the Executive Council to receive additional remuneration for serving on a board. My first response was that that must have been a typo error and then when I looked at it further I found that whole section had been taken from other bills that presently exist. It's identical, it's Section 9(2), it's identical to provisions provided for in the Hydro Act, in the Manitoba Telephone System Act, and the Manitoba Public Insurance Corporation Acts. It is a permissive provision allowing the province to appoint MLAs, including members of Executive Council to the Board. This practise has existed for several years. As written the province can exercise its own discretion whether the member should be paid. To date there has been no Cabinet Minister whose been appointed to a board, and in future, if that was ever done, that person I'm quite convinced by policy would not be paid an extra amount and that certainly would be the case. It is government policy not to pay extra amounts to Cabinet Ministers if indeed they were appointed to boards.

Those are the concerns that I believe were raised. Sorry, there was a couple of other ones that I just want to come to. It was also suggested that the corporation has wide-ranging powers to get into any aspect of the petroleum industry that it desires, including any other business which enhances the profitability of its property and also to operate outside of Winnipeg and the corporation's powers are intended to be wide-ranging in order that it is not constrain from performing its role within the oil industry, or if it purchases a company or shares of a company, or it gets involved in a joint venture with a company that itself has wide-ranging activities. So rather than putting in a set of very narrow constraints in terms of a company which will get involved in a lot of joint activity, it is best to have wide-ranging powers.

Another concern that was raised is that the corporation has the ability, through its provisions for

temporary borrowings and temporary advances and loans by the government and issuing of securities, to raise unlimited amounts of money solely at the passage of an Order-in-Council. Only the temporary borrowings have a limit of \$5 million, the others do not have any limits.

This isn't correct. Sections 15, 16, and 17 all specify that the ability to raise money is possible only to the extent permitted by any Act of the Legislature. This includes The Loans Act, whereby the \$20 million was voted by the Legislature. In effect, the corporation can only raise up to a maximum of \$20 million through shares, advances, loans and securities. Theoretically, the Crown corporation could raise up to an additional \$5 million through temporary borrowings. Now this section is intended, however, only to provide short term financing and repayment and will be used to alleviate short-term cash shortages. Other loans would indeed have to require another Loans Act and require a debate in the Legislature.

Another concern raised was that the government has eliminated the ability of credit unions to participate, unless they make an amendment to allow the credit unions to participate and this isn't correct - the comment is in reference to Section 13(1) Banking. The Financial Administration Act 6(1), government banking arrangement states that, "The Minister may establish, maintain or close accounts in the name of the government with such chartered bank, trust company, or credit union in Canada." Corporate banking arrangements are subject to directions of a Lieutenant-Governor-in-Council; the Minister of Finance would make recommendations and arrange, on behalf of the corporation, banking arrangements.

I believe this covers the major concerns that were raised in the debate. We do not propose any amendments to the legislation. We believe that the legislation stands as it is. There may be general differences with respect to the intention of the legislation by members on opposite sides of the House; but in putting this legislation forward, we believe it is important for the long-term development in Manitoba and we are going to proceed with the passage of the bill, without amendments, unless, of course - we would consider amendments that might be proposed by the opposition if they wish to put them forward.

MR. CHAIRMAN: Mr. Tallin would like to make a few comments regarding corrections before proceeding.

MR. R. TALLIN: There are a number of typographical corrections in the Act, which I'm not going to point out. I presume it's all right if we make corrections in spelling, but there are two technical errors that were made on Page 1 in the English version, the definition of natural gas means natural gas as defined in The Mines Act. The actual word defined in The Mines Act is "gas," and so the word "natural" should be struck out and that's really just a correction. There will be a corresponding change made to make the French version mean the same.

On the last page of the bill, Page 12, in Subsection 20(2), there is a reference in the fifth line to government. That should be a reference to a corporation, so it would read into the accounts or affairs of the "corporation."

It's correct in the French version, but it got misplaced in the English version. — (Interjection) — 20(2), the first word in the fifth line, "government" should be "corporation."

Also, the number of the following three sections in the English version got out of kilter somehow and it should be instead of 22, 23, and 24; they should be 21, 22 and 23.

So, presumably, it will be satisfactory, if after the bill passes through committee, I can make those changes in addition to the correction of spelling mistakes.

MR. CHAIRMAN: What is the will of the committee on how to proceed? Page-by-page?

A MEMBER: Page-by-page.

MR. CHAIRMAN: Page 1—pass; Page 2—pass; Page 3 - the Member for Turtle Mountain.

MR. B. RANSOM: Just a clarification then. I gather there is another corporation which is called ManOil. Does the Minister have any shortened name that he intends to use for this corporation, or is it going to be . . .

HON. W. PARASIUK: No, not at this particular stage. It may be that the board of directors may want to establish a shorter name . . .

MR. B. RANSOM: It's important to the guy who owns ManOil.

HON. W. PARASIUK: . . . but that would come in due course.

MR. CHAIRMAN: Page 3—pass; Page 4 - Mr. Ransom.

MR. B. RANSOM: Mr. Chairman, two things on this page. I still think there is a way that the Minister could accommodate the full accounting for the capital that the corporation uses within the books of the corporation, by charging an interest expense and then advancing the corporation the money that's necessary to cover the interest expense. I don't think it's something that can't be done from a practical, workable, point of view, but if the Minister is giving a commitment to identify that cost elsewhere, then I suppose that it will certainly be better than nothing being done and would be acceptable, if we can somewhere identify that cost.

With respect to Subsection 2 of Section 9, having to do with the allowance for a member of the Executive Council to serve on the board, I don't think that that is acceptable, even though it does appear in other corporations. I believe that it's generally been regarded that Cabinet Ministers are full-time people in the service of government, in whatever capacity that they might be serving government. I would move, Mr. Chairman, that all the words after the word "Assembly" where it appears in line 2 of Section 9, Subsection 2, and preceding the word "may" in the third line thereof, be deleted.

MR. CHAIRMAN: Is there a seconder for that motion? Mr. Graham. You've heard the motion - Mr. Parasiuk.

HON. W. PARASIUK: There have been instances in other jurisdictions where Cabinet Ministers have indeed sat on the board of Crown corporations. I certainly would like to take a look at that whole area, as it applies to other pieces of legislation and other corporations. I will undertake to do that and be reporting back to the Legislature in due course.

In the interim, we, on this side, would like to keep the legislation consistent with the legislation that exists in other legislation at this stage and we would then vote against this amendment. But I do say that I will be looking at the whole matter and coming back to the Legislature with a further explanation.

MR. CHAIRMAN: I'm advised under Rule 55(1) that all motions should be written in committee. With the agreement of the committee, we can waive that. Agreed? (Agreed)

You've heard the motion, is there any further debate? All those in favour of the motion please say Aye. Those opposed say Nay. It's my opinion the Nays have it.

Page 4 through 12 were each read and passed; Preamble—pass; Title—pass.

Bill be reported.

Mr. Parasiuk.

HON. W. PARASIUK: Yes, I just want to make one comment, which I hope doesn't sound gratuitous. I didn't have a chance to conclude debate on second reading and I did want to indicate to the members of the House that although there might have been philosophical differences on this bill, that I thought that the debate on the bill was a very rational, reasonable debate, putting forward positions I think in a very good manner, and I think reflected what I would call the best aspects of the House.

MR. CHAIRMAN: Bill be reported—pass? No? On division? Passed on division.

Bill No. 12 - Mr. Penner.

HON. R. PENNER: I gave an undertaking that we hold 12 until the Minister has had a chance to look at the submission made this morning by AIM.

The Minister for Bill No. 15 is not here at the moment. We sent a messenger out to get him.

With respect to Bill No. 17, I've advised the Member for St. Norbert that there are some additional questions that, in fact, both of us have that I want to address before calling that bill.

Could you please call Bill 25?

MR. CHAIRMAN: Bill No. 25.

Before proceeding, it's my impression that there is an agreement between the Opposition critic and the Minister of Highways that Bill 15 will not be done today.

HON. R. PENNER: Yes, that it will not be done today. Okay, fine.

BILL NO. 25 - AN ACT TO REPEAL THE STATUTE OF FRAUDS

MR. CHAIRMAN: Bill No. 25.
Mr. Penner.

HON. R. PENNER: I have no introductory remarks. Would you just call the bill?

MR. CHAIRMAN: Page by page? Is that agreed? Page 1 - Mr. Mercier.

MR. G. MERCIER: Mr. Chairman, when I spoke to this bill on second reading, I made the point that the bill does not follow the provisions of the Law Reform Commission Report. It follows No. 1, certainly, to repeal the Statute of Frauds, but there were a number of other recommendations made by the Law Reform Commission with respect to conveyances of land, promises by an executor to answer damages, etc., guarantees, agreements relating to land and a number of others. I believe the Attorney-General undertook to explain to the Law Amendments Committee his reasons for not following those recommendations.

HON. R. PENNER: First of all, I should identify the process and that is that subsequent to the issuance of the report by the Law Reform Commission, discussions were held - particularly, I should address those discussions with which I am familiar - between the Chairperson of the Law Reform Commission, Legislative Counsel and some members of the Faculty of Law at the University of Manitoba addressing the state of the law in this area and addressing the question of why we wouldn't if we were to, in effect, repeal an archaic statute, go all the way rather than retain in effect portions of it. Because once we are saying that the question of whether or not a contract is a valid contract, it will depend on evidence to be adduced before the courts and recognize the experience of our courts in being able to receive and evaluate evidence as to whether or not a contract not in writing has in fact been made, and that there is not an attempt by someone to perpetrate a fraud on the court and on the defendant as the case may be. Then it's consistent to, in effect, say the matter of whether or not a contract is in existence not evidenced by writing should be left to the court in every instance other than those, of course, required specifically by specific statutes.

So that, as I explained in the House, any transfer of title to be registered in the Land Titles Office must be done by a transfer of land. There is a written form. Under The Real Estate Brokers Act, any sale of property that is governed by that Act, and that's virtually every sale of property, has to be evidenced in writing by the form that's provided. It's The Real Estate Brokers Act, I believe.

There are many other statutes which already address the question of this kind of transaction, and it has to be in a very specific form of writing. That remains. This repeals a statute that applies to contracts in general and not to those specifically dealt with in specific statutes.

MR. G. MERCIER: Mr. Chairman, I wonder if the Attorney-General could indicate if and when this bill was circulated to the Bar Association.

HON. R. PENNER: I circulated a batch of bills to the Bar Association as recently as three or four weeks ago. I believe this bill was included. I can't be sure of that

without going through my file, but there were discussions with - I'm advised by Legislative Counsel that the practice has been in the past, I believe continues, that when bills are distributed in the House they are distributed to the Chairman of the Bar Legislation Committee.

MR. G. MERCIER: I take it then, Mr. Chairman, there has been no response from the Bar Association to date.

HON. R. PENNER: No formal response. The relatively few people who have spoken to me about it simply said that it's about time.

MR. CHAIRMAN: Page 1—pass; Preamble—pass; Title—pass. Bill be reported.

BILL NO. 35 - AN ACT TO AMEND THE TRUSTEE ACT

MR. CHAIRMAN: Bill No. 35, An Act to amend The Trustee Act.

HON. R. PENNER: Page-by-page.

MR. CHAIRMAN: Page-by-page. Page 1 - Mr. Penner. Do you have some comments, Mr. Penner?

HON. R. PENNER: No comments.

MR. CHAIRMAN: Mr. Mercier.

MR. G. MERCIER: Mr. Chairman, on second reading of this bill, I raised Recommendation No. 3 from the Law Reform Commission with respect to recommending that a trustee's handbook and guide be prepared and made available to the general public to assist and instruct trustees. I did so on the basis that there are certainly corporate trustees who will have no difficulty in complying with the change in the legislation, but there are I would expect a number of individual trustees in the province who have been able to, because of a lack of experience in the investment field, use the provisions of The Trustee Act as a guide in investment of trust funds. The general rule will not be of very much help to them, Mr. Chairman.

I think it's almost compulsory that concurrently with passage of this type of legislation that a trustee's handbook and guide should be made available to the general public to assist individual trustees in handling trust funds and to provide some guidance and assistance to them. The Attorney-General indicated that he has someone in his department now who looks after communications, and that this person may very well develop such a handbook. I'm wondering if we could get a commitment from the Attorney-General that his department, or perhaps through the Public Trustee's Office, will develop such a handbook and guide for individual trustees.

MR. CHAIRMAN: Order please. The hour is 12:30. What is the will of the committee?

HON. R. PENNER: By leave, could we complete Bill 35 that we started, unless it's anticipated that it will take some time?

A MEMBER: It depends on your answer.

HON. R. PENNER: Oh, yes, I'm all the more pleased to get that undertaking. In fact, I can advise the Member for St. Norbert that immediately after he raised the question in the House, within a few days I had a meeting with Mr. Phillips, the communications person in my department and have put that on his plate.

MR. CHAIRMAN: Pages 1 to 7 were each read and passed.

Page 8 - Mr. Mercier.

MR. G. MERCIER: With respect to Section 8, Mr. Chairman, I don't want to prolong this, but there's a specific date for the coming into force of this Act — (Interjection) — 8, the commencement of the Act, on July 1, 1983.

The problem with this bill and with all bills is that they will not be printed and available to the legal profession or the public through the Queen's Printer's office until some time late in the fall. There is a very serious difficulty with bills passed by the Legislature having them to come into effect on such a date when they're just not available to the profession. I think the general practice should be to have them come into effect upon proclamation, so that there can be some assurance that the bills are available to the public and to the legal profession when they come into force.

HON. R. PENNER: I would agree to an amendment, just speaking to the particular, to have it come into force on, say, October 1, 1983.

MR. G. MERCIER: Will it be printed and available?

A MEMBER: I would think likely.

HON. R. PENNER: Would you move and second it? Could we pass the pages?

MR. CHAIRMAN: Page 8?

HON. R. PENNER: Yes.

MR. CHAIRMAN: Page 8—pass; Page 9—pass; Page 10—pass. The amendment - Mr. Kostyra.

HON. E. KOSTYRA: Yes, I would move, seconded by the Member for Burrows, that Section 8 be amended by the deletion of the words "July 1, 1983," and substitute therein "October 1, 1983."

MR. CHAIRMAN: You have heard the motion, is it agreed? (Agreed)

Page 11, as amended—pass; Preamble—pass; Title—pass. Bill be reported.

Committee rise.