

**First Session - Fortieth Legislature**  
of the  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
on  
**Social and Economic Development**

*Chairperson*  
*Ms. Erna Braun*  
*Constituency of Rossmere*

**Vol. LXIV No. 3 - 6 p.m., Monday, June 11, 2012**

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**Fortieth Legislature**

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**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT**

**Monday, June 11, 2012**

**TIME – 6 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Ms. Erna Braun (Rossmere)**

**VICE-CHAIRPERSON – Mr. James Allum (Fort Garry-Riverview)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

*Hon. Ms. Allan, Hon. Mr. Chomiak, Hon. Ms. Irvin-Ross, Hon. Mr. Mackintosh*

*Messrs. Allum, Altemeyer, Ms. Braun, Messrs. Friesen, Maguire, Mrs. Rowat, Mr. Wishart*

**APPEARING:**

*Mr. Reg Helwer, MLA for Brandon West  
 Hon. Jon Gerrard, MLA for River Heights*

**PUBLIC PRESENTERS:**

*Bill 7–The Community Renewal Act*

*Ms. Leslie Allen, Brandon Neighbourhood Renewal Corporation*

*Mr. Brent Mitchell, private citizen*

*Ms. Kirsten Bernas, The Canadian CED Network*

*Bill 21–The Public Schools Amendment Act (Code of Conduct for School Trustees)*

*Mr. Hugh Coburn, Manitoba School Boards Association*

*Mr. Edward Lipsett, Manitoba Association for Rights and Liberties*

*Bill 24–The Energy Savings Act*

*Mr. Tim Sale, private citizen*

*Mr. Ron Robins, Manitoba Geothermal Energy Alliance*

*Ms. Gloria Desorcy, Consumers' Association of Canada, Manitoba Branch*

*Ms. Tyler Pearce, BUILD*

*Ms. Kirsten Bernas, The Canadian CED Network*

*Mr. Maeengan Linklater, private citizen*

*Mr. Gordon McIntyre, Winnipeg Rental Network*

*Mr. Glen Koroluk, Daniel McIntyre/St. Matthews Community Association*

*Mr. James Beddome, Green Party of Manitoba*

*Ms. Gail Whelan Enns, Manitoba Wildlands*

*Mr. Peter Miller, Green Action Centre*

*Mr. Lucas Stewart, Manitoba Green Retrofit*

*Bill 25–The Groundwater and Water Well and Related Amendments Act*

*Mr. Jeff Bell, Manitoba Water Well Association*

*Mr. L. James Shapiro, private citizen*

*Ms. Gail Whelan Enns, Manitoba Wildlands*

*Mr. Mike Sutherland, Peguis First Nation*

*Ms. Georgina Jarema, St. Germain/Vermette Community Association*

*Ms. Caitlin McIntyre, private citizen*

*Mr. James Beddome, Green Party of Manitoba*

**WRITTEN SUBMISSIONS:**

*Bill 24–The Energy Savings Act*

*Clifford Maynes, Green Communities Canada*

*Bill 29–The Contaminated Sites Remediation Amendment Act*

*Doug Dobrowolski, Association of Manitoba Municipalities*

**MATTERS UNDER CONSIDERATION:**

*Bill 7–The Community Renewal Act*

*Bill 21–The Public Schools Amendment Act (Code of Conduct for School Trustees)*

*Bill 24–The Energy Savings Act*

*Bill 25–The Groundwater and Water Well and Related Amendments Act*

*Bill 29–The Contaminated Sites Remediation Amendment Act*

*Bill 38–The Statutes Correction and Minor Amendments Act, 2012*

\* \* \*

**Clerk Assistant (Ms. Monique Grenier):** Good evening. Will the Standing Committee on Social and Economic Development please come to order.

I have before me the resignation of Ms. Braun as Vice-Chairperson of this committee. Now, before the

committee can proceed with the business before it, I must elect a new Chairperson. Are there any nominations for this position?

**Hon. Dave Chomiak (Minister of Innovation, Energy and Mines):** Yes, I nominate Ms. Braun.

**Clerk Assistant:** Ms. Braun has been nominated.

Are there any other nominations?

Hearing no other nominations, Ms. Braun, will you please take the Chair.

**Madam Chairperson:** Good evening, our next item of business is the election of a Vice-Chairperson. Are there any nominations?

**Mr. Chomiak:** I nominate Mr. Allum.

**Madam Chairperson:** Thank you. Mr. Allum has been nominated.

Are there any other nominations?

Seeing none, then, Mr. Allum, you are Vice-Chairperson.

This meeting has been called to consider the following bills: Bill 7, The Community Renewal Act; Bill 21, The Public Schools Amendment Act (Code of Conduct for School Trustees); Bill 24, The Energy Savings Act; Bill 25, The Groundwater and Water Well and Related Amendments Act; Bill 29, The Contaminated Sites Remediation Amendment Act; Bill 38, The Statutes Correction and Minor Amendments Act, 2012.

I would like to inform all in attendance of the provisions in our rules regarding the hour of adjournment. Except by unanimous consent, a standing committee meeting to consider a bill in this evening—Mr. Chomiak.

**Mr. Chomiak:** I wonder if there's leave of the committee, Madam Chairperson, because there's so many presenters, that we sit 'til at least midnight in order to hear all the presenters.

**Madam Chairperson:** What is the will of the committee? To sit 'til the conclusion of all the presenters?

**Mr. Chomiak:** In fact, at least midnight or beyond, Madam Chairperson.

**Madam Chairperson:** Thank you, Mr. Chomiak.

**Mr. Larry Maguire (Arthur-Virden):** I would agree, and maybe we could hear the out-of-town presenter first.

**Mr. Chomiak:** I agree with that as well. We're on quite a roll, Madam Chairperson.

**Madam Chairperson:** There seems to be agreement that we hear the out-of-town presenter first, and that we sit until the conclusion of all presenters if it takes us past midnight. Agreed? *[Agreed]*

Before we proceed with presentations, we do have a number of other items and points of information to consider. First of all, if there is anyone else in the audience who would like to make a presentation this evening, please register with staff at the entrance of the room.

Also, for the information of all presenters, while written versions of presentations are not required, if you're going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need help with photocopying, please speak to our staff.

As well, I would like to inform presenters that, in accordance with rules, a time limit of 10 minutes has been allotted for presentations, with another five minutes allowed for questions from committee members.

Also, in accordance with our rules, if a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenter's list.

Written submissions from the following persons have been received and distributed to committee members: Doug Dobrowolski, Association of Manitoba Municipalities, on Bill 29; Clifford Maynes, Green Communities Canada, on Bill 24. Does the committee agree to have these documents appear in the *Hansard* transcript of this meeting? *[Agreed]*

Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in committee. The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name. This is a signal for the Hansard recorder to turn the mikes on and off.

Thank you for your patience and we will now proceed with public presentations.

For the information of the committee, we are adding the name, Lucas Stewart, Manitoba Green Retrofit, as a presenter on Bill 24.

**Bill 7—The Community Renewal Act**

**Madam Chairperson:** I will now call on the out-of-town presenter, Leslie Allen, Brandon Neighbourhood Renewal Corporation.

**Floor Comment:** Thank you to the—

**Madam Chairperson:** One moment please. Do you have any written material to distribute?

**Ms. Leslie Allen (Brandon Neighbourhood Renewal Corporation):** Yes, we do.

\* (18:10)

**Madam Chairperson:** Give us a moment and then we'll get started.

**Ms. Allen:** Certainly.

**Madam Chairperson:** Please proceed with your presentation.

**Ms. Allen:** Thank you, and thank you to the committee for the opportunity to address Bill 7, The Community Renewal Act. My name is Leslie Allen and I am the chair of the Brandon Neighbourhood Renewal Corporation, also known as the BNRC. And I would like to say that the BNRC board is in support of Bill 7.

Bill 7 shows support for the continuation of community renewal organizations in communities that meet one or more of the challenges outlined in section 3.2 of the bill. Since 2000 the BNRC has seen how powerful this type of model is for community and economic development. First, the model is community-driven and community-led. We have been able to bring together stakeholders to the table to discuss issues in our community. Through community consultations we have identified and prioritized the needs as identified by the community residents. This has led to the ability to leverage dollars and to promote partnerships within our community. The first partnership that was developed was between the BNRC and the City of Brandon. This partnership remains strong and many opportunities for neighbourhood renewal have been achieved as a result.

The Brandon Energy Efficiency Program, also called BEEP, is a partnership administered through the Brandon Neighbourhood Renewal Corporation and seeks to increase energy and water efficiency

with low income housing in Brandon and southwest Manitoba. BEEP is funded through a partnership with Green Manitoba—I'm sorry, with Green Manitoba energy fund, Entrepreneurship, Training and Trade, Manitoba Hydro Power Smart, City of Brandon, Manitoba Housing Authority, Western Economic Diversification Canada, and Manitoba Water Stewardship. Westbran Training Centre retrofit trainees are identified and trained in basic energy and construction skills to prepare them for jobs in the construction industry. BEEP is able to complete water and energy retrofits to benefit program participant trainees, low-income households, and the environment.

Another example is our global market that is going to be opening up in a few weeks. Through an NRF fund, the market has been able to leverage dollars from Renaissance Brandon, businesses, and individual community members to finance the construction of this market in our central downtown area. Because of this funding several community groups such as Westman Immigrant Services, the Canadian Mental Health Association, the City of Brandon, and the BNRC have come together with time and expertise to make this marketplace a reality. And the economic spinoff for the community in the downtown area should be great.

Since 2003 the BNRC has received \$450,000 for small grant funding which has been allocated to community groups within the BNRC zone. There has been 182 worthwhile community projects that have received funding. The total cost, though, of these projects are \$3.9 million. Again, this illustrates the amount of community support that goes into these projects that have been endorsed by the BNRC.

Having a community renewal organization allows us to tap into our community and identify the needs that need—the needs to be addressed. One pressing issue from our community consultation was around the area of homelessness. The BNRC was successful in securing funding through the federal government's homelessness partnering initiative. Homeless project funding, combined with private and organizational resources have resulted in over \$12 million in total services to Brandon over the last eight years.

Section 18 addresses formation of an advisory council. We believe that in addition—the addition of an advisory council would benefit the program, but our concern that in section 18.4, the appointment

criteria, there is no mention of ensuring representation from rural or northern communities.

To sum up, the BNRC supports the government's move to ensure the continuation of successful Neighbourhoods Alive! program, and the continued support of community offices that exist to address our community needs.

Thank you very much.

**Madam Chairperson:** Thank you for your presentation.

Do members of the committee have any questions?

**Mrs. Leanne Rowat (Riding Mountain):** I just want to thank you for your presentation.

I represent an area that is very close to Brandon and I know the work that your organization does. Actually a former staffer of mine, Katie Lee, was involved with SIFE and one of the projects, the gardens—the community gardens, so I do know the good work that you are involved in. So I want to first thank you for your presentation.

I just want to touch base on section 18.4. If you had an opportunity to amend that, what would your suggestion be on that resolution or on that?

**Ms. Allen:** Probably adding a (d) to ensure that there is at least a member from—representing the north and representing the rural community.

**Mrs. Rowat:** So you'd just add it on as another point. Thank you.

**Hon. Kerri Irvin-Ross (Minister of Housing and Community Development):** I just wanted to say thank you very much for your presentation, Leslie, and for the work that you do in Brandon to ensure that there's healthy neighbourhoods in vibrant communities.

I wanted to assure you that as we have with Neighbourhoods Alive!—made sure that there is geographical representation we have Neighbourhoods Alive! in rural and northern communities. On this advisory group, of course, there would be rural and northern representation, and just wanted to point out to you, are you familiar with Bill 24 that we'll be hearing about today?

**Floor Comment:** Yes.

**Ms. Irvin-Ross:** Yes, and that will also be supporting the good work of BEEP as well.

So thank you very much for coming in tonight.

**Madam Chairperson:** Thanks, Ms. Allen.

**Ms. Allen:** Thank you.

**Madam Chairperson:** This concludes our list of out-of-town presenters.

Are there any out of town folks in the audience that wish to make a presentation this evening? Seeing none, then we will proceed with the remaining presenters on the list.

I do have a question for the committee. We have a number of presenters who are presenting to a number of our bills this evening, what is your will in terms of allowing them to speak to all the bills they have signed up for? Do you wish to allow them to speak to each of the bills that they are signed up for?

**Mr. Maguire:** I know they would have to change and come into a different presentation anyway, and I think it's probably just as easy for them, as it is for us, to continue in the order that they are on the papers.

**Madam Chairperson:** Okay, we will continue as they are on the paper. Thank you.

I will now call on Kirsten Bernas, the Canadian—pardon me, my mistake, Brent Mitchell, private citizen.

**Mr. Brent Mitchell (Private Citizen):** Hello.

**Madam Chairperson:** Good evening. Do you have any written materials for us?

**Mr. Mitchell:** No, I don't.

**Madam Chairperson:** Please start your presentation.

**Mr. Mitchell:** Thank you.

My name is Brent Mitchell, I'm vice-chair of the West Broadway Development Corporation, and I'm speaking to Bill 7, The Community Renewal Act. But I'm speaking as a private citizen because our board hasn't met, so I'm not speaking on behalf of the board.

I'd like to thank you for entrenching basically what's been practised in my experience with the board and in neighbourhood work that I've done, which this act represents that sort of entrenchment of the policy that has been ongoing, so I appreciate that because it gives it a little bit more heft I suppose, and a lot—almost all of it I would endorse.

One of my reservations is that we don't have any concrete goals in the act. Goals like are we—do we want to end poverty? Do we want to reduce it by such and such amount? Do we want to build housing? Do we want to eliminate the core housing deficit that we have? By what date? Those kinds of things are important to me because—not only because it makes it more urgent I think for the government to act, but it makes it clearer to the citizens whether or not we can have checkpoints and say, well, are we achieving our goals and so on.

Right now the act is basically, as I said, an entrenchment of what we've got. But I think since we're bringing it to the light of day we might as well add some things that increase the accountability. Also with that, and I don't know, I'm not familiar enough with acts and so on whether they would include the dollar amounts that would be connected to those kinds of things, you know, so that we can have—we can, you know, understand how much this is going to cost to actually eliminate poverty or to reduce it by X amount and so on.

\* (18:20)

More specifically to some of the actions under the Community Renewal Office, article 13, I—it's sort of implied in there, but it—there's—I've—one of the major problems I have in my community, and I know other communities are affected by this, is above-guideline increases. And it's, basically, a policy or legislation that is under the control of one branch—of one department of government that really adversely affects another branch of the government, and I don't know that there's a mechanism for one branch of the government to let the other branch of government know, you know, this is horrible.

And the above-guideline increases mean, in my neighbourhood, for instance, and I don't think this is unlike a lot of other neighbourhoods, that we've got almost all of our private apartment blocks, and it's a substantial amount, it makes up about 90 per cent—apartment dwellers about 90 per cent of our neighbourhood. Almost all of them have had above-guideline increases on an average of 15 per cent per suite, which means for a low—not just a—somebody on assistance, but for even low-income workers, we've got people who can no longer afford to live in west Broadway, and either they're doubling up, which is the case sometimes, but more often, they're having to move into neighbourhoods that haven't yet been affected as much by above-guideline increases or move in—double up in other neighbourhoods as well.

And I think this—it doesn't take a stretch of the imagination to figure out this is not good for any neighbourhood to have this kind of stress being put on people, and it seems really crucial that this above-guideline increases issue be dealt with by several departments together. And I don't see that explicitly stated so much in the act, but if that's the intent of the act and that's the way the act is enacted, then I'm okay with that.

And item 18—or article 18(3), I love the idea of an advisory committee. I don't know that—I'm not familiar with one. I can't name a member—do we have an advisory committee now? I don't know. But what I would advise the advisory committee is that it be up to the Neighbourhood Renewal Corporation to appoint that or at the very least make recommendations that were accepted by the minister. Not that there's anything wrong with the minister, but this is—this can be a committee that offers criticism, constructive criticism, of government legislation, and it would be much more transparent to have the committee chosen by the renewal corporations who are on the ground as opposed to by the minister. And I think that would increase the value of the advice that they—that minister get from these committees.

And that's pretty well it.

**Madam Chairperson:** Thank you for your presentation.

Do committee members have any questions?

**Mrs. Rowat:** Thank you very much, Mr. Mitchell, for your presentation today.

When we were in debate, we did talk about accountability and actually having benchmarks to respond to communities' needs, and I think that you've raised that today. And I think that we should be diligent with the minister and her office to ensure that's included in the regulations in some way so that you do know how well things are going or not going with regard to certain issues affecting specific communities. So I appreciate your comments on that.

Now with regard to Community Renewal Office, when you were talking about the above-line increases, how do you see that playing with the Community Renewal Office? You were indicating—

**Madam Chairperson:** Mr. Mitchell.

**Mr. Mitchell:** The office is charged with advising the minister, as I understand it, and also of advising other departments what affects what. So, if you are now—for instance, somebody's living on assistance or

somewhere near assistance levels and their rent goes up, in some cases in my neighbourhood, \$200 per month, they can no longer afford to live there, and in a really low housing market, they can't really afford anything decent anywhere. And so they become, you know, somebody in some other department in several areas in the Education Department is affected, because transiency reduces the value of—the quality of the education a kid's going to get. The, you know, health care, you know, the—not having a decent place to live is going to adversely affect health care and so on.

So it's kind of—it's really crucial that when you have such a major impact as above-guideline increase that the people who are at a marginal level of income are considered. I would have hoped before all the landlords were raising the rents, but at least now.

**Mrs. Rowat:** Okay, I get it. So what you're wanting to see is this community renewal office actually have some teeth and actually have some focus, and the 'visory' committee that will be working to ensure that the minister is aware of the issues or the departments.

I believe that there is going to be a deputy minister committee that will be made up of various departments. But I think that if we have a strong renewal office, a renewal corporation office as well as a strong board, then some of these issues need to be addressed and that's probably one of them—priorities in your community.

**Mr. Mitchell:** Yes, definitely, that would be helpful.

If that's the case then, I'm—something as important as this would get dealt with with the level of priority that I think it deserves, because it's been a while now. Above-guideline increases have been going on for—in—en masse for about 10 years now, and so far, you know, there's no portability of rental supplements. There's—or very little portability, if any. And there—people are—people and—friends of mine from West Broadway can no longer live in West Broadway and had to move out, and it's done a disservice to them.

**Ms. Irvin-Ross:** I just wanted to thank you very much, Brent, for your presentation and, again, your work that you do to revitalize your community and create it to be a vibrant place to live.

I just wanted to comment on your point about concrete goals. We believe in that too, and we have broad goals that we've outlined as a policy for

Neighbourhoods Alive!, but we rely on local NRCs to come up with the concrete goals. So that's how we'll continue to do business, and those work plans are submitted to us and we follow up and there's ongoing evaluation between the NRCs and the Neighbourhood Alive! committees.

So we thank you for that advice, as well. So we'll continue to do that work.

And, then, also, your point about the advisory committee and how those appointments should be made, I thank you for that information as well.

**Madam Chairperson:** Thank you for your presentation.

I will now call on Kirsten Bernas, The Canadian CED Network.

Do you have some written material for us?

**Ms. Kirsten Bernas (The Canadian CED Network):** Yes, I do.

**Madam Chairperson:** Thank you.

**Ms. Bernas:** I'll also be speaking to Bill 24 this evening.

**Madam Chairperson:** Can we just wait for a moment for the papers to be distributed and then we'll get started.

**Ms. Bernas:** Yes, of course.

**Madam Chairperson:** Thank you. You may begin your presentation.

**Ms. Bernas:** Okay, I was just going to state that I will also be speaking to Bill 24 this evening. So if I—if it was an option, I would be happy to do that presentation immediately following this one, but I'll leave that up to you.

**Madam Chairperson:** Committee, is there a willingness to have Ms. Bernas present on 24 following her presentation?

**Hon. Nancy Allan (Minister of Education):** My understanding is, Madam Chair, that we ruled on that already.

**Madam Chairperson:** Thank you. Earlier we decided to follow the list as it is. So we'll be calling you back then.

**Ms. Bernas:** Okay, well thank you for the opportunity to contribute to your discussion and deliberation on this very important bill.

The Canadian CED Network, Manitoba, represents more than 100 community organizations



that are working with community members across the province to build stronger and fairer local economies, reduce poverty and create more sustainable communities through a community economic development approach. Many of our members take a geographic neighbourhood-based approach to their work and are committed to a community-led, capacity building, holistic and long-term approach to building healthy, vibrant, inclusive, equitable, innovative and growing communities.

Our network was very pleased to see the introduction of Bill 7 into the provincial Legislature. In fact, while our membership has grown over our 10 years as a network to include a broad range of organizations, the Community Renewal Corporation is at the heart of the founding members who were committed to community economic development as an effective way to achieve sustainable and equitable development.

\* (18:30)

It has been great to see this model adopted here in Manitoba over the years and replicated alongside strong provincial government support in recognition of the effective outcomes achieved on multiple levels by these unique organizations.

In Manitoba much of this work has been guided by a set of principles for community economic development that were first developed by the Neechi Foods Worker Co-op in Winnipeg's North End, and then adopted by the Province of Manitoba as part of its CED policy framework and lens. However, this consistent terminology of community economic development and a description of its common definition and agreed-upon principles are not explicitly included in this bill. Given the traction of this CED terminology in both government and community circles, and the value of having a common set of principles that guide community-based planning and activities, we would recommend that they be added to this bill in sections 1(1), 1(2), and 4(1), in particular.

There is evidence to support this model of taking a community-led geographic approach to holistic development and we are in strong support of strengthening this approach through this bill. The people living in disinvested communities know best the challenges and opportunities that exist locally and the existing capacities and resources in the neighbourhood that can be mobilized. They know what their communities need and how to effectively meet those needs.

We also know that when people are engaged in creating their own futures, they are willing to invest more of themselves into the process of achieving their goals. They learn to analyze their communities and become more aware of their context. Finally, they develop leadership skills that become an asset to the community for years to come. This matters a great deal as it builds community capacity ownership and leadership, all key elements to effective community renewal.

So it's great to see that Bill 7 commits to community plans developed in consultation with residents and local stakeholders that create community-led solutions to achieving their own identified goals, and that it also creates a community renewal advisory committee to bring in community expertise to provide advice on community renewal issues and this act.

It should come as no surprise to anyone that when you ask a neighbourhood about its vision of an ideal community, the identified components are very diverse. Why wouldn't they be? We understand that family well-being has many different facets, so it is only natural that a community would also identify a wide range of interconnected factors that make up its ideal community. Yet, too often, community renewal and poverty reduction efforts are attempted with single intervention initiatives, often limited by funder criteria on what community organizations can and cannot do.

But you can't just have business start-ups if local people don't have the skills to take the jobs. You can't just build houses if people are too poor to afford to live in them. You can't just provide education if people don't have enough food to eat to sustain them through the day.

What is required is a holistic approach to community renewal, as these things are all inextricably interconnected, and this is what real and effective community renewal is about. We recommend strengthening the language in section 1(2) so that it more clearly recognizes that community renewal is multi-faceted and interconnected.

We strongly support the creation of the deputy minister's committee on community renewal in recognition of the interdepartmental relevance of holistic community renewal and poverty reduction work, and the need for high level leadership committed to co-ordinating support and investment in comprehensive community renewal activities.

Another element that is key to effective community renewal is that it must be part of a long-term vision. The challenges around income, housing, human capacity, infrastructure, enterprises, jobs, community services, and social relations in these disinvested communities have taken decades or more to materialize. We know that short-term action is a very important part of community renewal work. What concerns us is the lack of focus in Bill 7 regarding the long-term nature of this work.

We recommend an emphasis on the importance of long-term planning, on recognizing that evaluation must capture long-term results in addition to short-term outputs, and on long-term funding that will allow for the longer term planning evaluation and work to be carried out.

What has been key to the strength of the current NRC model is the kind of core funding for administrative capacities that is recognized as a best practice funding model around the world, including in the Federal Blue Ribbon on Grants and Contributions.

This long-term core funding allows the community renewal organization to engage in the community capacity building and planning that is required to build long-term solutions and to have a stable base from which to leverage additional funds for project activities. Our concern is that this amount has not sufficiently increased over the years at pace with organizational growth, meaning that it is becoming inadequate. We recommend that this bill address this issue.

Bill 7 is important and built on innovation that has proven to be very effective. We believe in this model so strongly that we recently published a report proposing a national model based on the Manitoba experience. I can tell you that, beyond the keen interest in the model and its results coming from a diverse range of actors, it is the people who toil passionately and tirelessly in communities in every part of this country that really look at the Manitoba model with envy. They know what it takes to achieve community renewal, and they know that this model would do wonders for their ability to achieve their goals. Thank you.

**Madam Chairperson:** Thank you for your presentation.

Are there any questions from the committee?

**Mrs. Rowat:** I want to thank you for your presentation, and I think you've given some

opportunities for Bill 7 to be stronger and provide more accountability and—through the process in helping communities. I think you've got some good ideas on how this bill is on the right track, but there needs to be more clarity in what community economic development is about and the pieces of the puzzle that will make communities stronger. So I've made note of that and I appreciate your suggestions on amendments. Thank you.

**Ms. Bernas:** Thank you.

**Ms. Irvin-Ross:** I just wanted to say thank you very much for your support in Neighbourhoods Alive! through the last 10 years-plus, and also for the way that you're able to express our success, our made-in-Manitoba success across the nation. That's really important and vital. Thank you.

**Madam Chairperson:** Thank you for your presentation.

#### **Bill 21—The Public Schools Amendment Act (Code of Conduct for School Trustees)**

**Madam Chairperson:** I will now call on Hugh Coburn, Manitoba School Boards Association. Do you have some written materials for us?

**Mr. Hugh Coburn (Manitoba School Boards Association):** Yes, I have.

**Madam Chairperson:** Thank you. If you'll give us a moment just to distribute them.

You may begin your presentation.

**Mr. Coburn:** Okay. Well, first of all, I want to apologize. I have a very, very bad head cold, and it's normally done—the presentation—by our president, Robert Rivard, and—but I'm looking forward to, after I leave here, going home and have a nice double scotch on the rocks and watch the hockey game, so.

I'm Hugh Coburn. I'm the past president of the Manitoba School Boards Association. The Manitoba School Boards Association is a volunteer membership organization that provides leadership, accuracy and service to the public school boards in Manitoba.

Today I'm pleased to speak in support of Bill 21, The Public Schools Amendment Act (Code of Conduct for School Trustees). Many school boards already have codes of 'conduct'—conduct or ethics; Bill 21 will ensure that all school boards adopt such codes while preserving the board's right to determine much of what is contained within those policy documents.

We believe that the minimum requirements set out in the proposed Public Schools Act, section 35.1(2), that a trustee act with integrity, respect others, and keep in confidence personal and confidential materials are appropriate. While misconduct in these areas is rare, it can spark a loss of public confidence in school board governance and, in a case of breach of confidentiality, open a school board to potential legal viability. By including these provisions in The Public Schools Act, the government has underlined the seriousness of transgressions in these areas.

\* (18:40)

We strongly support the enforcement provisions contained in proposed Public Schools Act, section 35.2(1), and to date, those school boards that have adopted codes of conduct that have no ability to enforce breaches beyond a simple motion of censure, the ability to bar a trustee from all or part of a meeting or to suspend an individual for up to three months will address this shortcoming of the current legislation.

Further, we believe that the voting provisions contained in the proposed public section—Public Schools Act, section 35.2(2) will serve to protect trustees from unfounded accusations by allowing in camera debate of a motion to sanction prior to a public vote and by requiring two-thirds of all the members of a school board to pass such a vote.

This legislation will ensure that only real and serious misconduct is sanctioned.

We do have some interrelated suggestions or questions concerning the process for voting on sanctions as follows: We believe that the legislation should make clear whether or not the trustee who is object—is the object of a motion to sanction is permitted to vote on that motion. Our belief is that he or she should not be allowed to vote in much the same way that a trustee does not vote when he or she is in a conflict-of-interest situation. This is a practice that is reflected in some existing codes of conduct. In the event that a trustee who is the object of a motion to sanction is not permitted to vote on that motion, would his or her's exclusion be reflected in how we define all the members of the school board?

Section 35.2(2)(2) that is for the purpose of determining the outcome of a motion to sanction. Would a nine-member board be considered to have only eight members? The legislation is clear—section 35.2(3) that the absent resulting from the sanction is

considered to be an authorized absence. This is significant because of other provisions contained within The Public Schools Act where repeated absences can lead to a trustee's seat being declared vacant.

There is, however, no mentioned legislation about the potential impact of a sanctioned trustee or trustees absent on quorum. This is considered elsewhere in The Public Schools Act in relation to an absent arises due to a conflict of interest, we would suggest that Bill 21 should make provisions for a possible reduced quorum resulting from the code of conduct violations and resulting sanctions.

In addition to these clarifications around the voting of a sanction, we are also requesting clarification about the intent of the proposed public school act section 35.2(1)(3) whereby a school board can suspend a trustee from the school board, including suspending all the trustee's rights, duties and privileges as a member of the school board for up to three months.

We would ask that Bill 21 be revised to state explicitly whether or not payment of a trustee's indemnity is included amongst these—those privileges that may be suspended.

Given that any motion to sanction a trustee may be 'contentious', we believe that the legislation should be clear as possible in regards to details such as these. We would ask that the legislators support in ensuring such clarity.

We believe that Bill 21 is positive legislation. It will strengthen school boards' ability to serve their students and communities by ensuring the highest standards of conduct and integrity in their own internal operations.

Without our few suggestions for amendments in mind, we would encourage all members to support Bill 21 on the floor of the Legislature. Thank you.

**Madam Chairperson:** Thank you, Mr. Coburn.

Do members of the committee have questions?

**Mr. Cameron Friesen (Morden-Winkler):** Thank you, Mr. Coburn, for coming in this evening to speak on this bill, and I do hope that you get better soon.

And I just wanted to ask you a few quick questions in regard to this bill, and I thank you for your presentation this evening. It's a thoughtful and very comprehensive examination of this bill and its provisions.

I wanted to ask you: How many instances would you estimate might come to the attention of Manitoba School Boards Association within the course of a year?

**Mr. Coburn:** They're actually very rare, but on occasion we do have a couple of rogue trustees that actually, I think, step way over the lines of confidentiality, and it really does affect the work of school boards across the province. And I think this is why we're addressing this bill this evening.

**Mr. Friesen:** And is this an issue that has been brought forward in the past at convention as a resolution?

**Mr. Coburn:** Yes.

**Mr. Friesen:** And is this an issue that the MSBA has actively lobbied the government on?

**Mr. Coburn:** Well, we have discussed it in regards to what we may be able to do and put something in that at least we have something that we can hang our hat on, because at this stage of the game, when a trustee or two—and like I said, it's very rare—steps out of line, it can affect everything from negotiations when we're trying to negotiate with our teachers or our CUPE groups, and somebody can step out of line and break that confidentiality, and it has been done in the very near future—in the past future, and it's really been difficult to deal with.

**Ms. Allan:** Thank you very much, Hugh, for being here this evening. I would like to thank the Manitoba School Boards Association for the dialogue that we have had about this legislation, and I would like to thank MSBA for their support.

I'd also like to thank MSBA for having a discussion this winter at the regional meetings that they did all across the province in regards to this legislation and getting feedback from trustee organizations across the province. That was very important to us to make sure that we had a good piece of legislation in front of us.

I would like to just provide some clarity in regards to some of the questions that you have in regards to the legislation. The first one that you raised in regards to the legislation here on the paper in regards to the object of the motion to sanction is permitted to vote on that motion. I just want to say that in regards to that particular one, the first one that you've raised, we agree with you in regards to that,

and we're going to deal with that particular issue in legislation.

In regards to the second issue that you raised in regards to how you define all members of a school board who are permitted to vote on the motion for the purpose of determining the outcome of the motion, would a nine-member board be considered to have only eight members? The individual that—the board would still be exactly the same size, so it would still be two-thirds of the original number on the board, regardless of whether it was five members or whether or not it was nine members.

In regards to the third section that you raised, section 35.2(3), it's the same kind of issue in regards to quorum. The quorum would not be reduced if one of the members was asked—was sanctioned and not on the board for three months. They would still be a member; it would be similar as if they were on sick leave.

And, in regards to the fourth issue that you raised in your presentation, we will be—and you asked for further clarity around this issue, and we are going to actually make an amendment this evening in regards to this to provide further clarity.

So we appreciate all of these issues that you raised this evening. We want to thank you for your presentation, Hugh. Thank you for being here on behalf of President Robert Rivard, and enjoy your scotch, and sofa, and the hockey game. I hope you feel better soon.

**Madam Chairperson:** Thank you very much.

**Mr. Coburn:** Thank you.

**Madam Chairperson:** I will now call on Edward Lipsett, Manitoba Association for Rights and Liberties.

Do you have some materials to distribute?

**Mr. Edward Lipsett (Manitoba Association for Rights and Liberties):** Yes, I do.

**Madam Chairperson:** Thank you. We will wait distributed, and then we will begin.

\* (18:50)

**Ms. Allan:** I've been informed by people that I—in the first point that I was chatting about in regards to the first point that the Manitoba school boards raised in their brief about making clear whether or not the trustee who was the object of a motion to sanction is permitted to vote on the motion, I just want to make

very clear I understood that I said it would be dealt with in legislation; I meant regulation. So my apologies for spitting the wrong word out there.

**Madam Chairperson:** Thank you.

You may begin your presentation.

**Mr. Lipsett:** My name is Edward Lipsett, and I am appearing on behalf of the Manitoba Association for Rights and Liberties, MARL.

Madam Chairperson, honourable members, MARL has several comments concerning Bill 21, The Public Schools Amendment Act (Code of Conduct for School Trustees).

Although MARL does not oppose the principle of requiring or authorizing school boards to establish codes of conduct for school trustees, we respectfully find some of the substantive and procedural provisions of this bill somewhat problematic, specifically new subsection 35.1(2), paragraph (a), clause 1 and 2. Certainly, these are valid ideals and desiderata; however, one must question how far even the most important social and moral values such as dignity, respect and, indeed, civility can be enforced by law without creating an unduly authoritarian or even totalitarian society. Furthermore, the terminology used here seems unduly vague and potentially overbroad, posing a risk to the freedom of expression of elected trustees in the fulfillment of their duties. It is conceivable that this provision could be used to penalize a trustee for the substance of his or her unpopular views or his or her style of presenting them. All trustees must be able to be completely frank in discussing the important issues that are within their mandate.

New subsection 35.2(1), it seems unnecessary and inappropriate to give the school board power to penalize a trustee. Although censoring may seem relatively harmless and it may be appropriate to bar a clearly disruptive member for the remainder of the particular meeting if he or she is disrupting it. If it is clearly necessary to restore order, suspending the trustee is substantially more serious. Not only does it harm the member, it also harms his or her constituents by depriving them of representation for the period of suspension. Giving a political body such powers is inherently subject to abuse.

Should a member's misconduct be so serious that a significant penalty is needed, this should be done through the judicial process. Section 39.7 already provides for proceedings in the Court of Queen's Bench against a trustee for violating this act. Perhaps

subsection 39.7(5) should be amended to give the judge the option of imposing a suspension or lesser penalty when declaring the trustee's seat vacant seems too severe a sanction under the circumstances.

New subsection 35.2(2), if the school board is to be given powers to sanction a trustee, specific procedural protection should be provided in the act, not left to the minister's regulatory power provided for in new section 35.4, paragraph (a), clause (c).

New section 35.3, if the school board is given the power to sanction a trustee, the appeal should be to the Court of Queen's Bench rather than to an ad hoc adjudicator appointed by the minister. There is a risk of political considerations being involved in the sanction in the first place. It is especially important that any appeal or review be conducted by a judge who has and enjoys the appearance of independence and impartiality.

New section 35.4, the powers given to the minister may be too wide. If any powers provided for in this bill are to be given to school boards, adequate protection for the rights and interests of the affected trustees should be provided for in the act.

Thank you, for your kind attention to this submission.

**Madam Chairperson:** Thank you for your presentation.

Do committee members have any questions?

**Mr. Friesen:** Thank you, Mr. Lipsett, for your presentation this evening.

You've thought long and hard about these issues, and you provided some good perspective on some of the aspects of this bill. In particular, I just wanted to thank you for mentioning the fact that it's a difficult challenge to quantify terms like dignity and respect, and they become difficult to measure and more difficult still to try to arbitrate a decision about a trustee's conduct based on the extent to which these things were exhibited, and so I appreciate the way you—that you presented that to us, and some of the comments you made were the same ones I shared in the Legislature when I spoke on this bill.

In any case I did want to also thank you for what you mentioned to this committee with respect to the importance of being able to, in the exercise of democracy, have a wide range of opinion presented within a school board by the trustees, and we have to be careful to what extent any legislation would serve

to prevent fulsome discussions around important issues, and thank you.

I just want to thank you also for your comments about appeal to an adjudicator, and, certainly, this bill contains, you know, a list of enforcement measures that increase, and I share some of your concerns about an adjudicator put in place and how that would be open to the—to possibly misuse.

So thank you for your comments and your words this evening at committee.

**Ms. Allan:** Thank you very much, Mr. Lipsett, for your presentation tonight. I really appreciate having the opportunity to hear some of the comments that you have made about this legislation tonight.

I know that there is a fine balance between, you know, school trustees having honest and open discussions at meetings with integrity and having vibrant discussions about our public education system, but, at the end of the day, we believe that it's important that confidential information that may be sensitive—some of the nature of sensitive discussions that happen could be around collective bargaining. It could be around hiring.

It could also be, Mr. Lipsett, about perhaps a student in our public education system where it would not be in the best interests for those discussions to be outside of the school board meetings, and so I appreciate your comments in regards to that.

I do also want you to know you've made some comments here that you feel that maybe this bill is too tough on trustees in regards to them having to leave their office and be suspended. But, you know, there is provisions in the public service—Public Schools Act right now that some—if board members miss three meetings without, you know, an acceptable reason that they can be suspended already. So we feel that this piece of legislation, that you have in front of you now, lines up with our Public Schools Act.

And, you know, in regards to the issues around adjudicators, we believe adjudicators are arm's-length independent individuals that are professionals in our system, and we have confidence in the work that they do in many areas.

But I do appreciate the comments that you have made tonight, Mr. Lipsett, and thank you so much for being here this evening. We appreciate your concerns.

**Mr. Lipsett:** If I could just clarify a point. I was not—we were not challenging clause 3 dealing with confidentiality. It is clause 1 and 2 in particular that could be—could be—I'm not saying they would be—could be abused and overbroad. MARL certainly respects the need to protect privacy.

**Madam Chairperson:** Thank you very much for your presentation.

\* (19:00)

### **Bill 24—The Energy Savings Act**

**Madam Chairperson:** We will now move to Bill 24, The Energy Savings Act, and I will now call on Tim Sale, private citizen. Do you have some written materials for us?

**Mr. Tim Sale (Private Citizen):** I do.

**Madam Chairperson:** Thank you. You may begin your presentation.

**Mr. Sale:** First of all, it may be obvious I support this legislation and that might not be a big surprise, but I support it at least in part because we were working on such an approach nine years ago when I was minister of Energy at that point, and I've remained convinced that on-bill financing of energy retrofits is sound public policy. Twenty American states use this approach. In the UK about 14 million households have already been renovated one way or another as a result of this kind of approach. So I think it's a great thing that we're doing. I think there are ways to strengthen it.

The act will also help keep older housing affordable and available. There's a chart in the presentation that I gave you which I think demonstrates the tremendous risk that we face in Manitoba today over the loss of affordable rental housing. One line goes down, the other line goes up. Our population is rising. The ability of working folks, immigrants, new city residents to access affordable housing is decreasing, in fact, to access any rental housing.

So what does the act do? Well, I think you all know it allows us to purchase renovations, to purchase the reduction in greenhouse gases, to purchase the ability to better keep our houses affordable because of reducing utility bills by paying for those savings through the utility bill itself. This has the advantage of when a property is sold that the bill remains with the property and doesn't have to be paid off by the vendor of the property, which is the case currently with hydro.

Why has it taken so long to get here? Well, I think fairly simply because voluntary energy programs are generally embraced by utilities only if there's low-hanging fruit available. It's generally pretty easy to save big amounts of energy and big plants like Inco, and so forth. But to find the tremendous amount of wasted energy that is in our homes, small businesses, older apartment buildings is time consuming. It takes a lot of energy, and, frankly, no utility that I know of, including Hydro, is much interested in doing that level of work without a mandate to do so. So Manitoba Hydro is no worse and no better than anybody else in the utility game at that issue.

And I think that raises one of the problems with the overall act. And that is that it's really just a precursor to what is needed badly and that's a new energy act for Manitoba, a comprehensive act. A lot of things have happened since the old hydro act that's now in place was put in place. The world is a very different place in terms of energy and technology, and Manitoba Hydro really needs a new act. In fact, they would agree with that. They might not agree about all the details of a new act, but they would agree and, in fact, have been working on a new act for many, many years, and it's time we got that done.

I want to skip to the bottom of page 2. I'm hoping you'll have time to read this brief before you decide on the future and fate of this bill, but I want us to go to the bottom of page 2. I believe along with a lot of others, and I hope many of you, that we're at a crossroads in energy technology today. We've got a huge opportunity. If we don't take that opportunity then we've got a big risk, and I'll give you some examples.

New wind power is about 7 cents a kilowatt hour. New Wuskwatim power is approaching 10 cents a kilowatt hour. The energy that we save is essentially energy we don't have to build capacity for. So we really have the opportunity to look at things like new solar, which is competitive with diesel in some situations and will in a few years be cheaper than diesel. It's cost curve is continuing to decline very sharply on that.

Geothermal: If Hydro had an appropriate policy on geothermal, we would have a geothermal subdivision in Waverley West. It does not have an appropriate policy. It still says if gas is available, we should use gas, and, frankly, I don't think that's a good policy. It simply essentially says that we will export power to the United States and we will keep

burning greenhouse gases in Manitoba for no particularly good reason.

I think that we have an opportunity with Hydro to take a step back and do a very careful and very thorough rethink. Part of that's because there's a positive opportunity on all the new energy availability we have through wind and geothermal, biomass, et cetera.

So there's new technologies that we could take advantage of, but the practical and very imminent problem is the problem of shale gas in the United States. It—for them, it's not a problem; it's a great opportunity. For us, it forces us into a very strategic rethink of Manitoba Hydro, because shale gas is selling today for under \$3; it's around \$2.50, \$2.60 a cubic metre. At that price, gas exploration is not economic, and the reason the wells are being drilled is because of the liquids that are associated with many of the fracked wells. The methane, in the form of natural gas, is almost a by-product that's not particularly valuable.

What that means is that America can meet even its baseload power demand from natural gas for many, many decades into the future, and what that means to us is we need to rethink our strategy in Manitoba about where we go with our utility.

Now, it's only been 18 months since fracking became such a dominant technology. It's not a new technology, but it became dominant within the last 18 months. We need to recognize that's not going to change anytime soon and do a really thorough rethink of our energy strategy in Manitoba.

So, I believe our opportunity is to use this act as a springboard into a whole new act, but also an opportunity, as a community, as a province, as a Legislature, to say where do we want to be in 20 or 25 years on the energy front. How do we see ourselves attracting the kind of green businesses, skills and technology that will give our kids and our grandkids a continued great place to live? I think this is a huge opportunity. If we miss it, I'm afraid that others will quickly latch onto that opportunity and we will be left behind.

Madam Chair, I do have some specific amendments. I will leave them with you. Obviously, it's not my place anymore to move any, although it'd be fun to try. But I think the sort of burden of the amendments is to firm up this act, to replace, you know, words that are slightly less than shall with

shall, to—for example: "shall contribute to the fund," as opposed to a little less firm word.

And I think that the amendments I'm suggesting would all go in the same direction, and that is to tighten up the act and to give the minister more authority, in terms of approving Hydro's energy efficiency plan. I think that it's not a good idea, basically, to give Manitoba Hydro the only view of its energy efficiency plan, because, frankly, it has had a very bad record in terms of energy efficiency for low-income or housing in general in Manitoba. It's easy to do energy efficiency with Inco; it's much harder to do it in the inner city of Winnipeg, and that's where the great energy losses are right now. That's where the low-hanging fruit is, if you will, but only if you put in place the programs to make that happen.

So, thank you, Madam Chair and former colleagues, for the opportunity to stand in a different place than I've ever stood before. It was fun.

**Madam Chairperson:** Thank you for your presentation.

Do committee members have any questions?

**Mr. Chomiak:** Well, it's really fun on the other side, Tim. Gosh. Thanks for the comments.

A couple of your amendments we're already going to do. You picked up the issue of the natural gas. That was a clerical—that was a basic error we made. The—we went back and forth on the amendments to the "shall", and the—as you could appreciate—went back and forth on that. And the issue of the funding—the 2 per cent gross is interesting. Not sure if we're going to—I don't think we're going to do that. We're probably going to stick with export revenues, and I suspect that'll come—that will come during the rest of the presenters.

How do we deal with large utility customers? Do you have any opinion on that? How do we deal with large utility 'custers' going into the future—large industrial users? Any suggestion?

\*(19:10)

**Mr. Sale:** Well, I think the—sort of the technology of dealing with it's exactly the same. Essentially, you allow the utility to pay for the renovations and you recapture that through the on-bill charges that are then made.

I don't think there's any conceptual difference in terms of how you could do that. It—there may be

some technical issues in terms of some very, very large water users, and that would be in—for example, in the drilling industry. Unfortunately, that's where there's a huge amount of water used for a relatively small amount of petrochemicals that come out.

**Mr. Chomiak:** Just one other point that you, also, made that was made in our offices by a—you nailed it, by a large natural gas and oil company. That they—actually, they say they're drilling for natural gas, and, you're right, they're really drilling for oil all the time.

But he posed the question to me and I'm posing it to you is: How come no one's—if shale gas is so cheap and so plentiful, how come no one will give you long-term contracts for it?

**Mr. Sale:** Well, I think there's a couple of reasons for that.

One is that shale fracking, when you frack a well, you get a tremendous flow for the first—sometimes only a day or two, and then it has to be done again and again. The fracking industry at the scale that it's at now is only about 18 months, two years, old, although wells have been fracked in Texas for many, many years, but not at this scale.

And I think the market is still not sure about whether, for example, there will be environmental issues discovered. The reading that I've done in *New Scientist*, and other web-based, you know, publications, suggests that fracking is not a bad technology. Properly done, it is not a polluting technology. That's not my view; that's the view of the scientists that seem to be reporting on it.

But I think the market is still saying we're not sure yet. My—truly, my guess is that the market will be sure very shortly, because the distribution—the Marcellus Shale, Bakken formations are so widely distributed that I think the notion that somehow one of these is going to fail, you know, one—maybe one will fail, but there are so many of them.

And the amount of gas that is available is stunning—it's absolutely stunning. I still don't think it's a great idea to burn it all, for obvious reasons, but the amount of gas available to the US to be energy self-sufficient is huge. And I think it brings into question all utilities that have built their business model on a north-south export model. I don't think that model will serve us well. It has served us well, but I don't think it will serve us well in the future.



**Mr. Reg Helwer (Brandon West):** Madam Chair, through you to Mr. Sale. Thank you, Mr. Sale, for your comments. You're not the first one to suggest that Hydro is at a crossroads, but I find it encouraging that you think so, and we'll probably hear from more people as we go along here.

The objective, then, is to find—to make sure that the government understands that, and that they will look at that type of a model that you've suggested. Maybe look at a capital review of their projects, because they are very good at building dams and transmission lines. But is there another model that they should look at? And I guess you've documented some of that here.

And, I guess, a question for you, as someone—from someone that's new to this environment as myself, any suggestions on how we would get the government's attention to look at reviewing the major projects?

**Mr. Sale:** Well, I'm fairly confident the government's already looking at it. I just hope to encourage them a little bit. But I think if I were looking at a particular place, I would look at the energy policy that's being put forward by Nova Scotia, Québec, Ontario, Manitoba—I believe BC is also part of the support for that. It's, essentially, beginning to—well, not beginning—to finally looking at the last piece of an east-west corridor. We have east-west rail, east-west air, east-west gas, east-west oil; we don't have east-west electricity.

And I think that a number of groups, including the Manitoba Business Council have been supporting that notion that let's use this tremendous potential we have, but let's use it to strengthen the Canadian economy: the Saskatchewan, the Alberta, the BC, the Ontario, the Manitoba economy. Not ship a raw good to Minnesota and Illinois for them to—frankly, as a marginal import, to strengthen their economies. And I think this is a time when we can look hard at that question again. Not out of criticism of the past, because in the past the model was different, but I think it's a big mistake if we think that past models always work in the future.

**Madam Chairperson:** Thank you. Our time for questions has expired. Thank you for your presentation.

I will now call on Ron Robins, president, Manitoba Geothermal Energy Alliance. Do you have some written materials for us?

**Mr. Ron Robins (Manitoba Geothermal Energy Alliance):** Yes, I do.

**Madam Chairperson:** Thank you. You may begin.

**Mr. Robins:** Thank you for the opportunity to speak to The Energy Savings Act, Bill 24.

In general, we at MGEA are very pleased with the potential that appears to be there with that act—or with the proposed act. We do, however, have a couple of concerns that we'd like to address, the first one being that any time that—it seems like any time the geothermal industry—and because I'm going to speak primarily to the geothermal sector of it—any time you try and promote it, it appears that we run into some quality assurance problems with installations.

We believe that—very important part of not necessarily the act, but the regulations that go with the act, is maintaining quality assurance and instilling consumer confidence. That consumer confidence can only be instilled by installing quality equipment in systems that are designed and installed by trained geothermal professionals.

MGEA has a quality assurance program in place. It's something we've developed over the last three or four years. It was designed by an internationally recognized Winnipeg company and it was designed with extensive consultations with government departments, with the home builders' association, planning districts, manufacturers, geothermal stakeholders, Manitoba Hydro and others.

Our quality assurance program is supported by an extensive electronic online database management system that tracks the geothermal installation from the cradle to the grave. The program is triggered by an—the installer applying for an MGEA permit. When that process is followed through, the permit is completed, we end up with a signed compliance statement where the installer and installing company declare that every—all of the pertinent regulations have been met in that installation.

We feel that our program, that is in place, would be a great support to this act, to this bill, and the regulations that would follow it, and that—we already have something in place and we just want to make sure that everyone here is aware that we have that and it works very well.

Our second concern is in the development of the energy efficiency plan. I have the same concerns as our previous speaker here, where I believe that

Manitoba Hydro have their own, I guess, canoe to paddle, as you'd say, and they don't necessarily always deal with the better good. We think that the MGEA, as geothermal stakeholders, would like to be involved with the—again, with the regulations, with development of the energy efficiency plan.

We think that target markets are very important. We have, in past, with some programs—some geothermal programs, found that they were only available to gas-serviced areas, or they were available to non-gas-serviced areas, to low-income areas, to remote communities, to rural areas or to urban areas. We would like to see this Bill 24 apply to all areas in the province of Manitoba.

I—our final concern would be—and we're not—we realize that the bill does, to some extent, speak to the levy—level playing field for geothermal infrastructure as compared to electrical and gas infrastructure. I guess we just want to say it one more time: We think that it's very important that we try and level that playing field and make it easier for the geothermal infrastructure to be established.

I thank you for the opportunity to have input and, again, I'm very pleased to look at the possibility of Bill 24 going forward. Thank you.

\* (19:20)

**Madam Chairperson:** Thank you for your presentation.

Do committee members have any questions? Minister Chomiak? Oh, Mr. Helwer.

**Mr. Helwer:** Thank you for your presentation, Mr. Robins. I'm reading your written presentation. You talk about the infrastructure—the loops, and such, of a geothermal system being owned by, I guess, essentially, the utility is one of your suggestions. Who would be responsible for the maintenance? Would that be the user or the utility, and—

**Madam Chairperson:** Mr. Robins.

**Mr. Robins:** I would, in—normally, in that type of a utility-type of situation, the utility would be responsible for the maintenance. A geothermal loop, once it's in place, does not require a lot of maintenance as compared to a power line. It's in place for—the materials it's used underground are warrantied by the manufacturers for 55 to 65 years, so it's not a high-maintenance item.

**Mr. Chomiak:** Yes. Thank you for the presentation, and I'm working with your group for some time and appreciate that.

I have three comments on your suggestions. First, you picked up that mistake we made on the natural gas as well, which we're going to amend today.

We do include earth energy in subsection 5(1), so it wasn't specifically put in (2), as you recommend. So I think that's probably sufficient, and I think, thirdly, we did—we thought about geothermal throughout this piece of legislation, and we actually considered putting in some of the targets, et cetera, but if we started to do that in the legislation, we thought it would be more appropriate to do that in regulation. So it wasn't without reference towards geothermal that—we were thinking about geothermal during the process of development of this legislation. It's—the point to which the legislation got very specific, I think, was a issue we determined that we wouldn't get too specific. Although, in general, we are conscious of geothermal, we do mention in the act.

So those three points I wanted to update you with and thank you for the presentation.

**Mr. Rob Altemeyer (Wolseley):** Mr. Robins, just wanted to add my thanks for you coming down, and wanted to let committee members know that I'm by no means the only MLA in our caucus who's had geothermal installed in a house and been very pleased with the results, and can certainly attest to the lack of maintenance requirements involved. Even our Premier (Mr. Selinger) now has geothermal in his personal residence.

So there's a bright future ahead for the industry with this act, and I'll be really proud to support it for that reason, and many others. Thank you for coming down tonight.

**Madam Chairperson:** Thank you.

I will now call on Gloria Desorcy, Consumers' Association of Canada, Manitoba Branch.

Do you have some written materials for us?

**Ms. Gloria Desorcy (Consumers' Association of Canada, Manitoba Branch):** I don't.

**Madam Chairperson:** Then you may begin.

**Ms. Desorcy:** Thank you.

On behalf of the Manitoba Branch of the Consumers' Association of Canada, I'd like to thank you for the opportunity this evening to offer some comments on Bill 24. CAC Manitoba would like to begin by applauding the Province for making improved energy conservation a policy priority. And,

more than that, for looking for a means to provide consumers with the tools to actually conserve, with access to the tools to conserve. It's easy to say conserve, but we need the tools. So we applaud the fact that this program empowers consumers or looks like it will empower consumers.

Having said that, we have some concerns, and I want to highlight five sections that we think need to be looked at, starting with section 4(3).

We're concerned about Manitoba Hydro's contribution being taken from gross export revenue, and our concern from that comes from the last few years, where average export sales have been lower than forecast; and, looking at forecasts for the next few years, they continue to be low. Add to this, potential cost of new generation and transmission, we fear that net export revenue may be reduced, and we would not want to see a situation where this program would cause rates for consumers to go up because there wasn't sufficient net revenue to cover the costs that were taken out.

And so we would like to recommend an amendment that would change this section to read that contributions were taken from net revenue rather than gross—net export revenue, I'm sorry—rather than gross export revenue.

We'd also like to urge you to consider some sort of threshold. How much net export revenue does there need to be? It's not very specific how and when contributions will be taken from export revenue and, you know, keeping in mind this is all one pot, really, the export and the domestic revenue, we think it would be prudent to consider some sort of threshold, maybe a more specific wording there.

Section 5(1): We are concerned here about equity amongst consumers and potential for cross-subsidization between different consumers. There are some consumers in Manitoba who use electricity but don't use natural gas and, perhaps, also have an alternative—use electricity, but also have an alternative water source, such as a well. And we're concerned that with these programs, as we see them, it may be that these more electric consumers will not see as many benefits as some other consumers. They may not see new furnaces, but they will be seeing many of the costs come out of their pot of the energy funding.

Now, I recognize this isn't coming out of rates, as it would be with gas. It's a hard line to walk and I don't have a solution here. But I just wanted to raise

this as something that should be kept in mind. You know, you—I think the goal should be—CEC Manitoba would suggest the goal should be to look for as much equity amongst different consumers as possible.

Section 7(2): We commend the government here for setting targets for improved energy efficiency. It's a—we've been hoping for this for a very long time and we're pleased to see it happening. We're concerned about the absence of a threshold criteria for choosing programs. How will programs be chosen? What will be the—how will the value of programs be assessed one between—you know, between one and the other? Will there be a certain amount of energy savings required? What will be the line? Usually, Manitoba Hydro has such a threshold or such a test for programs that it implements, but we don't see anything in this section and we think that it would be good to have it specifically in the legislation, or at least a bit more specific.

Section 10(2):—excuse me—we're concerned here that the language refers to projected savings for consumers rather than actual savings. And what does a consumer do if their on-meter costs exceed their actual savings? So we think it would be—you know, of course, things can be assessed later, and they can be trued-up, but we think when we're starting with new amendments to legislation it might be good to put actual savings right in there and make sure that that's a priority.

Section 17: As we read this bill, it sounds like tenants who don't pay their own electricity bills may see increased costs through above-guideline rent increases to cover—above-guideline rent increases requested because of energy improvements and enhancements made. And we understand that there're a lot of inherent difficulties in incentive splitting between landlords and tenants, and that's not an easy road to walk either. But we are concerned that these might be—these tenants would be consumers who have not chosen these energy improvements, but may end up paying increased costs because of them.

So those are my five points.

In conclusion, again, we commend the Province for making this a policy priority and for putting together a plan that will help to improve access and empower consumers. We urge the Province to amend sections 4(3), 7(2), 10(2) and 17 before passing this bill, and we also urge the Province to keep equity between and amongst consumers that principal in

mind as you go forward with this legislation. Thank you.

**Madam Chairperson:** Thank you for your presentation.

\* (19:30)

**Mr. Chomiak:** Yes, thank you for the presentation as well. I just want to indicate a couple things.

Firstly, thank you for the advice. Well, the two points I want to make are that we already provide a equalization process for users of hydro, rural and urban. For example, we passed legislation to equalize rates north–rural and urban, in order to deal with the differential. So I think the equity issue is already considered in the process.

The second point, I—we are going to be bringing an amendment tonight with respect to renters so that the provision, whether it's the tenant or the landlord who utilizes the on-meter financing, cannot have the rent increased as part of the capital. So we will try to equalize that out.

With respect to some of the thresholds you discussed, some of our officials are here tonight. We'll discuss that before we get to the final parts of the bill.

But, at this point, I thank you for your comments, and I'll leave it at that. Thank you.

**Mr. Helwer:** Thank you for your comments. I think they're all very valid and go a long ways to helping to protect the consumer, which is, I believe, your intent.

And 5(1), while there is a urban-rural equalization there, I think your intent is more for people that use electricity only as opposed to electricity and natural gas or natural gas mainly, and that would be, how do you make sure that everything is even in there. Is that correct?

**Ms. Desorcy:** Yes. That is what I was referring to, yes, rather than the urban-rural, yes.

**Madam Chairperson:** Well, thank you for your presentation.

I will now call on Tyler Pearce, director of Operations, BUILD.

Do you have some materials for us? Thank you. You may begin.

**Ms. Tyler Pearce (BUILD):** Good evening. My name is Tyler Pearce. I'm the director of operations

at BUILD. BUILD is a non-profit social enterprise operating out of Winnipeg's inner city, specializing in water and energy retrofits in low-income dwellings and a training program for—in the trades for people who face barriers to employment.

Our mission is to see a Winnipeg where utility bills in low-income houses are affordable and where the residents who live in low-income areas have access to gainful, family-supporting employment.

So we're now doing about \$4 million a year in business, including implementing training contracts for both the federal and provincial governments. And last year we won an award from Scotiabank as Canada's green business of the year.

I think there are two things that BUILD does and does well. The first is providing affordable utility bills in low-income neighbourhoods. So our work lowers utility bills for low-income families and their service providers. In 2010 and 2011, we insulated over 350 Manitoba Housing dwellings and completed water retrofits in about 3,500 Manitoba Housing apartments. Each of these two years netted Manitoba Housing around \$500,000 in utility bill reductions, and these are bill reductions that they will continue to benefit from in coming years.

But we also know that more significant savings will occur in single-family dwellings. If only 40,000 of these homes were retrofitted, BUILD estimates that it would cut utility bills by as much as \$40 million annually and create upwards of 3,500 person-years of employment. Currently, there are barriers to retrofitting homes where low-income people live. This bill, with some minor changes, will help rectify this situation.

The second thing that we know how to do and know how to do well is training employment. BUILD employs around 100 people, 80 per cent of whom are in our training programs. But given that we have a large pile of resumés, we know that we are only scratching the surface.

We believe that there approximately 2,500–25,000, pardon me, Aboriginal men in Manitoba, who are high-functioning, motivated and wanting to work, but have barriers preventing them from accessing the labour market or support for success in the skilled trades. In addition, every year there are thousands of new Canadians settling in Manitoba, looking to gain access to the labour market. Our experience tells us that both demographic groups want to work.

The Manitoba Construction Sector Council estimates that there are almost 11,000 vacancies in the construction sector that need to be filled over the next 10 years. We need to find a create—we need to find creative ways to support Aboriginal people and newcomers to access this labour market.

Now, this past spring, BUILD published a book on the opportunities that await Manitoba if we can increase employment in these sectors, through employment, in the green energy sector. Bill 24, The Energy Savings Act, does both of these things and, for this, we must commend the minister for his leadership.

So we have called on legislation that does four things. Namely, the first, give Manitoba Hydro the tools to finance energy and water retrofits. This bill does this and we believe that this is the first legislation of its kind in North America; Manitoba is showing North America how energy and water retrofit should be done.

The mechanism proposed in the legislation will treat green infrastructure like utilities, which finance traditional infrastructure like electricity, water, sewer and natural gas. The utility pays the cost upfront and then gets its investment back over time with separate charges on each utility bill. Having Manitoba Hydro extend its current treatment of natural gas and electricity infrastructure, two things, like insulation and geothermal, will cause a dramatic increase in the amount of work undertaken in the green energy sector.

Secondly, we've called for the legislation that would go to the customer. Now, currently, Manitoba provides natural gas and electricity infrastructure as a matter of course. But, if a Manitoban wants green infrastructure, they must call Manitoba Hydro and take on the financial obligations to get the job done.

BUILD called for legislation that would direct Hydro to go to low-income neighbourhoods and First Nations. Our first 'preference' would be for Cabinet to consult stakeholders and enact regulations that would give Hydro a targeted mandate, for example, by setting the number of low-income homes to be insulated per year. Rather than the minister setting the mandate, this legislation encourages Hydro to set the targets after getting advice from the minister. That means that Hydro lacks a legislated mandate to do this work and the bill does not provide Hydro that mandate.

Failing this, however, we would like to see the following three amendments, to ensure hydro is going to the low-income customer: 4(3), allow Hydro to set aside a portion of its gas revenues, in addition to its electricity export revenues, that go into the fund. We are concerned that electricity export revenues may be on their way down due to cheap natural gas—a generation. Low gas rates are an opportunity to set some funds aside to lower bills and we believe Manitobans want low bills and efficiency allows us to achieve this goal.

Section 6(b), we're asking, like others, to change "may" to "shall". And, under No. 1, add: including neighbourhoods and communities where average incomes are below the province-wide average income.

In section 7(1), we'd like you to add a requirement for the minister to consult with stakeholders, including social enterprises and the community economic development sector.

\* (19:40)

The third thing that we've—would like the legislation to do is to prioritize work for social enterprises. We think this legislation has the potential to significantly increase the amount of employment in marginalized communities. BUILD has shown that putting people to work who are not currently in the workforce reduces EIA, crime rates, costs of incarceration, and strengthens communities.

The legislation encourages Manitoba to work with social enterprises, but does not specifically prioritize the work for social enterprises. We would respectfully request that a new section under 7(2) be added to significantly target the number of low-income houses, low-income homes retrofitted by social enterprises, the number of geothermal units installed, and the number of geothermal units installed on First Nations by social enterprises.

Number 4: We would like to see legislation that lowers bills for low-income families and their service providers. What we would like added is a new subsection under 5(1), this would be 5(1)(d), to allow the Affordable Energy Fund to be used to reduce retrofit and financing charges in low-income neighbourhoods so that dwellings where low-income families live will not only—will see not only more efficient homes, but also lower bills. This is very important if we want to use this opportunity to increase the disposable income for low-income families.

In closing, we would like to thank members here for bringing this legislation forward.

**Madam Chairperson:** Thank you for your presentation.

Do committee members have any questions?

**Mr. Helwer:** Madam Chair, through you, to Ms. Pearce. Thank you for your presentation.

I guess from what I heard a lot here is that you would like to see some more guidelines put in here specifically for economic and geographic limitations. Is that correct?

**Ms. Pearce:** That is correct. We would like to see some targets.

**Mr. Chomiak:** Yes, I, too, want to thank you for the presentation, and, actually, all the work that BUILD, and BEEP in Brandon, do. It's quite exceptional and quite extraordinary. Thank you for the comments.

The—a lot of people in a lot of areas were working hard for some time to draft a bill of this kind to try to move this agenda forward, not the least of which were several MLAs, and I'm fortunate to have the opportunity to bring this legislation forward.

Some of the 'specificities' or the specific points you make regarding targets, et cetera, we had gone back and forth with, frankly, about putting or not putting in legislation. And in the end, we probably—we decided largely to not put them in legislation and rather to put them in regulation so as to be more flexible. I guess time will tell whether or not that was the most progressive way to do it, but I do appreciate your comments and we will look at them.

But I do really want to commend the work; I don't think anyone has any idea of the extent to which you've made a difference in the community just significantly. Thank you.

**Mr. Maguire:** I, also, would like to commend you on your group's work. You're looking at—I'm interested in your area, the training employment. And you're looking at some suggestions there that, perhaps—you know, you've got a lot of training programs. And I'm just wondering what kinds of—or that 80 per cent of your hundred people are in a training program of some type. And can you just provide me a little bit more information of the types of training that they would get and the length of time that they're in those training programs?

**Ms. Pearce:** Sure, and I actually brought copies of our annual report that would give you more information than I'll give you right now.

We have two training program streams. One is a six-month training program; that's for people who, mostly, have never worked—never used a measuring tape. And during six months, we teach them how to frame, we teach them how to use some basic construction tools. And they are in basements and attics retrofitting for six months during which time we also provide some tutoring in math, et cetera. Our second training program stream is directed towards Aboriginal apprentices, level 1 apprentices, in carpentry. So they're with us for 1,800 hours. Yes.

**Mr. Maguire:** Just a final one. Your sector council has come up with some estimates here in regards to vacancies in the construction sector of 11,000 for the next ten years. Do you see that because there's a shortage today or are you looking at the fact that you don't think, like, that there'll be that much construction? There's certainly a need. But to look at the types of—that you won't be able to find the trained people in immigration or in other areas or with the present workforce that we have?

**Ms. Pearce:** Yes, I mean, I think our concern is making sure that Aboriginal men and women in Winnipeg's inner city, in particular, but also newcomers get opportunities to get into that labour market. Because right now if you look at, sort of, statistics on who's in the construction sector, there are a lot of Aboriginal people in that sector. But if you look at more detailed statistics you'll see them sort of huddled in the bottom end of that labour market.

And so we think having work that's happening in the inner city where there is a supportive—supportive employers like social enterprises will give opportunities to those young men and, indeed, some women to make it into and through apprenticeship. So that's our goal, yes.

**Madam Chairperson:** Thank you for your presentation.

I will now call on Kirsten Bernas, Canadian CED Network. You may begin your presentation.

**Ms. Kirsten Bernas (The Canadian CED Network):** Okay, hello again, and thank you again for the opportunity to speak.

In November 2011 the Canadian CED Network, Manitoba members, endorsed a policy resolution calling on our network to urge the Province of Manitoba to pass legislation that would mandate Manitoba Hydro to ensure that 40,000 or more homes where low-income families and individuals

live receive deep retrofits in the next eight years through an on-bill financing mechanism. This resolution also calls for the legislation to ensure that entire low-income neighbourhoods and communities are retrofitted at one time, and to ensure that Hydro works with social enterprises who hire and train individuals who are under-represented in the trades to perform these retrofits. Our network was very pleased to see the introduction of Bill 24 into the provincial Legislature and, further, to see that it addresses most of the components outlined in our resolution.

The environmental impact of this bill is significant as it goes a long way toward creating more energy efficient homes and, therefore, reducing our consumption of energy. Our network's focus in terms of the outcomes of the bill is on maximizing the potential for poverty reduction, community renewal and social enterprise development.

For those with the lowest incomes in Manitoba, the reduction in utility bills could have a significant impact on quality of life. Spending less on utilities means a few extra dollars are available for housing, food, transportation, education, child care, recreation, health care and other life necessities.

The on-metre financing is a critical, innovative and leading-edge mechanism that makes energy and water efficiency improvements accessible to all Manitobans, ensuring costs don't become a barrier to energy savings for those who don't have available cash to pay for the work up front.

However, if the net monthly payments of the utility and financing costs are essentially equal to existing utility costs, there is little financial incentive in these cases for a renter who pays their own utility bills to have this work done. And so we recommend that Bill 24 be strengthened to insure net utility costs are lower, post retrofit, sufficiently, to create a real incentive for the energy savings to be realized. We also share other's concerns that the landlords who pay the utility bills will raise rent beyond the rental guidelines as a result of the building improvements that are gained. And it's our understanding now, and recommendation that there is going to be an amendment to the bill as it is currently written to ensure this will not happen.

We commend the enabling of Hydro to use the Affordable Energy Fund to support programs, services and projects that target particular areas of Manitoba, and assist seniors, those on low incomes, tenants or other specified groups. This brings a

potential focus on those for whom relief on monthly utility bill payments will have the greatest marginal impact and also creates the potential to retrofit entire low-income neighbourhoods at one time. However, without requiring Hydro to identify targets in these specific areas, there is nothing in this bill to ensure that the intended focus here is realized.

\*(19:50)

We also commend the enabling of Hydro to use the Affordable Energy Fund for supporting social enterprises and community organizations in assisting people or neighbourhoods in realizing energy efficiency improvements.

Social enterprise involvement is critical because of the net value they generate by the nature of their business model. Social enterprises are businesses, but they do not work solely to generate a profit. They work to create a social outcome, usually creating training and job opportunities for people who will not get jobs in the private sector for a variety of reasons, not yet, but with the experience, the training and education, the new resumé and connections, the life skills and the confidence gained by working in a social enterprise, many people are then able to gain jobs in the broader labour market.

We know that incarceration costs over \$100,000 per person annually. Homelessness costs over \$50,000 per person annually. Employment and income assistance costs, for a single adult, over \$6,000. On the positive side, economic studies peg the net value of a job to our economy at over \$100,000. So there is value to be generated beyond the energy and utility bill savings to individuals and families, beyond the value of an improved housing stock, and beyond the economic value of increased hydro exports and reduced natural gas imports.

If we do this right, through the use of social enterprises, we can add the real economic value of reduced poverty, incarceration rates, and homelessness that is generated by these social enterprises who create jobs for people with barriers to employment.

We know the social enterprise model works. That much has been proven. We know this is one area in the social enterprise sector here in Manitoba where we have the capacity to respond if the legislation can ensure the development of a market into which social enterprises can move. We have four successful social enterprises already in place with the experience and expertise required. We know

we have more non-profits ready to develop social enterprises if there is a strong enough market to enter.

There is an incredible opportunity here to do something very profound on so many levels, but without a few amendments, this opportunity might slip through our fingers with nothing to show for it on this front.

As mentioned, Bill 24 enables Hydro to support social enterprises through the Affordable Energy Fund. However, it does not ensure that one single housing unit will, in fact, be worked on by a social enterprise. This would represent both an economic and moral failure, given the opportunity to change lives and strengthen social enterprises. Ideally, our network would recommend that the work resulting from Bill 24 be fully set aside for social enterprises, given the enormous added economic and social value achieved through them, but we recognize that this may not be currently practical. If that is not possible, we recommend that social enterprises be prioritized for the work, in recognition of the aforementioned benefits, and that there is a requirement in the bill for the energy efficiency plan to set out hard targets for the number of units to be retrofitted annually by social enterprises. Without the latter, social enterprises will be in danger of losing all the work to the private sector.

To facilitate the meeting of established targets, Bill 24 could leverage the community credibility, local knowledge, and organizing capacity of the Neighbourhood Renewal Corporations located in 12 neighbourhoods in eight cities throughout Manitoba. We recommend that Bill 24 ensures Neighbourhood Renewal Corporations are eligible for support from the Affordable Energy Fund to develop and implement a marketing campaign and work with their communities and with social enterprises to complete efficiency upgrades on a neighbourhood-wide basis.

Bill 24 is a great start, but to fully realize all the possible benefits, the language in the bill needs to be strengthened by shifting away from what currently provides Hydro with permission to support work in low-income homes and in targeted low-income neighbourhoods and permission to support social enterprises in doing this work. We recommend that the language shift toward mandating Hydro to set clear targets for each of those areas—number of low-income homes retrofitted, number of low-income neighbourhoods retrofitted, and the number of

low-income homes retrofitted by social enterprises—as part of the annual energy efficiency plan.

As written, the bill requires Hydro to set its own energy efficiency targets as part of an annual energy efficiency plan, which will be developed in consultation with the Hydro minister. However, there is nothing written to prevent Hydro from setting the targets so low that this bill and the opportunities it presents becomes meaningless.

So, finally, we recommend that Bill 24 strengthen Hydro's stakeholder accountability by requiring Hydro to develop the annual energy efficiency plan in consultation with the social enterprise sector and community economic development sector.

This will help ensure that established targets are sufficient to generate the kinds of economies of scale that make it worthwhile for social enterprises to enter the market. And, more broadly, this co-planning will help to ensure that bills—Bill 24's maximum benefits will be realized. Thank you.

**Madam Chairperson:** Thank you for your presentation.

Any questions from the committee?

**Mr. Chomiak:** Yes, thank you, again. Thank you for the presentation. I've discussed some of this—targets and specific issues that we dealt with. I appreciate your advice, and I think we have the capacity to do much if not all that you've recommended within the act with the regulation. So, thank you.

**Mr. Helwer:** Well, thank you for your presentation, and, I guess, given that Hydro's export revenues are at best flat and more likely declining, essentially, what I see you asking for is one ratepayer subsidizing another ratepayer in Manitoba because that's where the money is going to come from for this program. Is that something you feel is acceptable?

**Ms. Bernas:** Could you just elaborate a little bit further on how you see that? *[interjection]*

**Madam Chairperson:** Mr. Helwer.

**Mr. Helwer:** Yes, sorry, Madam Chair. If there's no export revenues, then the ratepayers are going to pay for the program if you're buying hydro in Manitoba. And from your programs here, since it's all targeted in your presentation, we have some ratepayers, in essence, subsidizing others in Manitoba.

**Ms. Bernas:** Yes, I'm sorry—I'm not really following your point, in particular, how it relates to any of the



things that I said specifically. Are you speaking directly to what is already 'litten'—written in the legislation?

**Mr. Helwer:** No, what you've presented in your program here, your suggestions for changes, but that may just be the way that I've read it and not the way you intended it, but.

**Madam Chairperson:** Ms. Helwer? Okay.

**An Honourable Member:** Bernas.

**Madam Chairperson:** Bernas. I'm sorry.

Any further questions?

Thank you very much for your presentation.

I will now call on Maeengan Linklater, private citizen. Do you have some written material for us? *[interjection]*

You may begin your presentation.

**Mr. Maeengan Linklater (Private Citizen):** Well, can you guys hear me? Everybody? Okay. That's good. I always kind of feel like I'm Elvis Presley when I'm in a presentation like this; I'm all shook up, you know.

So let's get to the facts here. In 2010, No. 1, 14 per cent of Aboriginal males were unemployed—this was in 2010. In 2012, there's an estimated 36,000 registered Indian males living off-reserve in Manitoba, and out of those, 33.9 registered Indian males are unemployed, not looking for work, waiting for recall, replies or long-term starts, and involuntary part-time workers in Manitoba. And out of that, again, 5,000 of those are unemployed.

Now, \$576 is paid by Manitoba and Canada for social assistance for a single person with no children. And it doesn't include the \$285 for a shelter allowance. So, you think about 5,000 Aboriginal registered Indian males—that is spent on social assistant, then my calculation is that over \$3 million is spent by Manitoba by those people who could be working; \$4 million—\$4.6 million, if shelter allowance is factored in. So you got to ask yourself: Does this make sense?

\* (20:00)

Now Bill 24, The Energy Savings Act, will be—scheduled to be implemented in the fall of 2012, and I think it's important to realize that this is an opportunity that could be used to alleviate the deep-rooted poverty and the sense of hopelessness for

Manitoba's registered Indian male community off-reserve.

As well, it should be recognized that current federal-provincial-municipal government programs and services target, specifically, Aboriginal women, youth and children, and that there are limited programs specific for Aboriginal males, aside from general Aboriginal employment and training programs and services and Justice programs and services as well. So there's a gap that fails to harness the human potential of 5,000 registered Indian males 'off-resurmes'—off-reserve who could, you know, achieve their dreams and aspirations, and who, for the most part, are sitting at home collecting a welfare cheque. So does this make sense?

So the options that I would like to propose to the Affordable Energy Fund and energy efficiency plan, that it should be used as a platform to tackle the high unemployment rate for registered Indian males living off-reserve, and this is not to discount the other segments or nations of the overall urban Aboriginal community, but to serve an under-represented and under-served portion of the community. And the key to that is to support the development and to build the capacity of social enterprises that are directly operated by Aboriginal people. And the idea is to ensure the Aboriginal social enterprise will be able to identify, hire, train, and support your urban Aboriginal males. And the reason is to ensure that Aboriginal management, in the daily operations of this social enterprise, adheres to cultural sensitivities pertaining to the Aboriginal community, whether it is being sensitive to child care, death within the family, workplace environment, et cetera.

As well, in the event of a disciplinary action, it would be best up to the Aboriginal management to mete out the action in the most appropriate and culturally appropriate manner. In addition, you know, the measures should be in place to support the educational life skills capacity of the employment and management of the Aboriginal social enterprise. And this could take place in the form of weekly speakers, tutors or educational opportunities.

In addition, the plan and the fund should support the development of Aboriginal social enterprises in the following manner: the development of operational business plans; provide start-up capital for operations; leverage funds from other governmental funding bodies; provide ongoing sustainability until the Aboriginal social enterprise is self-sufficient; provide ongoing project support to the Aboriginal

social enterprise once it is no longer being supported in the daily operations; provide a 50-50 cost-shared expenditures for Aboriginal homeowners who wish to realize energy efficiency improvements and conservation in the use of power, natural gas and other heating fuels; and—and this is crucial—explore how the Aboriginal Community Energy Plan program from the Ontario Power Authority can be applied in Manitoba.

And the outcome, in supporting the development and the capacity of building of Aboriginal social enterprise and supporting Aboriginal and Aboriginal households and Aboriginal communities is in the following: again, tackling the high unemployment rate facing registered Indian males; increasing educational life skills development for registered Indian males; building the capacity of Aboriginal management to oversee the daily, monthly and annual operations of Aboriginal social enterprises; lowering hydro bills for urban Aboriginal households; and, again, identify savings and economic opportunities for Aboriginal communities.

And I've grown—you know, creating stronger linkages between governments, business, and the Aboriginal community. And the end result would be creating a stronger tax base, lowering welfare rolls, creating workers' pride, and a stronger community between Aboriginal and non-Aboriginal peoples. Again, does this make sense?

So, in terms of some of the specific recommendations, No. 1 would be the Aboriginal social enterprise program. I think it's important to realize, I think, if you want to again get this thing off the ground, you need to hire an Aboriginal policy analyst to design an Aboriginal social enterprise pilot program, and Manitoba Hydro to convene a meeting of potential partners from all levels of government: the Department of HRSD, Canada; Aboriginal Northern Affairs, Canada, again; the Urban Aboriginal Strategy; family and services Manitoba; Aboriginal and Northern Affairs, Manitoba; and the City of Winnipeg, to inform them of this initiative. And again, you know, set aside \$100,000 to support an Aboriginal social enterprise pilot project. Again, you could identify the projects of two in Winnipeg, one in maybe in the south and up in—and one up north.

And I think in terms of the project eligibility of, again, identifying the Aboriginal social enterprise, that in order to be 'eligible'—eligible, the project should submit the following: provide articles of

incorporation filed as a non-profit with a board of directors. And the governance structure would be—could be, you know, a non-profit, it could be a workers' co-op or whatever—and that the non-profit corporations would be located on an Indian reserve and/or Métis community and the projects with a suboffice in a Manitoban urban centre would still be eligible as well; and that the management and employees to be Aboriginal as defined under the Canadian Constitution and Charter of Rights, 1982, and would be able to provide the identification, whether it's an Indian status card or a Métis card; provide bylaws; provide, again, a business number, a GST number, and a brief proposal detailing the works to be completed. And the output would be a proposal detailing marketing plan operations and administration and financial plan, all of that stuff that's needed to, you know, operate a business.

Now, in terms of the Aboriginal homeowners' program, again, you know, identifying that homeowners to be Aboriginal as defined under the Canadian Constitution and the Charter of Rights, 1982, would be able to provide the appropriate identification and that the homeowners would also be able there to provide proof of ownership. Set aside, again, maybe a hundred thousand dollars for the—for this program and the program would be a 50-50 cost share between Manitoba Hydro and the homeowner.

And for Aboriginal communities to engage the Ontario Power Authority to identify how the Aboriginal community energy plan operates essentially and, again—and understand the goals of that program are to provide Aboriginal communities with resources to establish an understanding for their communities' needs and opportunities for electricity, conservation and renewable energy development, inform and educate Aboriginal community leaders and members on the requirements for undertaking electricity conservation and renewable energy projects, and to developing an implementation plan that would set out an approach to achieving the community's goals for conservation and renewable generation. And that, you know, again, the ACEP program will provide funding in the following areas: education, vision, and creating a community profile, carrying out a community baseline study and identifying areas for renewable microgeneration, developing a community energy plan and providing monies to implement the community energy plan. And, again, does this make sense?

So that's my presentation, and, again, there's some ideas there that I hope that you guys can take

into consideration because, again, this bill can provide employment for, again, you know, urban Aboriginal males, and, again, that's my presentation.

**Madam Chairperson:** Thank you very much for your presentation.

Does the committee have any questions?

**Mr. Helwer:** Madam Chair, through you to Mr. Linklater, and I thank you very much for your presentation. I don't think you're all shook up. I think you did very, very well. So my compliments.

But I guess the question, just a basic one I have, is why is it limited just to males? *[interjection]*

**Madam Chairperson:** Mr. Linklater.

**Mr. Linklater:** Oh, sorry. Yes. There's no doubt in my mind, and I think in my presentation it outlines the fact that in terms of—we're talking about registered Indian males living off-reserve. And, again, when we look at the type of employment or the type of programs available to them, there relatively isn't—nothing there. And if you're talking about 5,000 registered Indian males that are collecting welfare, would you rather have them be on welfare or do you want to give them a job? You know, that's a question from me for you, because I think if you're able to get them on being—becoming taxpaying citizens and, I think, you know, it makes a stronger community for all Manitobans.

**Mr. Helwer:** Madam Chair, through you to the—to Mr. Linklater, I'm not sure that we can do that in Manitoba. The minister would maybe note that we can limit it to males, but I would think that we would have to have a program open to all genders.

**Mr. Linklater:** Yes, there's no doubt in my mind about that. And I think in terms of the eligibility of the program requirements that I've suggested here, I think when you look at, you know, an Aboriginal social enterprise, you know, that's located on a First Nations reserve or on a Métis community, or self-identified as within the Muskwada's *[phonetic]* case of, I think, the 1990s, that, you know, you can have, you know, Aboriginal social enterprises staffed and operated for Aboriginal people by Aboriginal people. And I think that's what I want to get at. Otherwise, you may get somebody that, you know, who can declare themselves that their great-great-great-great-grandfather married a Cherokee princess. How Aboriginal are they, you know, and that's my point for that.

**Mr. Chomiak:** Again, I'd like to thank you for the suggestions. You're point is well taken, that we have flexibility in Bill 24 to design program or programs to target and look at certain groups and individuals and communities and neighbourhoods in order to not only deal with poverty and unemployment, but includes energy efficiency.

\* (20:10)

So I thank you for your suggestions and I take them as suggestions for opportunities to work with First Nations right across the province.

**Madam Chairperson:** Thank you for your—oh, Mr. Maguire.

**Mr. Maguire:** Yes, could you just give me an example—I appreciate your presentation too, first of all, Maengan, and I'm just wondering if you could just give me an idea of the types of pilot projects that you'd want to look at, the different types of enterprises that you might set up under those.

**Mr. Linklater:** Well, I think what you could do is, yes, you could get a social enterprise. I know for a fact that I think, you know, with my administrative abilities, I think I could probably tap into five or six, you know, high school mates that are now carpenters and we could start, you know, retrofitting homes starting next week. But I think—and in terms of being able to do that—I mean, we're not talking about, you know, being able to, you know, get somebody to start designing, you know, a house. We're talking about retrofitting, and I think in terms of this, this type of program, we'd be able to do that, people that are skilled in the trades, people that have the ability to do that.

I think if you look at First Nations people that are being trained, you know, by organizations such as BUILD or the Inner City Renovation, there's no doubt that they're successful. But I think it's when they go into another non-Aboriginal business, I think it's—that's where the conflict begins in understanding. I think a non-Aboriginal business is not able to understand Aboriginal, you know, experience, especially in light of the fact that I know with one friend of mine, he has six children; I think child care is probably a challenge for him, you know, so.

**Madam Chairperson:** Thank you very much for your presentation.

I will now call on Gordon McIntyre, the Winnipeg Rental Network. Do you have some

written material for us? Please begin your presentation.

**Mr. Gordon McIntyre (Winnipeg Rental Network):** Okay, thank you for the opportunity to speak to this bill. I don't think I'll be very long. I've—really, I haven't had very much time to prepare for this, and I really haven't had an opportunity to talk to my steering committee other than emails about what I'm suggesting that we look at in this.

Particularly, I'm concerned about the section 17(5), which already has been addressed, and so I'd like to take an opportunity just to readdress that just for the record.

But also I want to talk about just the importance of community participation or community consultation in terms of designing the program, what this—what will actually come out of this policy and this program, because I think, generally, this can be quite a complicated program with a lot of obstacles down the road.

But just before I get into that, I just want to give a little bit of background on the Winnipeg Rental Network. The Winnipeg Rental Network is a network of housing providers, service agencies, and community development corporations. And the network came together largely out of recognition of the lack of affordable rental housing in the city and also concern around the quality of the remaining affordable rental housing stock that is in private hands, and so we walk kind of a fine line in terms of trying to service both renters and landlords.

Just last month we had a working forum, a workshop for landlords, that was specifically dealing with renovation grants and programs that are available. We had a couple of steering committee members do the presentation; they're both property managers. Our hope was, you know, to see about 25 landlords come out from the inner city. We actually had close to 60. We had 80 register. So there's a real hunger for—displayed in that room for programs like this, and so we definitely support the general thrust of this policy initiative.

But what was clear within this workshop, is that there is not very much to offer to these inner-city landlords that have older rental stock that they're trying to maintain. The RRAP program is there, but it's, I think, a dwindling fund thanks to the federal government, and it's a complicated program. It's—it takes about a year to actually get through that program if you're approved.

A lot of community development corporations have small fix-up grants, but they tend to be very specific, tend to be all exterior, and that's not a huge contribution in terms of the renovation industry.

So, in general, we support the idea of the on-bill system, and it's something that I've been following for quite a while, well, since last year, because I became aware of other jurisdictions doing this, particularly the one in the UK. And I'm going to dare to, I think, correct Mr. Sale about the UK's record. He indicated that the 14 million houses have been renovated there. It's a program that—the Green Deal, as they call it there, is a program that actually just started last year and their target is 14 million households to be retrofitted with this program.

But already they're falling behind, and there's been a lot of articles coming out around this, that there are problems rolling out the program. And this is also borne out in some of the cases that we're seeing in the United States as well. And so, just today, for example, there was another article where they're—this—the government itself reported that they will be off target by about 83 per cent, just off the start. And there's a lot of—it's hard to get people to buy into the program. That's basically the bottom line. And I think with the—rolling out the program here, you have, probably, a hard time getting people to buy into it. You'll have a hard time getting landlords to buy into it who don't pay the utilities.

And, you know, certainly, I think landlords that—where landlords that are carrying the utilities, that are providing hot rents, they will look into this program. But other landlords that are just collecting the rent and not paying the utilities, they may just let it go; they may let it slide. And so they're—you know, I think why I'm emphasizing that having community agencies involved, social service agencies that are working with low-income households that know the struggles that are going on—and also just working with the industry, working with the renovation industry, working with property managers, Professional Property Managers Association and getting feedback from all sectors on how to design this program, will be key.

But, certainly, having community agencies involved, I would say, having the community development corporations that are involved—because we're talking about the inner city here, in Winnipeg, and they're key in terms of the outreach that they can do within the community. And so, basically, I think outreach is going to be key. I think Hydro does a

good job of doing the outreach right now in terms of some of their programming that they do. But, generally, I think what you'll find with a lot of households, and even with a lot of rental households, is that there's going to be a slow take-up.

The article that I just read today said that critics say low take-up for the new Green Deal loans show how reluctant homeowners can be in clearing out their attics and having workmen in their houses. And it comes to that kind of basic kind of apathy that you'll encounter, and you can't really compel people to do this. It's—you know, maybe in the program design, we'll find—you can find interesting ways to compel people to do this, but there really has to be some kind of brainstorming around how to make this program really fly.

\* (20:20)

So the other article that somebody recently shared with me was a study from Kentucky where they talk about how on-bill financing generally needs to be accompanied with other program approaches, such as technical assistance, contractor training, and cash incentives to reduce the amount of loans needed to—needed in the project. They also go on to say that in some cases the requirement for savings to exceed monthly bill payments can be a barrier to promoting deeper retrofits, and that's a problem, I mean, because we want to do deeper retrofits. But if in order to make the monthly billing system work, you're cutting back on the amount of work you actually do on a house just to make it work for the person who's paying the utility bill, then we're kind of shooting ourselves in the foot. So that's just an important factor to include.

And I'll just quickly go over 17(5) again of The Residential Tenancies Act: 17(5) states, it's under the title that costs recovered by Manitoba Hydro not be considered, the director must not consider the cost of capital improvements and fixtures made to or installed in the residential complex, or the portion of the costs of them, that Manitoba Hydro is to recover by levelling a monthly charge on the account for power for the building, if the tenant of each rental unit in the residential complex is responsible for paying the account for power for their rental unit. So it's excluding those people that are paying the utilities, but it does not exclude those people that are in an apartment building that have hot rents—

**Madam Chairperson:** Mr. McIntyre, I'm sorry, your time has expired.

**Mr. McIntyre:** Oh, it's okay. I didn't think I would go 10 minutes. Okay.

**Madam Chairperson:** Thank you.

Does the committee have any questions?

**Mr. Chomiak:** Again, two points that I'm taking very positively from your presentation are the need to consult and work with social entities, organizations, groups, community groups; that's been pretty clear in all the presentations. I just want to add one point that the on-meter financing is only one tool in our quiver, or one tool in our kit, to achieve our objectives. So, I don't know what the Green Deal is, precisely, in the UK. We'll do some follow-up on that, but the on-meter financing is only one means of achieving some of our goals. So I think there's opportunity to move on several fronts, and thank you for your presentation.

**Mr. Helwer:** Madam Chair, through you to Mr. McIntyre, I thank you for your presentation. You did very well with having just a few written notes, and it's always admirable when people are able to do that.

Obviously, I think, from your comments, you feel this only addresses a portion of the market. And my main question had to do with what were some of the delays in rolling out the programs you talked about, but you did address most of that.

Is manpower, though, also another problem in rolling out a program like this, and, especially when we're talking small retrofits, getting someone in to actually do the work?

**Mr. McIntyre:** Sorry, in the other jurisdictions, do you mean, or?

**An Honourable Member:** Sure.

**Mr. McIntyre:** I'm not really sure. I think it could become an issue here.

Again, just—I heard on the radio just this weekend that there's a building boom going on in Edmonton. And so, I think we'll be—you know, we'll face that draw again to Alberta where trades are leaving. And so, in terms of having the social enterprise component in this bill, I think that's really important, because you—this could be—you could really do a lot of work in this with this type of financing.

And I know it would be very easy for us to sell this to the landlords that we work with in terms of a program to use, because they're desperate for something like this. And if it's rolled out, if it's not

too bureaucratic, I think they will be all over it, but it will be a matter of selling it and it'll be a matter of reaching out to these—to the homeowners and to, also, the landlords.

**Madam Chairperson:** Thank you for your presentation.

I would now like to call on Glen Koroluk, Daniel McIntyre/St. Matthews association. Do you have some materials to hand out?

You may begin your presentation.

**Mr. Glen Koroluk (Daniel McIntyre/St. Matthews Community Association):** Thank you, Madam Chair. Good evening, honourable members of this committee.

My name's Glen Koroluk, and I'm here on behalf of the Daniel McIntyre/St. Matthews Community Association. As their housing co-ordinator for the past two years, I work on housing issues within the inner city and, previously, I worked for 20 years as an advocate for food security and environmental advocacy.

I'm here today to comment on Bill 24, and we've heard lots of comments. I don't know if I have anything new to add. I'll try my best.

Our organization's familiarity with energy efficiency programs has been through a partnership with Manitoba Hydro, in promoting the Low Income Energy Efficiency Program, or LIEEP for short, door to door and through our newsletters throughout the two neighbourhoods we work in. We also promote the availability of the Manitoba Hydro Power Smart program and have partnered with Manitoba Hydro and other community organizations to deliver workshops in the inner city, with a focus on energy efficiency.

We acknowledge some of the limitations of LIEEP, such as landlords and small business enterprises aren't able to tap into the grant program, and the income thresholds enabling a homeowner to qualify for the free insulation and low-cost replacement furnace are too low, making the program inaccessible to a huge number of households.

Bill 24, The Energy Savings Act, proposes to instruct Manitoba Hydro to develop an energy efficiency plan with targets for its customers and legislatively allow Manitoba Hydro to provide loans for energy efficiency retrofits and recoup those capital costs through a separate charge on the utility bill. Over 20 states in the US have implemented on-

bill financing programs, and this program is the cornerstone of the UK government's Green Deal, as we've heard tonight.

As it is proposed, the Bill 24 has the potential to increase energy and water efficiency, create new green jobs in the construction and energy sectors, fix homes so that they are healthier and safer to live in, reach housing and building stock that are currently not served by existing programs such as the LIEEP, and eventually lower one's energy and water bill costs.

At first glance at Bill 24 would suggest that the benefits are immense. However, a closer examination reveals that the legislation, as proposed, requires a couple of amendments so that potential harm is not brawn—not brought on to the most economically vulnerable citizens in our neighbourhoods and across the province.

First off, and perhaps the most dangerous aspect of Bill 24, is that it has the potential to create more displacement of residents who rent a home where the landlords pays for the energy utility costs, and we've heard all about this tonight, as section 17(5) and the potential to create more rehab schemes and having rents go up. So we're really happy to hear that an amendment will be brought to the bill, and I thank the committee and the government for that.

We have a couple of other questions in regard to Bill 24 as it—as how it plays out in the rental sector. Firstly, for those tenants who pay their energy water bills and agree to pay for the on-bill financing charge when they first moved into the accommodation, we are concerned that if they no longer can afford to pay the on-bill charge, their utility may be cut off. So it's something we'd like you to look further into.

And for those tenants whose energy water bills are included within the rental agreement, we'd like to see the financial savings passed on to the tenants. Some programs in the US have implemented a measure to split the financial benefits amongst tenants and landlords.

Our second major concern is that Bill 24 is not transparent and the public does not have the opportunity to provide any meaningful input into the development of an energy efficiency plan. As it stands, the plan is to be developed behind closed doors between the minister and Manitoba Hydro. The public and community stakeholders will not be able to have input into the design of the energy efficiency plan, nor will they be able to influence the

setting of targets, goals, and program evaluation tools.

\* (20:30)

Our third concern relates to what is not contained within this Legislature and, in fact, what has been removed by repealing The Winter Heating Cost Control Act. The Winter Heating Cost Control Act had the dual purpose of providing support for energy efficiency programs and services as well as to protect consumers from the impact of rising heating costs during the winter season. Bill 24 will not protect consumers from rising heating costs but, more importantly, those who are already having problems paying for their energy bill are not offered any remedies through this bill.

Recent PUB board order No. 5/12, noted that low-income energy burden in Manitoba is high and that a substantial portion of those families living under the low-income cut-off threshold have an energy burden. Energy experts define energy burden as those who pay more than 6 per cent of their family income on home heating and electrical services. The PUB notes that, adequate energy for heating is an necessity of life, as such, it should be both abundantly available and affordable.

Programs that reduce the energy burden faced by low-income customers and provides significant societal benefits would likely return dividends to the province above the cost of delivering such a program. Those benefits would include lower health costs and other benefits such as reduced debt writeoffs, improved customer service and avoided reconnection costs borne by the utility.

The PUB board is firmly in the view that Manitoba Hydro should participate in an integrated strategy with respect to low-income programs. However, the PUB board also admitted that it is not in a position to determine whether Manitoba Hydro should be a funder of programs to alleviate poverty as it requires further information to existing funding programs made available by government.

Manitoba Hydro's stated position is that issues surrounding affordability are outside the scope of Manitoba Hydro's mandate, as laid out in The Manitoba Hydro Act, and is a matter of policy for legislators and government agencies responsible for these issues. In this respect, we are therefore worried that the only low-income programs that Manitoba Hydro currently offers, LIEEP, and the low-cost high-efficiency furnace program may no longer be

available to low-income families with the implementation of Bill 24.

We—while we acknowledge that the existing low-income programs need to be changed to increase participation rates, the rates haven't been, you know, that awful. Close to 5,000 homes have participated in the program since its inception. And we've heard, also, today that you're going to have a whole kit in the toolbox, so it's sounding like you may not get rid of the grant program which low-income families are tapping into.

So there's been a lot of research, and it's been mentioned tonight, and there are some lessons learned from other jurisdictions. And, quickly, I'll go over some of these.

A recent report that came out from the American Council for an Energy-Efficient Economy identified the challenges, opportunities, and best practices for on-bill financing programs in the US. And, besides the global benefits related to energy efficiency investments, et cetera, that I've already mentioned, there are other advantages to on-bill financing programs and I'll quickly go over them.

It's—you know, it offers convenient access to capital for energy efficiency retrofits, as we all have been hearing tonight. Financing is made available in underserved markets such as rental and multi-family buildings. Traditionally, credit-constrained customers have potential access to financing, and on-bill financing has the power to attract capital from previously untapped sources or, you know, leveraging, basically.

However, this report also indicated that a number of challenges still exist with on-bill financing programs. The more general challenges included: low participation rates—in over half the programs they investigated, participation rates were below .5 per cent; limited applicability for those most in need; difficulty assuring that energy savings for energy efficiency improvements will exceed payments; limited support for comprehensive or deep retrofits.

So the American Council for Energy-Efficient Economy conclude that on-bill financing is not a panacea for achieving full energy efficiency potential, and if implemented, needs to be complemented with other program approaches such as technical assistance, contractor training, cash incentives, grants, rebates, et cetera. So I'm glad to

hear that the program will have all these different tools.

So to conclude, it was unfortunate that the wider community was not consulted prior to the first reading of Bill 24. If it had, we would have had the opportunity to develop a more comprehensive piece of legislation, which would do what Bill 24 proposes, but also address the impacts of energy poverty for those citizens who had difficulty paying for their energy bills.

In this scenario, we feel that the government of Manitoba ought to take responsibility for the key provisions of this act by controlling the Affordable Energy Fund entirely or creating a stand-alone, quasi-governmental agency that has a broader mandate to protect the public good by ensuring that families, citizens, consumers, do not have an energy burden.

There have been many recommendations made in the past by 'interveeders' at PUB hearings, as to how low-income programs can and have worked successfully in other jurisdictions across North America.

So, I've got three recommendations, just to sort of highlight what's been pointed out tonight—

**Madam Chairperson:** Mr. Koroluk, you're almost out of time.

**Mr. Koroluk:** Okay, well, the recommendations are—have been already mentioned, so that's my presentation. Thank you.

**Madam Chairperson:** Thank you.

Does the committee have any questions?

**Mrs. Rowat:** I would be interested in you sharing the recommendations, so I'm going to put it before you that you can complete your presentation, then.

**Mr. Koroluk:** Okay, recommendation No. 1: To make Bill 24 more transparent and to allow for meaningful consultation, we ask that Bill 24 be amended so that the public is involved in the design and development of an energy efficiency plan, and that if any regulation is developed under this legislation, the public be consulted for their advice. We note that section 4, paragraph 3, which stipulates that Manitoba Hydro should contribute money to the Affordable Energy Fund, from time to time, is quite vague and should be amended so there is financial predictability built into the program.

Recommendation No. 2: Amend Bill 24 so that landlords cannot apply for rehab schemes on the money they borrow from Manitoba Hydro for a retrofit. And we've heard we'll have an 'amendet' to that. And on this note, we would also like to see financial benefits passed down to those tenants who have their energy costs included in their rental agreement.

And recommendation No. 3: Amend Bill 24 so that low-income households have access to financial programs that alleviate their energy burden.

**Mr. Helwer:** Through you to Mr. Koroluk. Thank you for your presentation, Mr. Koroluk, and I think, indeed, you did manage to find some areas that haven't been touched on before, and I'm particularly interested in your first recommendation about transparency. It's something we've been asking for for a couple of months now. But I think you're just going in the right direction. Thank you very much.

**Mr. Chomiak:** As well, I want to thank you for your comments and just show you that the suite of programs offered by Manitoba Hydro now—or we—I—as I understand it, are going to continue and that, if anything, this bill will augment and increase the capacity, not just in Winnipeg and/or Brandon, but we intend this to be a province-wide program that provides benefits in rural and northern Manitoba as well.

So, our goals for this program are fairly significant, and I thank you for your comments, and note will be taken of your recommendations.

**Mrs. Rowat:** I just wanted to know if you were consulted on the process of this bill, like, the development of this bill and, if you had the opportunity, would you be looking at benchmarks and what types of benchmarks would you be wanting to see the government, or Manitoba Hydro, adhere to?

**Mr. Koroluk:** I've been waiting for that question.

You know, back in the '90s, I was an executive director of an organization, a not-profit group. It's called Resource Conservation Manitoba; now it's called the 'green'—the Green Action Centre. We had a process back then where we developed the WRAP Act, The Waste Reduction and Prevention Act, and the regulations that fall under it.



The process we took at that time was the bureaucracy. The policy analysts got all the stakeholders together in a room and they developed principles for a program. It took a year and a half to do. Everyone was there. I mean, the public was engaged, not-profit organizations were engaged, the industry was there and, with those principles, the language of the law came through it. So not only were we consulted, we actually design the legislation.

\* (20:40)

That same process happened with the contaminated sites legislation too. So everyone had a part in it; everyone was consulted. At the end of the day, you know, we didn't agree, but we all had the chance to participate.

Now, I would like to see that process happen again. I'm not too sure if they do it for other pieces of legislation, but I'm basing, you know, my answer on the experience I've had in the past. And, you know, it would be good to get together, get everyone together beforehand, develop the principles of a program that you want to implement, and then write the legal language and then put it out to the public for even more comment. And, you know, [*inaudible*] amazing process.

**Mrs. Rowat:** And I want to thank you for those comments, because it appears that there's been some amendments being considered, some promises that things will be incorporated into regulations. But if there would have been a process similar to what you're saying some of this would have been incorporated in the language of the bill and would have gave some assurances to community stakeholders that their input and their suggestions would become part of the law. So thank you for that.

**Madam Chairperson:** Thank you for your presentation.

I would now like to call on James Beddome, Green Party of Manitoba. Do you have some materials to hand out?

**Mr. James Beddome (Green Party of Manitoba):** I do.

**Madam Chairperson:** Thank you. You may begin.

**Mr. Beddome:** So my name is James Beddome. I'm the leader of the Green Party of Manitoba.

I'm firstly going to comment on process, and this might be a little bit repetitive for some of the people

here because I'm presenting to several different bills tonight. But just in terms of process, a couple quick points—and I suggested this the other night when I spoke to the—of the tuition affordability act. I really think that the timeline for calling committees for the public should be extended. I think a week or even two weeks would greatly enhance the presentations so the public can develop and present to you today. I think this is a really unique process that we have here in Manitoba. Not everyone in every province has that opportunity for any citizen to come register. So that's one suggestion.

An additional suggestion that's been brought up repeatedly tonight is the need to have regulations. That's something I'd also like to see done as we move bills to committee, to at least have a draft regulation ready. A lot of the time with some of these regulatory acts, they're more of a skeletal frame and so the regulations are going to fill it out. It would also help in cases such as The Food Safety Act of 2009 which still isn't enforced because the regulations haven't been drafted. So it just—just in terms of process, I think those are worth addressing. And, as I said, I may end up repeating them again when I present to another bill, and I got 10 minutes.

Before I move forward, I just want to put out the Green Party of Manitoba's position on energy, which is basically we'd change the mandate: rename Manitoba Hydro to Manitoba Energy. We'd focus on reducing energy consumption through various programs of incentives and disincentives. We'd explore and implement renewable forms of energy beyond hydroelectric power: wind, solar, et cetera, and we'd develop microgeneration in only residential homes. And we'd create an independent citizen-driven commission task force to assess the effects of past hydroelectric dams in northern Manitoba and the potential future impacts of more dams. That includes both economic impacts. And in correspondence to Minister Chomiak in December, I have indicated that, that I really feel there needs to be an independent citizen's review of the entirety of Hydro's capital plans.

Now, to attend to the bill here. I—generally supportive of this bill. I think there are some good provisions. There's no doubt that we can do more in terms of energy conservation in Manitoba.

One of the things, I think, we need to look at, though, is that we do have some programs and we have some good programs, but I think when we're looking at energy efficiency the target—and if you

look at my first page—needs to be we need to reduce per-customer demand of electricity. If you look at Hydro's May 2009 electric load forecast from 2009-2010 to 2029-2030, basically, they've seen a reduction in the rate of growth, but not necessarily a reduction overall. And I think that has to be our target, because the issue is that if, you know, we make our houses more efficient but we make them bigger, then we're not really gaining anything. In the same way, if we make our cars more efficient but we drive more kilometres, we're not gaining on energy efficiency.

Some specific provisions in the bill that sort of tie in to the Green Party's position, how we might be able to enhance this, would be we look at section 5(1). I think we could add there that one of the focuses of the program should also be looking at developing renewables beyond hydroelectric.

If we take a look at provision 7, once again, it goes to my earlier one. I think the target of the energy efficiency plan we need to look at is per-customer demand of electricity going down. I think that's an important aspect that we need to focus on.

When we take a look at section 10(1)—or, sorry, I'll return to section 9. I think section 9's a great provision. Tying the cost to the meter makes a lot of sense, but what I would caution is I think it's very important that this bill has provisions for that to be registered with the Land Titles Office. And the reason I would point that out is if you go to section 10, every five years Hydro can increase the interest rate.

Now, if we went back to the early 1980s, when we had sky-high interest rates, you could see how this could have significant impacts. And I think people that are buying houses need to have a way of determining this, so that they can figure out, you know, in a lot of ways it adds value to the house. But I just think it needs to be transparent, and I think using the Land Titles Office property registry would be a sensible way of doing that.

I am also concerned about how it may impact apartment dwellers. That's already been discussed. But I'm just not completely sure what the purpose of 125(5) is. So if anyone can give me clarification, that would be greatly appreciated. And if you will look at my presentation, on the second page I've circulated something that I think is also important in bringing

up. And I should give credit to the Green Party of Manitoba candidate Harold Dyck, who works with the Workers' Organizing Resource Centre, for bringing this to my attention.

In a nutshell, what this shows is that according to Manitoba Hydro's Lower Income Energy Efficiency Program, LIEEP, because of section 43(3) of The Manitoba Hydro Act, essentially people who are on income assistance do not qualify for this program. That—you know, I understand why we want to make sure that the government's not unduly benefiting from Hydro, but I think we could look at an exception for this. It only makes sense that we can lower income assistance costs to the government, lower bills for people who own their own house.

It just seems to be something logical that I think we could work on changing. And I hope the government would consider changing because I mean, let's be honest, not all of us are backbench MLAs who got \$83,000 a year to invest in fixing up our house.

I mean it's great that they're doing it, but there are a lot of people out there where it's a considerable investment, and so we need to make sure that it's working for lower income people as well. I think, you know, once again, I think this is a good first step. There's a lot more we can do for energy conservation in Manitoba. As I said, the target has to be reducing overall demand, and I thank you very much for your time.

**Madam Chairperson:** Thank you very much for your presentation.

Does the committee have any questions?

**Mr. Helwer:** Thank you, Mr. Beddome, for your comments. I can understand your frustration with the process, especially if you're preparing submissions on several different bills. And I appreciate your enthusiasm, as always. Thank you. *[interjection]*

**Madam Chairperson:** Mr. Beddome.

**Mr. Beddome:** Another way, maybe improving it, is not having two committees on the same night; I know my name was called in the other room, and I missed it and that's—I'm more than happy to wait 'til the end of the night. But I, you know, just hope we can maybe improve the process and make it more publicly accessible. Thank you.

**Madam Chairperson:** Thank you for your presentation.

I would now like to call on Gail Whelan Enns, Manitoba Wildlands. Do you have some materials to circulate?

**Ms. Gail Whelan Enns (Manitoba Wildlands):** Yes, I do.

**Madam Chairperson:** May we wait until they've been circulated? Thank you.

**Ms. Whelan Enns:** If I may, though, I'd like to ask the Chair just to double-check in terms of length of presentation time.

**Madam Chairperson:** Ten minutes. Would you like me to let you know a minute before?

**Ms. Whelan Enns:** Two minute would be good. Thank you.

**Madam Chairperson:** Two minutes. You may begin.

**Ms. Whelan Enns:** Good evening.

I want to make a simple comment first, and that is this is a good process. We are lucky in Manitoba to have an opportunity to speak to bills in committee, and whether we go to one-week or two-week notice, I think we should certainly go back to two days, because that's been lacking this month in terms of bills that are being looked at right now.

\* (20:50)

I wanted to do a couple of things quickly in advance, comments that are overall. It's been actually fairly interesting hour or so, sitting and learning from the previous presenters and hearing a number of things that have been repeated. The patterns are quite strong in terms of the remarks this evening.

So let's start with Power Smart, if we may, because there have been a range of comments to do with the associated programs that are in existence, and that then relate to this bill. I wanted to just basically point out, because there's an opportunity this evening, that the \$7,500 ceiling under Power Smart must be increased. The interest rate, after a certain amount of agitating and pointing to it, was reduced, but the costs for new doors and new windows in this province has already increased 20 per cent in this calendar year. So the \$7,500 ceiling for loan against your hydro bill for retrofit and energy efficiency is steadily, in fact, doing less. I thought I'd make the comment.

I wanted to also make a couple of quick comments in terms of the former minister's

presentation. I have to say, I agree with a number of the things he was pointing out. We are delayed; we are out of step in terms of the need and intention to speak, think broadly about renewables, and the intention in terms of our future hydro resource, energy resource, and all sources in the province. On the other hand, I'd be inclined to say that I may phone him up and give him some research in terms of fracking and all of the moratoriums, lawsuits, Environmental Protection Agency reports that are recent in the United States; it's not that simple would be the quick comment.

I have these numbered, because I've been writing on my lap. So here we go. Thank you for the comments about renters. This has been very productive this evening in terms of where it's coming from in comments and the steps that are going to be taken with the act, and overall it's good to see this bill. There is a great deal more we can do in Manitoba in terms of energy efficiency. And what I sometimes refer to, and what the utility sometimes refers to, as virtual dams, I think it's worth talking to Manitobans every time we hit another virtual dam, and to continue that pattern. I think that was clear communication, and we sort of stopped, sometime about 2006-2007, saying this is how much energy we've saved; this is, you know, equivalent to this wind farm, this dam. It was being equated to the energy from Wuskwatim in terms of when that information was being made public, and I'd like to see that resumed.

I'd also like to confirm, agree, with everything that's been said so far this evening in terms of stakeholders' transparency, and using the wisdom and the know-how of Manitobans in terms of how best to do this—how best to make this bill work. And overall, I would suggest—you know, and I'm a transplant, so I get to, you know, wave the flag and talk about how smart Manitobans are. We come up with very good solutions when we work together in this province. And I think that the previous speakers who have said: you didn't talk to us; we could have helped you with this; we understand you're going to put these things in regulations, but you could have had more in the bill; we wanted to work with you—this is pretty important this evening in terms of what I have been listening to this evening.

I also wanted to say that all of the economic benefits from doing something right in terms of energy efficiency have been clearly identified and spoken to this evening. So Mr. Linklater was very, very clear about all of the things that can change in

the economy, change in people's future, and so on in terms of Aboriginal employment. And, yes, it's probably accurate it has to be both males and females in terms of that earlier comment.

Because we've been hearing about the PUB this evening a little bit, I wanted to take the opportunity to say that we have a 2008-sort-of-legacy issue about being—or not being able to turn off people's heat in the winter in the province of Manitoba. So, when Centra Gas was acquired and made public, part of our utility, the policies put in place, the rulings of the Public Utilities Board, are only to do with furnaces that use natural gas. It would be a very simple, straightforward regulatory and policy change, and one I think the PUB—I don't read them, I don't have time, but I'm pretty sure they're looking for it, because their phones ring off the hook in the wintertime from people whose power is being turned off. So what we have is citizens of Manitoba whose heat is from electricity, not natural gas, losing their power.

Now, that's a quick—oh, I did agree with setting up an independent agency. Some people in the room will remember that there used to be one. It was called the Energy Authority. It existed for most of the '80s and part of the way into the '90s, and it was independent, and it was there to assist in public policy, new legislation and decision making with respect to energy.

One of the other patterns that's been quite interesting this evening is a thing that, in the States, they call renewable energy portfolio standards. There are slightly different versions of this term or acronym—renewable energy portfolio standards. About 30 or more United States' jurisdictions have it, and we're at about four Canadian provinces.

So I love listening to the young people—very, very clear references to targets, timelines, proportions, independence and transparency on how to make this bill work, and this is, essentially, renewable energy portfolio standards, perhaps Manitoba-style. So it's been there in the comments a fair bit this evening, and it's very, very good to hear.

Now, I'm going to run through a couple of things quick in the act. It's a short one, huh?

The fund for three needs to be transparent. Your purposes make sense. On the other hand, if you look at your language in Bill 4, most people would read it and think you're not thinking about wind or solar. This is a simple thing to do whether it's in the

regulatory language or it's an amendment, but if people from other jurisdictions are in these renewable energy industry areas, they're looking at this. They're going to go how come it doesn't include and clearly state wind and solar, and it's missing?

Madam Chairperson, 5(3) is about water conservation measures, and then you get back to it in 9(3). So we still do not have any standards or requirements in Manitoba when public money is spent on water conservation. So I've been sort of standing here leaning on the podium, because I'm a short person, I'm not like Glen who can, you know, be taller at it. But the bottom line is this comes up over and over again when we're looking at legislation and draft bills. So we need to, in fact, have those strings attached to public money for any kind of water project, any kind of waste-water treatment project in the province, and we haven't done it yet.

**Madam Chairperson:** Two minutes.

**Ms. Whelan Enns:** Thank you.

Madam Chairperson, 7(1) is very interesting, and you've heard very strong, clear comments from other speakers. We do not have an energy plan for Manitoba. We have a bill in front of us that suggests we're going to have an energy efficiency plan, but we're not going to talk to Manitobans to get there. And I'm not going to—there's no point in saying it any more times than you've already heard it this evening. It's pretty, you know, pretty straightforward.

Now, what I did under 7(2) is I put (e) after (d) and a bunch of question marks. So it's not really clear now what you're going to do with all that and what you're going to do next in terms of the content of the plan. It's another way of saying, let's have a real energy plan—and I'm going to turn one more page, I think. Yes—9(3), so there are some references to greenhouse gas emissions, and so on—in this bill and various people in the room know that's one of my favourite topics.

So the Auditor General got it right a year and a half ago. We still, as far as I know, do not have a methodology for baseline data, thresholds, reporting data and keeping it transparent, and it's here in another draft bill.

And that's it, other than to go back to the top and say, it's good to see this bill. It's good to see the turnout, the comments, the interest.

**Madam Chairperson:** Thank you for your presentation.

Does the committee have any questions?

**Mr. Helwer:** Thank you for your presentation.

I particularly liked the consultation and the targets and the transparency comments. They're all very appropriate, I believe. Thank you.

**Ms. Whelan Enns:** Okay. Thank you.

**Mr. Maguire:** The—you mentioned Mr. Sale's comments earlier, Ms. Enns, and I was just wondering if you could, what your thoughts are in relation to the different types of energy that would be available today. Mr. Sale indicated quite a switch towards solar energy as we move forward in and replacing some of the types of energy that we have today. It may be parallel along the lines of why the Public Utilities Board has been asking Hydro to relook at and rethink all of their capital projects.

\* (21:00)

And I just wondered what your thoughts are on that in relation to and how accurate you think some of the pricing models that he put out tonight. I believe it was 7 cents for wind power, 9 and a half cents for Wuskwatim and those sorts of things when we're exporting at 3 cents in some of those areas, and just how we can be more competitive with some of the new types of energy that might be available.

**Ms. Whelan Enns:** Several questions in one. I am not able to speak to the specifics of the models on pricing. I can certainly make the observation, though, that the price for wind and solar is going to come down. The wind energy has—wind energy industry has a variety of challenges right now because of what's going on economically and internationally, but solar is dropping and dropping and dropping, even with problems of manufacturing in the United States. There are already very clear working models in Canadian cities that are copies of American cities where public housing is being set up with solar, where landlords in Toronto are receiving incentives to put solar on every apartment roof.

So the question in—the question that goes in—back to your question is: Do we have an energy plan yet? No. Are we going to have an energy efficiency plan in Manitoba? Apparently. Are we going to work on it together for best possible combination of energy resources in the province? I hope so. Because I think we're way behind, for instance, on solar, and we're certainly—well, we're not at the commitments and there's a lot of frustrations with how little wind we have so far.

**Mr. Altemeyer:** Thanks again, Ms. Whelan Enns, for your presentation tonight.

I, too, have enjoyed the turnout and the comments. I think it's all been very hopeful. People seeing a good piece of legislation and making some good, constructive suggestions, and I'm sure all members of the committee appreciate that.

You had asked one question, and I'll defer to our minister if I'm wrong in my numbers, but you'd asked, sort of, how much demand has been saved through Power Smart? My understanding is most of that demand's happened since 2000 where we were the second worst for energy efficiency and now we are tied for the best in the country.

And the last number I saw is that demand's been reduced by about 700 megawatts, which is no small accomplishment. I think, if my numbers are right, that makes energy conservation the fifth largest dam, if you will, in the province, and closing in on the fourth, which, hopefully, this legislation will help us achieve. So I think we're certainly heading in a good direction, and I appreciate, certainly, personally, your contribution to the dialogue tonight.

**Ms. Whelan Enns:** I'm sorry. We do remember and then we forget. That's also equivalent to Keeyask. And it's three virtual dams plus in terms of the discussion in terms of licensing Wuskwatim.

If I may, asking the Chair, I missed saying that what we handed out is a reality check about energy efficiency in Manitoba. It's No. 15, so it's a wee bit dated. There are about 35 of them now on our website. And thank you very much.

**Madam Chairperson:** Thank you for your presentation.

I will now call on Peter Miller, Green Action Centre. Do you have some materials? Thank you.

**Mr. Peter Miller (Green Action Centre):** Yes, I do.

**Madam Chairperson:** You may begin your presentation.

**Mr. Miller:** Okay, thanks for the opportunity. I first want to apologize for not being here last Wednesday. We had an AGM for Green Action Centre that was a direct conflict. I also learned about—that was on the menu a couple hours beforehand. I hope that you have received an updated brief on that. The Clerk said that they were going to distribute one, so had considerable number of comments to make on Bill 18.

Green Action Centre has participated in Public Utilities Board hearings for a long time, almost a decade, and our approach has been principled in terms of—it can be summarized as green, fair, and affordable energy. And of course, we're concerned with other issues like the economic health of Manitoba Hydro and the economic health of the province and the contributions that the one can make to the other.

Green: The Sustainable Development Act principles and guidelines is a good summary. Affordable: We define differently than the affordable utilities act, for example. Affordable, I think I'm in agreement with English dictionaries in this, means that you—or, the subject is able pay for something or pay for it without undue hardship, and so affordable means taking into account explicitly low-income customers, as a number of people have said this evening. And so far, the legislation, particularly Bill 18, but also, perhaps, Bill 24, do not address directly the affordability issues, that is, energy burden of low-income people.

Our main point, though, is that we do support Bill 24 as a great step forward in—or potentially a great step forward, in promoting energy efficiency in Manitoba, and, certainly, want to commend you for that. The—it's been a primary objective of Green Action Centre to promote movement in this direction, and this seems to do that. By continuing the Affordable Energy Fund, by having some review process for Power Smart planning and the on-meter financing innovation, which is, perhaps, the most novel aspect of it.

Let me now look at some of the reservations and concerns. Like several others, the specification that the funding come from gross hydro export revenues seems, to me, to be a holdover from a different era, the post-Katrina era, when there was a sharp spike in natural gas prices and there was concern that natural gas homeowners would have difficulties heating their homes. And the same year, Hydro was doing pretty well, and so the idea occurred, well, let's take that really well surplus and apply it to gas customers. Now that cross-subsidization aspect was withdrawn as far as modifying energy rates, but it was not withdrawn as far as paying for energy efficiency.

I think now is the time to abandon that model and let each side of the utility pay its way, particularly when everything's reversed. The price of gas has hit bottom and export revenues aren't that high. So, I think there should be proportional

assessments from the Centra Gas customers and from the Hydro customers. Right now, it costs twice as much as to heat a home by electricity than if you have a high-energy, high-efficiency furnace—natural gas.

Why should the northerner, who doesn't have any other option, pay even higher rates to subsidize programs for gas customers or others? Why can't gas customers, at these historically low rates, pick up their fair share of the burden? So I think that is an issue that does need to be addressed and doesn't have anything to do with the equal hydro rates across the province. It's a sharing between gas and electricity. That's the issue.

\* (21:10)

Like others, I'm going to echo the concern that there's no—nothing in the bill that permits any knowledgeable people from getting inside that tight circle between government and Hydro. There—the Public Utilities Board did provide such a process and, I hope, will continue to. Energy experts have been brought in who've been able to comment on shortcomings of the Power Smart programs and have led to improvements. And I hope that there will be plenty of opportunity to review any plans that are generated and not just—I think there are many of us who have the concerns, but also there's some expertise and there should be provision for expert review as well outside the government-Hydro circle.

We, too, at Green Action Centre are greatly impressed with the BUILD program. In fact, Shaun Loney was delivering our—an address at our AGM when this committee was meeting last week. It's quite remarkable. And it represents synergies, that is, you're meeting multiple objectives all together, and you get greater value for the program that does that. As an aside, I'd say, unlike Bill 18, which doesn't seem to have that richness, that nuance, that ability to deal with the many different goals of Hydro in a synergistic way.

I guess I would make a couple comments. One, you list specific targets—seniors and geographic areas, I think—that are possible in your programs. That should not be a closed list. There should be other forms of targeting possible. In fact, again, energy experts, several of them, before the Public Utilities Board have said, look, why aren't you targeting the highest users of energy, and in particular, the highest users who are low income? That's where your—you should roll out the troops to insulate the homes first. It'll—not only a better return

to the utility—more energy savings captured—but that's where the need is greatest too. And that's the way to tackle affordability in Manitoba, it seems to me, by better targeting of such programs like that.

The other comment is that there are at least three different models for efficiency. One is the individual homeowner responding to incentives that are offered by Hydro. A second is the BUILD social enterprise model. The third, which is very prominent in the US, is energy service companies who've developed the ability to do the mass work in very efficient ways, very cost-effective ways, and we haven't really looked at that third one in Manitoba.

There is a certain trade-off between the different ones. You get all the social benefits with the BUILD model. You cover much more at much less cost, many more homes warmed up, with the energy service company. And so you need evaluation programs, quality control, as one person said, and you need cost effectiveness.

When a—someone graduates from BUILD, they've been through their six months, one-year program, where are they going to get work next? If they're going to be in the same line of work, it—

**Madam Chairperson:** Mr. Miller, I'm sorry, your time has expired. Thank you for your presentation.

Any questions from the committee?

**Mr. Chomiak:** Yes, thanks for the presentation. It's been very useful.

I, you know, I'm the—energy and conservation programs is outlined in the act under section 6(b) outlining a variety of incomes even though it mentions seniors and low income it does say other unspecified groups. It was drafted in order to be wide and encompassing, and wider rather than narrower so that the—if the legislation were to deal with every specific group and nuance it would be three or four times probably the length and we'd still miss things. So it's a generally empowering piece of legislation and it's broad enough to cover virtually— including the power service companies that you talked about are conceivable under this act as well. So I think it's got the ability to do that, and so I thank you for your suggestions.

**Hon. Jon Gerrard (River Heights):** You and others have raised a number of, you know, concerns for areas where there's considerable need for improvement in this bill. Can they—those

improvements be met with in the current legislation or do we need a number of significant amendments?

**Mr. Miller:** I should've done a better job in focusing on the more specific sections that require it.

I think one essential amendment in the bill itself is to require some kind of public consultation process in the developing of the energy efficiency plans so that you break into that circle of government and Hydro. There are lots of people in this province who care about these issues and there are lots of people who have some information and expertise.

**Mr. Helwer:** Madam Chair, through you to Mr. Miller, thank you for your presentation tonight.

I'm interested in your concern No. 4 where you're suggesting that it would be more cost effective to allow higher amounts to be put on the meter, and while I understand that some things such as windows are probably quite a bit more expensive than the program might anticipate if there is no measurement of ability to pay. So we don't really need to get people in trouble with loans on their hydro bill for renovations that are beyond their ability to repay, is that?

**Mr. Miller:** Yes, I agree with that rationale for capping it at the savings cost effective to the customer for the reason you state. There are a couple ways to deal with that. One is, if someone wants to upgrade their windows and you couldn't do it and finance it and keep the rates below the savings, well, let them take out a Power Smart loan in addition to the on-meter financing. Let the two financing measures complement one another. So that's—that would leave one possibility.

Another is there is a gap between what residential customers pay, 677–6.77 cents per kilowatt hour, I think, now it's the energy charge and what Hydro—its most recent calculation was 8.26 cents is what a saved kilowatt hour is worth to the system. So another possibility is to—for Hydro to buy down the capital investment using that differential and the remaining bill, then, would be, you know, capped at the savings rate.

**Mr. Helwer:** I guess further to combining the two programs as you suggest, would that then not essentially make Hydro a lender similar to a bank? And I'm not sure at this point that they have the capacity to determine ability to pay for their customers or that that's something we really want Manitoba Hydro to get into, accepting or declining consumer loans essentially.

**Mr. Miller:** Pardon me. It's a well-established practice. They've been doing it for years, and I'm told their credit check is very soft. They look to see if you've had problems paying your bills in the past and that's the only credit check that they do.

\* (21:20)

**Madam Chairperson:** Thank you for your presentation.

I'd now like to call on Lucas Stewart, Manitoba Green Retrofit. Do you have some materials to hand out?

**Mr. Lucas Stewart (Manitoba Green Retrofit):** No.

**Madam Chairperson:** Please begin your presentation.

**Mr. Stewart:** My name is Lucas Stewart. I'm the general manager of Manitoba Green Retrofit. A lot of my points have been covered already. There's been lots of really enthusiastic discussion around this topic. So some of them have been echoed and I'll just kind of read over them, just for the record.

I just want to point out—I think I'm the only employer—yes, only actual employer who's speaking on this topic tonight, so I'd be happy to respond to any questions you would have of a contractor who would be doing some of this work.

Manitoba Green Retrofit is a growing social enterprise. We operate out of Winnipeg's North End. Our mission is poverty reduction through sustainable, targeted employment, specifically underemployed Aboriginal, new Canadian, and inner-city residents. Through social enterprise with similar bottom lines, not only do customers receive a quality service, but they reduce the cost of every social service currently offered. And you also contribute to the ending of generational unemployment.

We named our social enterprise Manitoba Green Retrofit because we knew that one day we would have the vision that a forward-thinking piece of legislation would come along, and it looks like that day has—that day is fast approaching. So I'd like to thank the minister for the development of this legislation, and we are excited about the possibilities and the many positive impacts that this will have. And we are eager to get started.

We would ask that—we would ask the committee to consider two amendments: No. 1, that the minister

set the targets related to low-income housing and the use of social enterprise. Hydro is capable of being much more efficient and effective in these two areas if they are given clear direction. And as it is currently written, I'm not sure that that will happen.

Number 2, see that the Affordable Energy Fund is strengthened, to be used to lower utility bills faster for low-income families. We'd like to see this done by offsetting retrofit costs which would, in turn, drive down the financing periods.

Our vision is to see entire neighbourhoods targeted for energy and water retrofits. The renewal corporations, the existing renewal corporations that are in place, have an extensive local knowledge. They know people, they know who to contact, they know what their challenges are, and they know it in a very—in a very intimate way, and they should be used to get the word out. They will be a most effective way to contact and ensure penetration into those communities that really need it. And they would be happy to be contracted directly by Hydro.

Hydro is good at completing audits and issuing work orders, and that would be an excellent role for Hydro to play in this arrangement, as well as taking away some of the administrative burden of a program of this type.

Yes, I would just like to thank the ministers for putting forward a progressive piece of legislation.

**Madam Chairperson:** Thank you for your presentation.

Are there any questions from the committee?

**Mr. Helwer:** Thank you for your presentation and coming in tonight.

In dealing with your area of expertise, with the type of housing you've been dealing with, is there a target dollar that you would see that would be an average for what you would put into a housing development or a house, to achieve some form of energy saving. Like, you have to do—reinsulate, that type of thing. Is there sort of an average number that you could come up with your—for your housing stock?

**Mr. Stewart:** I would have to say about 5,000, and that would hit the big three. The biggest three improvements that you can do to save the most amount of energy, would—starting—No. 1, is your heating source; generally that's a furnace. And then, it's the basement; you spend about 20 per cent of your heating bill heating your foundation. And then,



in—it's the attic; and so, that's just heat going up and it also prevents ice damming and wrecking your roof. Yes.

**Mr. Chomiak:** Yes, thank, as well, again, for the presentation. I—you're aware that Manitoba Hydro was subsidizing audits to keep the federal program going. The—I like your suggestion about using Hydro to do audits. We're going to have to find some means of doing audits, both before and after. And so, any suggestions in that regard would be helpful.

**Madam Chairperson:** Thank you for your presentation. I'm sorry, Mr. Stewart.

**Mr. Stewart:** I'll respond. That's great, thank you.

The 'auder' process is extremely enlightening for anyone who's ever had one. Having the menu items and the payback periods listed, as well as the cost associated with each of those menu items—is almost what they are—is extremely enlightening for anyone who's ever gone through the process.

And it also will demonstrate those big three items, as well as the—as well as items that aren't—are more cosmetic, and, specifically, I'm talking about windows. You can get a lot of—lot more energy efficiency out of tightening up your home, using caulking and things like that, then putting on new windows. So, the energy—the auditing process is something that can be taught and, if there was an appetite, I'm sure that the marketplace would provide.

**Madam Chairperson:** Thank you for your presentation.

#### **Bill 25—The Groundwater and Water Well and Related Amendments Act**

**Madam Chairperson:** We will move on to Bill 25, The Groundwater and Water Well and Related Amendments Act.

I will now call on Jeff Bell, president, Manitoba Water Well Association. Do you have some material for distribution?

**Mr. Jeff Bell (Manitoba Water Well Association):** I do, yes.

**Madam Chairperson:** Thank you.

*Mr. Vice-Chairperson in the Chair*

**Mr. Vice-Chairperson:** Okay, Mr. Bell, please proceed.

**Mr. Bell:** Thank you very much.

As I say, my name is Jeff Bell, I'm the president of the Manitoba Water Well Association. I'm a hydrogeologist and I work at Friesen Drillers in Steinbach.

I represent our association, which represents the water well industry in the province of Manitoba, and we've been around since about 1958. And, since that time, we've—that's about the time that the current act came into place, and since that time, we've been asking for some changes and updates to the act, so we're very appreciative that this act has come out at this time. So, I'd like to thank the department and the minister for undertaking that.

Since about 10 years ago, our association has actively pursued the Canadian Ground Water Association certification program, and this revolves around three areas: It's two classifications of pump installations and one classification for water well drilling.

Our association feels very strongly about following these certification processes, and many of our members are already certified, so we're eagerly looking forward to implementing something along those lines.

A couple things—our association is largely in favour of the act as it's been proposed, at this point. There are a few things that we would like to add and they are detailed in the documentation that's been provided.

\* (21:30)

The first thing is in regards to well sealing. Our association members feel that only people that should carry the certification of well drilling under the CGWA program should be sealing water wells. We feel that water wells—an abandoned water well is actually more dangerous than a water well that is in service. So we feel that someone with the expertise and the equipment to deal with all certification—or all issues that could pop up in sealing a water well are very important.

The second thing: Our members are working all over the province and they look at all sorts of water well issues and bacterial contamination issues. We find that probably nine out of 10 of these issues are relating to water well hookups or hookup to the plumbing connection that's done after the well driller has left. So our association is very strong in that certification program for well hookups, and we would like to see that in the act. I understand there's

some talk about discussing it in the regulation, but I'll get into that a little bit later.

The next issue is with respect to flowing water wells. The way the—the way it's currently written at this point, in issues with flowing water wells, if they become out of control, it becomes a matter of responsibility of the water well driller. We have some issues with this in regards to discussions of liabilities with contracts and some insurance requirements that I think that need a lot more discussion. Some sealing of water wells can cost, basically, a very, very substantial amount of money, and I think there's some implications in here that need to be seriously reviewed. Other jurisdictions have been talked about with respect to well sealing, although much different geology and much different provincial settings than we have in the province here.

The following or the last point that I have. We would like to see—and this has been undertaken in other provinces where acts have been introduced just recently, where a committee of members of the department, and both members of the water well industry and the water well community, being part of a committee that reviews the implementation and development of regulation. And that way, it allows us to have a stake in how those regulations are developed and implemented.

So that's all I had, so thank you very much for the opportunity to speak.

**Mr. Vice-Chairperson:** Well, thank you for your presentation.

Do members of the committee have questions?

**Hon. Gord Mackintosh (Minister of Conservation and Water Stewardship):** Well, thank you very much for your leadership and your insights, your advice, Mr. Bell, and I look forward to working with the association as we develop the regs. As it appears, the—most of the work lies ahead, actually, I think, in putting the regulations together. The framework really is in the legislation, and so we will very seriously consider your offer to be part of a more formalized process, perhaps, as set out in British Columbia. But we'll take very careful notice of that, and we'll consider very carefully who should be involved, because, obviously, there are a number of stakeholders, but your organization certainly is key—and the geothermal industry as well—but there are others, so thank you very much.

**Mr. Ian Wishart (Portage la Prairie):** Thank you, Mr. Bell, very much for your presentation.

You touched on a lot of issues, and I was particularly interested in your assessment that—of the problems: nine out of 10 times, it's actually the hookup. And we've certainly heard that before when it comes to contamination. In many rural areas, it's very often—comes with—from within a hundred feet of where the well is drilled, which is often somewhere in that process.

There are—is some certification processes available for that. Have you looked at them in terms of—are you suggesting one direction or the other in terms of what might be the best way to approach this, because we have to engage the local contractor to some degree as well?

**Mr. Bell:** The model that we would like to follow in that certification program is the program that's been developed by the Canadian Ground Water Association. There are two aspects of that: there's a commercial or municipal-type pump installation portion of that, and then there's a residential portion of that. And many of those plumbers or people that are doing well hookups are actually already members of our association and there is many out there that do carry certifications at this point. So that's the model that we feel we would like to see, and we've been promoting for the last, I'd say, 10 or 12 years.

**Mr. Vice-Chairperson:** Seeing no further questions, thank you for your presentation.

So we will call now, Dr. L. James Shapiro. Do you have any written material for distribution?

**Mr. L. James Shapiro (Private Citizen):** I do.

**Mr. Vice-Chairperson:** Thank you. Dr. Shapiro, please proceed.

**Mr. Shapiro:** Mr. Chairman, and members of the committee, my name is Jim Shapiro, and I live at 130 Greenview Road. Greenview Road is in an area of Winnipeg, known as St. Germain/Vermette. You may know it better as St. Vital Perimeter South. Politically it is most of the southern half of the Seine River constituency. It extends from the Perimeter Highway on our north, to the municipality of Ritchot on our south, and from the Red River on our west to Plessis Road on our east. It is entirely within the boundaries of the city of Winnipeg. It covers 13 square miles and occupies almost 8 per cent of the city of Winnipeg. It is totally unserved, zoned rural, residential or agricultural with minimum lot sizes of two, five or 40 acres. We have approximately 2,200 residents living in approximately 900 dwellings. Every single dwelling

is dependent upon a well for its drinking water, and that is why I stand before you tonight to comment on Bill 25. I comment as an individual living in St. Germain/Vermette and as the past president of the St. Germain/Vermette Community Association and at the request of the current president of that association, Ms. Georgina Jarema.

The stated intent of this bill is twofold. One part of it is to manage and protect groundwater. The second part of it is to protect those who rely on well water. What emerged from the second reading of this bill is almost exclusively devoted to the drilling, construction, maintenance and sealing of wells. Now these are important topics and deserving of attention.

But Bill 25 is supposed to apply these measures to areas where sensitive groundwater situations occur and where a freshwater-saltwater boundary exists. And this bill, as it is currently written, does not protect communities like St. Germain/Vermette which are in a water-sensitive area and do encompass a freshwater-saltwater boundary.

Prioritizing the two intents of Bill 25, it is my opinion that existing wells and their protection must take precedence over the drilling of future wells. Why? Because you want to protect your current tax base so that you have a future tax base that can grow. Bill 25 does not do that. Let me tell you why. Section 2, subsection 2 of Bill 25 says that, and I quote: this act does not apply to a well that is drilled or developed by an owner on his land using equipment owned by him for the purpose of obtaining water solely for his domestic use. End quote

That section renders Bill 25 null and void with respect to the protection of drinkable water in water-sensitive areas and wells near a freshwater-saltwater boundary. What this section should continue to say is: but not in areas where water sensitive situations exist or those near a freshwater-saltwater boundary.

If you think that well drillers who rely on drilling wells for their income are not going to enter into arrangements with new landowners in order to drill a well, you are being naive. We have seen it over and over in St. Germain/Vermette. Under the terms of section 2, subsection 2, a new landowner can arrange to own the equipment being used to drill his well and simply sell it later, or he could lease it to own and while it is being leased, he can drill his well.

I am sure legal arrangements can be made that circumvent the intent of section 2(2).

\* (21:40)

The inclusion of section 2(2), in Bill 25 means that every homeowner in St. Germain/Vermette with five acres or more can subdivide their property and the new owner can drill a well. St. Germain/Vermette is water sensitive and straddles a freshwater-saltwater boundary. As every study in the area has indicated, drilling more wells will cause the existing wells to become salty, property values will plummet, the cost of living will escalate, the quality of life will diminish.

Let me tell you what currently happens in St. Germain/Vermette and other unserved areas in Winnipeg. In order to build a new dwelling, a new landowner must apply for a building permit from the City of Winnipeg. The City of Winnipeg, realizing that it has no jurisdiction over water issues, no longer mentions a source of water for new building permit applications in the city of Winnipeg.

As long as the building plans meet the building code, a permit will be issued. The new landowner can now build his new dwelling, but he needs water and a well must be drilled to protect his investment. He will find a way to drill a well. More wells lower the pressure in the aquifer, allowing the saltwater line to move further east of the Red River and further into St. Germain/Vermette. This situation increases the probability that existing wells will become salty.

There is a solution that can avoid this situation. The Province of Manitoba must insist that before a building permit can be issued by the City of Winnipeg, in a water-sensitive area and/or in an area near a freshwater-saltwater line, a well-drilling permit must be obtained from the Province of Manitoba. It must be produced with the new landowner's application for a building permit. Having determined that the area in question is not suitable for a well, no well-drilling permit will be issued. Approved alternatives, such as a cistern, should be specified.

With such information at its disposal, the City of Winnipeg can issue a building permit with the stipulation that no well be drilled on the property in question. A City of Winnipeg inspector can check on the presence of a well when he or she inspects the property for adherence to the building code. If a well has been drilled, it can be sealed at the owner's expense. With this procedure, development can occur but existing wells are protected.

Now this is a co-operative arrangement between the Province of Manitoba and the City of Winnipeg, and it should be possible because Bill 25 states, in section 12(k) that the Province can prescribe measures to be taken to prevent or diminish the pollution and contamination of groundwaters.

Section 10(1) of Bill 25 says that no person shall drill a well without taking reasonable precautions to avoid polluting or contaminating or diminishing the purity of water in the well or groundwater in the area.

But that is exactly what is going to happen if new wells are drilled in a water-sensitive area or an area near a freshwater-saltwater boundary. In areas so designated, no wells should be drilled; approved alternatives should be specified. Including these changes as amendments to Bill 25 will render the protection existing well users need.

Thank you for listening.

**Mr. Vice-Chairperson:** Thank you, Dr. Shapiro, for your presentation.

Do members of the committee have questions for the doctor?

**Mr. Wishart:** Thank you, Dr. Shapiro, for your very well-researched and well thought out comments.

Certainly, you bring forward a very unique problem. Most of our attempts to do aquifer management planning in Manitoba—and we've certainly a long ways from completing any aquifer management plan, other than one or two across the province—are based on what we call integrated watershed management planning, which is a function, or a child, of the conservation districts. And as you know, the City of Winnipeg does not participate in any conservation districts, so chances of that process leading to good results are nil, I would say, or next to nil.

I think you bring forward a very good argument here on something that should be incorporated in finding a solution, so thank you for your comments.

**Mr. Shapiro:** I do believe that the solution that I recommended would solve that problem.

The City of Winnipeg does not engage in any conservation district plans, but it is willing to listen to the Province of Manitoba since it finally realizes that it has no jurisdiction over water issues. Up until recently, the City of Winnipeg thought it did, and in its building permits even said, no wells are

permitted, but there was no legal basis for saying that and they stopped saying it.

But, if the Province has the jurisdiction to recommend to the City, before you issue a building permit, you need a well drilling permit, and if the Province has designated a particular area as water-sensitive or near a freshwater-saltwater line, they can simply say, you cannot get a well drilling permit because we, the Province, are the only ones capable of issuing that. Now the City can say, here's your building permit; you can't have a well, put in a cistern.

**Mr. Vice-Chairperson:** Thank you so much for your presentation today.

So we will call now James Beddome, Leader of the Green Party of Manitoba. *[interjection]* Thank you.

Seeing that he's in the other room at this point, he will drop to the bottom of our presenters list.

And then I would like to call Gail Whelan Enns, Manitoba Wildlands, to the lectern, please. I see also that you have written materials, so we'll wait a moment just for them to be distributed and then we'll get you going. Okay, please proceed.

**Ms. Gail Whelan Enns (Manitoba Wildlands):** May I assume 10 minutes?

**Mr. Vice-Chairperson:** Yes, you may assume that.

**Ms. Whelan Enns:** And would you give me a two-minute wave or something? Okay, that would—

**Mr. Vice-Chairperson:** Happy to give you the two-minute wave.

**Ms. Whelan Enns:** All right. Much appreciated.

This is a longer act. I'm going to try to talk faster.

**Mr. Vice-Chairperson:** You still only have 10 minutes.

**Ms. Whelan Enns:** Yes, exactly. Exactly. And also, I just wanted to congratulate everybody for being alert and on the job and functioning, because it's a long night.

First, I wanted to say a couple of things that probably fall under the heading of disclosure. So our family home is on a river lot exactly in the middle between, as the water flows, between the centre of

Morris and the centre of Ste. Agathe, on the east side of the river. One of our family members did all of the well testing over a two-year period after the 1997 flood for what was then Manitoba Environment.

Staying on disclosure, getting to the opinion, having a good deal of trust—and I made this kind of comment in terms of the previous act—a good deal of trust in the know-how and skill of Manitobans, particularly, if I may, in the Red River Valley, it probably needs to be said this evening that we knew we needed this after 1997. There's just no doubt in my mind. We all learned a whole lot of stuff and we're still going to be learning in terms of what happened with the amount of water in Manitoba in 2011.

But, again, on a family basis, I, you know, two years of testing and listening to information about wells, and we really—it's good to see this, but we also need to acknowledge that the pollution and problems with wells when this province floods is something we already knew a good deal about and hopefully are going to be having some results from this bill, soon to be an act.

\*(21:50)

Another obvious observation: We have a water protection act. We have the other groundwater law. We have a variety of laws about things to do with water in Manitoba, and I would really encourage the government to think about putting them together. That would help everybody—seeing a head nod from the minister. It also would make it much easier for municipalities, First Nations, people in other levels of government, farmers, farming organizations, you name it, actually, sort of, be able to grapple with all this stuff about water.

There's another obvious, sort of, comment to make in these times, and that is, I fervently hope that there is a very good plan here in terms of the budget that's needed, the training that's needed and the staffing that's going to be needed to basically make this bill real.

It's, you know, I'm looking at the well officers or the drilling officers, and I'm going, okay, so, are they going to be in regional offices, and how many are there going to be, and how quick is it going to be to make an appointment with them, and so on.

Now, we have a fair number of existing aquifer plans in Manitoba. Because there's been a lot of confusion about watershed planning, they very recently, and there—some of them are 20 and 25 years

old, but, very recently, are back on the Manitoba government website. So there's a question in terms of their status in what will happen with those aquifer plans, and I'll get back to that in a minute.

When I was speaking to The Water Protection Act—and gee, it's ancient history now—I pointed out that the definitions were not clear in terms of the sensitive areas that one would protect in terms of that act. The same thing is true in this one. You have sensitive groundwater areas. Neither bill, neither act is direct and specific, then, to what we're going to do to protect bodies of water in Manitoba.

So I know this is a groundwater bill, but we have this big, sort of, gap that might actually also be within the portfolio of the same minister now, and the reality of it is that the only protected water in Manitoba is, by default, inside a land designation of Crown land under a terrestrial act. That's it; that's all we've got. And I think that there's—well, again, some things that we could do for ourselves and for the future and for water quality.

Now, watershed planning has not had a public registry to this point. Watershed planning has no access to information during the process. The only thing that's been occurring is a final or completed watershed plan posted on a website. So this goes fairly directly, then, to the assumptions in this bill in terms of aquifer plans, the assumptions in this bill in terms of who you're going to put on the authority for groundwater, because it's the same players as for the watershed planning.

I would really urge the minister and the government to give some consideration to how you're going to also be able to include, in these processes, the know-how of academics, who may be in the community or in the groundwater area or zone, and also community organizations that could be of faith, they could be unions, they could even be environmental organizations. I think it's too narrow if you're truly going to use the know-how and abilities and contributions of Manitobans.

Here's a funny thing about Saskatchewan: About—and I'm not even going to stop and think which government this was, but a colleague of mine was heavily involved about 12, 13 years ago, and over a process of over about four years in Saskatchewan, where just about everything in the province was put into a GPS system and a GIS system. So where I'm going with that is this bill needs to map and require the mapping of every well in the province and its status.

So there's some very strong things here in terms of moving to a public registry, but you have to have your base. You have to have the—okay, where the heck are the wells? Here's a trick question. You may hear more on this from Peguis First Nation in a while, but you actually need to know in terms of traditional territories in the province, the—each conservation district, each municipality. You know, you pick your layer. You need to know how many wells there are and what their status is, including which ones have been identified as being contaminated.

I really appreciated several things that Dr. Shapiro said. Thank you. Having this rural orientation to the Red River Valley, I also wanted to say that many of us, until fairly recently in terms of cost sharing and capital money being made available, the majority of us in the Red River Valley, outside of the towns, for the last 40 years or so, have been on cisterns, and the main reason is—to see if we're alert at 10 o'clock at night—the main reason is because the aquifer was punched because of poor supervision of mining and, you know, easy access up and down Highway 75—let's have a mine; let's see how many times we can punch holes in the aquifer. So the cisterns haven't always been there, and that's—that's a sort of a cautionary kind of thing to say. I do look forward to seeing fracking regulations in a bill soon. We have 300 wells already fracking—being fracked—call it what you want, in Manitoba, industry websites ragging about that, ranchers and farmers and so on concerned.

Okay. I'm going to turn some pages really, really quickly. I am watching the clock. The section—oh, dear, I'm on page seven, number three—the geographic location of an aquifer or groundwater—hello, thank you. We are in 2012. This definition is from about 25 years ago, so it's very linked to what I was saying about having a GIS and GPS system for every well in the province. Excuse me, but today's technology—you can define an aquifer and every aquifer in the United States has this—underground. So do not limit what your tools—you're going to have. It's sort of a little bit surprising.

There are some odd things, though, it's very good to see where we're going with a public registry here. So I'll just leave it out there as questions, but it says the registry may be electronic, and it says that a few different ways in the text of the bill. And then when you get down to 27, and this is there more than once also, it says that the contents of the public registry must be available during business hours. So

it's not clear whether we're having a paper registry and an electronic registry, or whether it's somehow going to be discretionary, which is an issue because under The Environment Act the public registry is the paper one. No matter how poor the record keeping is, legally the public registry is the paper one under that act. So I would encourage, you know, a little information also about when it's going to be updated, what's going to be in it, who's responsibility it is to get it in there on time, because none of that's in The Environment Act.

Turning rapidly, honest, I saw that two-fingered, two-minute thing. Okay. I've already made my comment about conservation district boards, planning district boards and the council of municipalities. You realize in some part of Manitoba this is the same three people over and over again. It's not—I think Manitobans would actually step up and really help this process.

Now, in 7.3.1(e) I'm obligated to say this because I will be asked by First Nations in my life whether I said something this evening—

**Mr. Vice-Chairperson:** Forgive me for interrupting. That does exceed your time.

**Ms. Whelan Enns:** —and I'm going to finish this sentence, if I may.

**Mr. Vice-Chairperson:** Do we have leave to finish this sentence?

**Some Honourable Members:** Leave.

**Mr. Vice-Chairperson:** Thank you.

**Ms. Whelan Enns:** Thank you very much.

So this is from previous—previous to the Charter, previous to the Constitution. It contradicts the consultation policies for Aboriginal people in this province, and it's from about 1973.

**Mr. Vice-Chairperson:** Thank you so much for your presentation.

Are there questions from the committee for Ms. Whelan Enns?

**Mr. Wishart:** Thank you for your presentation. You brought up a number of excellent points, and yes, I was aware the legal registry was paper, but we do really need to move on a generation and try and get as much of this into the electronic as possible. I know the minister has mentioned that that's their intention, but we do need a better system of tracking, and when you said 30 years, you actually underestimated. It is quite a bit older than that.

**Ms. Whelan Enns:** Thank you. There's a very significant hitch, though, with electronic public registries and the government of Manitoba. So the working example right now is that none of the materials to do with Bipole III will fit on the government of Manitoba website.

The reality of it is that the—if I may say to you all, the techies have got too much control and they have no knowledge of policy, program obligation or law. So to have electronic public registries in this province needs, you know, some brain changes, and a really clear move forward, because right now they're only partial and they're patchy.

\* (22:00)

**Mr. Vice-Chairperson:** Thank you so much for your presentation.

I'll call now, Mike Sutherland, councillor from Peguis First Nation. Do you have some written material for distribution?

**Mr. Mike Sutherland (Peguis First Nation):** No, not at this time.

**Mr. Vice-Chairperson:** Okay, thank you. Then I think you're free to proceed as soon as you're ready.

**Mr. Sutherland:** Good evening, Mr. Chair, committee. First of all, I'd just like to give thanks for give—being offered this opportunity to come and speak to you guys here today. I think it's very important that I do a presentation. I don't know how beneficial it's going to be for First Nations communities. I was here last year with a bill, the bill, Save Lake Winnipeg Act, and it still went through anyway.

You know, but one of the first things I want to talk about today is section 73(1)(e), consultation and preparing an aquifer management plan. And it states there only an aquifer management zone or any portion of it is in that band's reserve land. To me this contradicts provincial consultation policy.

Most First Nations will be affected as aquifers expand above and beyond or below and beyond our First Nations boundaries. You know, just because we have a boundary doesn't mean it's—anything's going to be—that it's any different underneath—water flows, you know, upstream and downstream.

Traditional territory of First Nations are also recognized by the Supreme Court of Canada, and the federal and provincial governments, and for Peguis we have a huge traditional territory which runs into

Treaty 1, Treaty 2 and Treaty 3. If—and, you know, some reading you will understand that. When any kind of work extraction or development happens within First Nations traditional territory, consultation is immediately triggered. River systems, lakes, reservoirs, drainage systems, swamps, bogs, and so on, often surround or flow through First Nations communities and may affect the water that many First Nations consume. And if work is done upstream or the surrounding areas, you know, this will affect the water that we consume.

You know, and this why consultation is absolutely necessary. You know, I've read time and time again where bills and legislation is passed without the consultation of our First Nations communities, but yet they directly affect them. And, yet, still today, I'm standing here dealing with the same matters over and over again. You know, and I think participation is first and foremost. You know, and you can look at it, you know, from the taxpayers point of view. You know, save a lot of money in court costs, fees and everything else.

You know, the question is, you know, if the new standards and regulations are implemented, who's going to cover the costs of meeting this criteria or standards? You know, I'll give you a scenario. For the last, maybe, 10, 15 years, First Nations communities that cannot have wells drilled were having new, brand new, state-of-the-art water treatment plants put into their communities. But they still don't have good drinking water.

There are so many reasons why capacity building, you know, training the people there—sustainable planning, education, regulations, you know, educating the managers that run these treatment plants. But one of the biggest ones is the budgets. Even though your—the other government, you know, the Department of Indian Affairs or INAC would put up these treatment plants, they wouldn't increase the funding to run them. Well, what's going to happen here with—if these standards are raised? You know, as to where they are, are we going to have the opportunity to acquire that funding to meet these standards? Or are we going to be out of reach again and have, you know, someone deliver a \$10,000 fiddle, but nobody how to—know how to play it in our community?

You know, these are the things that concern us. You know, and Dr. Shapiro, from St. Vital, hit the nail on the head when he said this bill does not protect them in their community. It does not protect

First Nations communities. It did in the beginning when you talked about groundwater and the protection of that. But as it stands now, it doesn't. You know, and as First Nations communities, we want to support, we want to go down the same path as the provincial or federal governments, but we have to work together to do it, not be left behind.

You know, when I talk about traditional territory, we're also concerned about forestry operations, peat mining operations, mining operations, you know, gravel pits, agriculture, you know, as well as the permits, leases and licences that are issued without our knowledge. We don't know what's happening in some of those operations.

You know, flood zones: You talk about flood zones in this bill. Peguis is in a flood zone, but it's not been designated as one. We have a traditional territory north of Selkirk. That's been designated as a flood zone, but there's been no consultation done there again in that designation and, therefore, puts a lot of restrictions on any development for us in that area. You know, so how does that help us? Again, no consultation. You know, and why does the well—why does this legislation exclude wells on private land, you know.

This bill does not protect First Nations communities, and I want to just share some facts with you from the Peguis First Nation, okay. Right now there are 78 uncapped wells in our community. Some of them are sending out thousands of gallons a minute, just like the fire hydrant is shooting the water. And there's others that aren't flying at all. And we're in a flood zone. And when those floods happen, the possibility of contamination is imminent and it has been.

We've been contaminated several times over the last number of years from all the flooding. And many people have gotten sick and a few even perished. You know, and at times when there—and when we first started this a few years ago, the flooding, we didn't know what was the matter. People would get sick, children would get sick. Some of them won't make it, but it's well contamination, E. coli and other things, you know.

There are huge aquifers in Peguis that are surrounded, not just on the reserve, but outside, huge lakes under there, you know. And that's why we—when the bill was moving forward, you know, the protection of groundwater was so important to us. And we thought it was moving in the right direction. But somehow we got funneled off, you know. There

are no certified drillers or sealers in Peguis. If we're going to seal and cap these wells, it's going to cost us a fortune. Who's going to cover those costs? We don't have it in our budgets. You know, right now, we're doing the research on what we could do. We even had the Province of Manitoba come down and do a presentation at our high school with some of our employees and grade 11 and 12 students to talk about this. You know, you look at twenty, thirty thousand dollars for one well, you know. Where are we going to find that funding to do that? And, as I said, in the last 20 years there's been numerous wells contaminated by flooding.

In closing I'd like to state that we're all for safe drinking water, you know. We want safe drinking water measures. However, we don't want to be left out of these measures and have them to apply to everyone else but us, especially when they affect us directly, you know.

So consultation is imperative. The development of new legislation, the existing legislation has to happen in consultation with First Nations has to happen. I know we're under federal jurisdiction, forestry, mining. Everything else within our traditional territory still affects us directly, as well as, most importantly, the water, you know.

Just some notes—you know, I heard others talk about, you know, not just wells but well hookups. And that's one of our biggest sources of contamination, but we don't have the funding to pay for the cost, you know. A lot of the times when the wells are contaminated, we just—the health centre throws Javex down the well thinking that's going to be the answer. That's not the answer, you know. That's something we shouldn't be doing, you know, and there you go, you know. There's no consultation, you know, helping our community move forward in the development and the protection and having the right for safe drinking water's not there.

You know, the protection of groundwater and drilling new wells, that's where we thought this was going, and we would hoping that it would continue in that process and, like I said, the bill does not protect First Nations.

You know, I'm just going to reiterate what I first said. Consultation has to happen with us, you know, and it would save a lot of time, money and a lot of grief and hardship, because we want to move forward and to benefit our community, our people and our future, as well, just like any other Manitoban here.



But when we have legislations being passed left, right and centre without our participation, that it hurts us. It puts us in the backseat. It puts us in the corner and say, go sit over there and we don't want that, you know. And there'll become a time of day that we will stand up and we'll say this has to stop. And I think, you know, Mr. Mackintosh, you're here, you know, consultation is big on your plate. And we have to start looking at that. And with that, I'd like to thank you. Thanks.

**Mr. Vice-Chairperson:** Thank you, Mr. Sutherland.

Are there questions for the presenter?

**Mr. Mackintosh:** Thank you very much, Mr. Sutherland, for your presentation. We'll certainly give very serious consideration to your comments. And I think the underlying approach under the subsection of 73 was really recognizing that the protection of water was not an infringement of a right.

But I take your point that there must be a new era of partnerships, and one of the early revelations I had was the lack of partnership currently that's—that we're seeing with the development and good work of conservation districts working with First Nations, for example, and other Aboriginal communities in Manitoba, as well.

So I think we've all got to do better on that, and I certainly hope I can do my part in working with leaders like you in your respective communities. So I take your observation very seriously.

\* (22:10)

**Mr. Sutherland:** So I understand you're now the Minister of Conservation? I actually worked for you a couple of years ago or your department in the Aboriginal Relations branch. One of the things that I suggested to the previous minister is that new positions have to be created, created to work with First Nations communities on capacity building, positions that have to work with the grassroots people and as well as the—your civil servants that are in the field, you know, with the areas of conservation, water stewardship and so on because without that understanding and that co-operation it's—we're always butting heads. Right? And a lot of the time it's the civil servants they have their opinions, you know, I mean, we have to start breaking down those barriers somewhere. But you ain't going to break them down in here. Those barriers have to be broken down in the field, and you need more Aboriginal people working within the department to

work with First Nations communities to bring those issues back and create those working relationships.

And I think, you know, and anything out of this is that you take that back and you seriously look at that because I mentioned the same thing to the previous minister. However, I don't think he was serious about what I was talking about, but if you want to move forward together in a working relationship I think that's something that has to be seriously considered, and not just Conservation but all levels of government as well. Thanks.

**Mr. Wishart:** Thank you, Mr. Sutherland, for a very well thought out and a very all-inclusive, I think, presentation. You certainly touched on another—a lot of issues, the whole issue of consultation and development of regulations that are workable is a very important part of the process. I encourage you to stay engaged on this. I know a number of the aquifer—sorry, the integrated watershed management plans did include some First Nations consultations, but some did not. So it hasn't been an all-inclusive program and that's an excellent point.

**Mr. Sutherland:** Just to let you know that right now in our north Interlake region we are working with the East Interlake Conservation District to develop a watershed plan. But a watershed plan doesn't start with the upper regions of the Fisher basin, but it starts at the mouth of the river and working its way back, and I think this is the first time that Peguis and Fisher River, Dallas, Red Rose, Harwill, and Fisher Branch or the RM of Fisher have all been working together on the development of this plan. And I think that in itself, you know, speaks volumes to where we want to go.

**Mr. Vice-Chairperson:** Thank you, Mr. Sutherland.

Mrs. Rowat.

**Mrs. Rowat:** Councillor Sutherland, your presentation was very enlightening, and it did speak to the shortcomings or the gaps with legislation and working with the communities. So I would like to know what your thoughts are with regard to Bill 25.

Do you believe there should be amendments that you would like to be a part of, or do you believe the bill should be pulled and have consultation? Like what would you like to see happen from this point forward?

**Mr. Sutherland:** Well, as we move forward, I think, you know, at this time, you know, amendments be made. But even if you want to go to the extent where

you create that partnership it'd be pulled until First Nations, you know, leadership are consulted and brought in as a part of the whole development because this doesn't affect southern Manitoba. You know, the people in the north are going to be more affected by this than anybody else because, you know, when you talk about groundwater legislation you're talking about First Nations that live below dams, you live about—talk about First Nations that, you know, that live below mining operations would greatly affect, you know, their livelihoods, you know, and many of our First Nations still practise their traditional activities within traditional territories, you know. So, you know, when it comes to groundwater, well, it's like elders always said we've never given up our right to water, you know, and it's one of the things you've always fought for. I'm fighting the peat moss industry on the east side of the Interlake there, the east portion out by Washow Bay because 38 per cent of that whole peninsula is water, you know, and it's so important to us.

**Mr. Vice-Chairperson:** That concludes our time for questions.

**Floor Comment:** Thank you very much.

**Mr. Vice-Chairperson:** Thank you so much for your presentation.

I will call now Georgina Jarema.

Good evening, do you have written material for distribution? Okay, you can proceed, thanks.

**Ms. Georgina Jarema (St. Germain/Vermette Community Association):** My name is Georgina Jarema. I am president of the St. Germain—excuse me—St. Germain/Vermette Community Association. Jim Shapiro has already given you a description of our community. I will just add that the Duff—excuse, I find it hard to talk, to even breathe in here.

But I will add that the Duff Roblin Park is in St. Germain/Vermette, and his floodway starts in our community as well.

As a community, we are very concerned about the protection of our aquifer and groundwater. A 1975 study by the provincial water resources branch said wells on the east side of the Red River, where St. Germain/Vermette is located, draws its water from a large underwater aquifer. The study also said underground water on the west side of the Red River is salty. Oh, thank you.

The study also said underground water on the west side of the Red River is salty and not suitable

for drinking. The equilibrium between the two underground areas is in a delicate balance that would be upset if the pressure in either aquifer was greatly decreased by heavy usage. The report recommended against large-scale development in St. Germain, because decreasing pressure will allow the contaminated water to seep into the fresh supply on the east side of the river.

However, in the '70s, the City of Winnipeg allowed two-acre subdivisions to occur between the Red River and St. Mary's Road. As a result, residents have noticed that their water has become saltier as far eastward as St. Mary's Road. Because most of the lot sizes between the Red River and St. Mary's Road are now only two acres, there's also an increased risk of leakage from individual septic systems into the wells. In a *Free Press* article, dated March 12th, 2007, by Bartley Kives, a City planner was quoted: With each new lot, and more importantly, each new well, the water has become more heavily salinized and therefore more and more contaminated. The salt water is moving eastward across St. Germain.

However, it is not the first time there is—there has been a salt problem. In the 1930s and '40s, people were drilling for oil in Manitoba. A 600-foot well was dug at Forbes Road and the Two Mile Road. However, it did not produce any oil, only salt water. The hole went into a salt-water aquifer, allowing salt water to flow into our freshwater aquifer. It affected old and new wells on Forbes Road, Fraser Road and Paul Boulevard.

*Madam Chairperson in the Chair*

In the late '80s to the year 2002, the Province pumped water out of the well to reduce its salt content. However, someone kept damaging the pump, so the well was sealed. The water's salt content has dropped, but it is still three times higher than what would be considered a reasonable value. The effect of not protecting drinkable water in water-sensitive areas can last a long, long time.

\* (22:20)

In 2004, the City of Winnipeg started using zoning agreements to prevent developers from drilling new wells between the river and St. Mary's Road. However, the City has no power to prevent existing homeowners or people who buy existing lots from drilling new wells. In 2011, the City passed a motion to contact the Province of Manitoba to discuss the issuing of permits to drill wells. In the meantime, a reporter from *The Lance* got a meeting

with the Minister of Water Stewardship, who informed her that a permit is not required in order for a person to drill a well for a residential dwelling. So we found out that the City of Winnipeg can issue building permits, but it does not control well drillers, and the Province does not require a well driller to get a permit that could restrict him or her from drilling in a water-sensitive area, and, our well water continues to become saltier as a result.

It is 2012 and the Province is proposing a new groundwater and water well act. The act would allow for designating sensitive groundwater areas. St. Germain is across the Red River, from a salt-freshwater boundary, that is moving eastward into our area. It is a sensitive groundwater area.

It also has two areas where wells and septic fields are allowed on two acres, one between the Red River and St. Mary's Road, and the other, east of St. Anne's Road. St. Germain/Vermette should be designated as a sensitive groundwater area.

Since it is the Province that provides well drillers with their license, it is the Province's responsibility to make sure that if a well is to be drilled in St. Germain/Vermette, that—excuse me—the property is—that the property is not near a saltwater boundary before a building permit can be issued by the City of Winnipeg. Then, when the City of Winnipeg issues a building permit, with the stipulation that no wells can be drilled on the property, it will actually carry some weight.

**Madam Chairperson:** Thank you for your presentation.

Any questions from the committee?

**Mr. Wishart:** Thank you, Ms. Jarema. I certainly appreciate what you have to say. We've heard from another individual also regarding somewhat the same area and somewhat the same problem. Obviously, there's something there that we need to pay particular attention to, and I appreciate your bringing it to our attention this evening.

**Madam Chairperson:** I will now call on Caitlin McIntyre, private citizen.

Do you have some materials for distribution?

**Ms. Caitlin McIntyre (Private Citizen):** I do not—no.

**Madam Chairperson:** You may begin your presentation.

**Ms. McIntyre:** All right. Thank you very much, and I appreciate your patience and the opportunity to present to you today.

My name is Caitlin McIntyre, I'm presenting as a private citizen, but, for the record, I'm a University of Manitoba graduate student. I represent a student group and the president of a student group dedicated to animal welfare issues on campus. And I was also the Green Party candidate for the riding of Winnipeg South, and, as well as Fort Richmond, provincially. So it's nice to see you again, Ms. Irvin-Ross.

So I'm going to be presenting today on the livestock component that I see in this act. I would like to commend this government on some kind of discernible action towards protecting Manitoba's groundwater; however, I believe that we need a broader look at Manitoba's watershed.

And, this presentation, I note, is also further to my presentation on the Bill 46, Save Lake Winnipeg Act, almost exactly a year ago. While that presentation detailed the Livestock Manure and Mortalities Management Regulation under The Environment Act, I find that the correlation between the topic matters of both tonight's presentation and last year's indicate that a comprehensive water management strategy is lacking in this province.

I note that the moratorium that was enshrined does nothing to protect Manitoba's groundwater or watershed, nor does it do anything for animal welfare. In fact, it enshrines current polluting practices and inhumane practices.

Now, to begin with, I look at the water use in domestic purposes through the definitions of this act, which indicates in section (d), that a watering of livestock and poultry—now, I have a little bit of confusion on this matter, because section 6 also denotes exclusions from licensing and certification requirements, that include agricultural operations if it is constructed for the purposes of obtaining water at a rate of not more than 25,000 litres per day. But I hope I can get clarification on that afterwards.

But assuming that this policy affects livestock, the watering of livestock or poultry or if it doesn't, then it should include livestock and poultry. I will continue accordingly.

Now, I note that the livestock production in Manitoba includes a huge amount of water use through wells to feed or water animals. The government of Ontario, through the Ministry of

Agriculture, Food and Rural Affairs, has put out a handy guide to the water requirements of livestock.

Now my particular area of expertise that I research in and advocate in is for sow operations. They're heavy in nutrient output, and they're destined to be confined animal operations, so I focus on that. And I notice that when Manitoba's population of around 300,000 sows produces a water need for water ingestion of 4.5 million to 6 million litres a day just for consumption uses, that does not include hosing out barns, et cetera, and other water uses on barns. So I find that to say that it is a domestic use of water, I find a little problematic.

Not only that, Manitoba has indebted itself to an export-oriented industry, so this well water, this groundwater that we're digging up and using to feed our animals is virtual water lost. It is being exported out of province.

I would also like to move on to another section here, which is the impact of effluent from confined animal feeding operations. Now I look to 72(1)(b) part or subsection (iii), which specifies aquifer management plans. This section details activities that may affect groundwater in the aquifer management zone, including activities in the following areas in or near aquifer management zones: water quality management zones, areas subject to watershed management plans, riparian areas, wetlands, frequently flooded areas and flood plains, and groundwater recharge areas.

Now this piqued my interest in how this act could more properly protect groundwater from confined animal feeding operations, and I bring to your attention the JoAnn Buckholder and Bob Libra, et als, article, "Impacts of Waste from Concentrated Animal Feeding Operations on Water Quality." This was published in *Environmental Health Perspectives* in 2007, issue 115—or volume 115, issue 2, pages 308-312, if you're looking for the specific citation.

Now I pulled a couple of quotes that I think have impact on our discussion tonight.

The author suggests that siting of livestock operations in areas flown—prone to flooding or where there is a shallow water table increases the potential for environmental contamination. They know nutrients can readily move through soils under wet conditions.

The impacts from confined animal feeding pollutant loadings to direct runoff are more substantial after such major effluent spills or when

CAFOs—that's a confined animal feeding operation—are flooded and in direct contact with surface waters.

The recent growths of concentrated animal feeding operations, the authors note, present a greater risk to water quality, because of both the increased volume of waste and to contaminants that may be present, *exempli gratia*, and antibiotics and other veterinary drugs that may have both environmental and public health importance.

Based on available data, generalized accepted livestock waste management practices do not adequately or effectively protect water resources from contamination with excessive nutrients, microbial pathogens and pharmaceuticals presented in the—present in the waste. Impacts on surface water sources and wildlife have been documented in many agricultural areas in the United States. They continue: the presence of many contaminants from livestock waste have been documented in both surface water and groundwater supplies in agricultural areas within the United States.

Many studies have shown, for example, that high nutrient concentrations, *exempli gratia*, ammonia from swine CAFOs or ammonia oxidized to nitrous oxide or phosphorus from poultry CAFOs commonly move off-site to contaminate the overlying air and-or adjacent surface and subsurface waters.

Exposure to water-borne contaminants can result from both recreational use of affected surface water and from ingestion of drinking water derived from either contaminated surface water or groundwater. Drinking water exposes—exposures to pathogens can occur in vulnerable private wells. Acute and chronic health impacts from these toxins can occur from exposures to both raw water and treated water, and exposure to chemical contaminants can occur in both private wells and community water supplies and may present health risks.

And the authors detail an array of long-term chronic diseases that have been correlated to exposure to contaminated groundwater.

\* (22:30)

Now, we have an enormous concentration of sows, at least just of sows, in Manitoba. There are huge concentrations of animals in relatively small geographic areas. To me, they present a huge risk for overland flooding and groundwater contamination. That's not the only confined animal feeding operations we have in the province. We have beef,

dairy cattle, chicken, turkey, you name it, not to mention feeder and weanling pigs.

Now, you might think, oh, well, flood plain? How does this article affect Manitoba? I mean, I scarcely need suggest the most recent rainfall that's been heavier than normal. I refer you to a government press release of June 8th which indicates the potential flooding of low lying agricultural lands along the upper Assiniboine River. We have a flood in recent memory. Manitoba is certainly not immune to flood and overland flooding, and I think that we can't prevent the weather. We can't predict the weather, but we certainly can prevent what we're putting on our land and exposing to risk.

Now, while I may not have specifically addressed the legislation at hand tonight to your satisfaction, I do reiterate again, there needs to be more comprehensive legislation that works together to address these needs, that the—and I also note that I feel a failure of the purpose of the act which is destined to provide for the protection and stewardship of Manitoba's aquifers and groundwater, and I'd give this a grade of "F" for that.

I also remind you, speaking of the hog industry, of the Leavitt report from 2011, which was the impetus to the Bill 46, Save Lake Winnipeg Act, in which he condemned the government for constantly giving the hog industry a carte blanche in Manitoba, and I'd have to say that as a Manitoban, I'm truly embarrassed that this government has not done anything to protect our groundwater from the needs of a short-term, goal-oriented meat export industry.

Thank you very much.

**Madam Chairperson:** Thank you for your presentation.

Does the committee have any questions?

I thank you for your presentation.

I would now call on James Beddome. Do you have some papers to distribute for us?

**Mr. James Beddome (Green Party of Manitoba):** No, I don't, not for this bill.

**Madam Chairperson:** Then proceed with your presentation.

**Mr. Beddome:** All right, well, thank you, and sorry I wasn't here when he called me the first time. I was in the other room presenting on another bill.

So I'm going to start out sort of similar to what I did the last time which is once again, just to reiterate on process thinking that a longer lead time for the public to put presentations together would be appreciated and, additionally, and I think, really important with this bill, would be at least some—circulating some draft regulations, I mean, especially an act like this. So much of it is filled out by the regulations, and I really appreciate this process that we can come talk on bills. Any member of the public can come. When regulations come in to play, it's not necessarily the case. They're kind of done internally in government, and so I think that there's a need to sort of have a similar process to this for regulations. The easiest way would be to leave the process as it is and just ensure that there's a draft set of regulations circulated when a bill was circulated. I think that that would be fair and would greatly improve things.

And just to sort of establish that point, I imagine Ms. Whelan Enns pointed this out, but Manitoba Wildlands was able to post a what-we-heard document, compiled by Water Stewardship on the website on Friday, and the document was quite helpful, but you can go through there, are a number of places where people are asking good, very thoughtful questions and the response is that'll be done and dealt with in regulations. One example: Can you comment on liability insurance or limits? Basically, people want to know, is there a market out there to buy this insurance? And it says, this will be examined and details will be developed as part of the regulations. So you can see, there are so many ways. I believe there were questions about geothermal loop systems and how those'll be dealt with. Once again, they're going to be dealt with in the regulations. So we can sort of see how it gets very hard to get a feel for an act in terms of, you know, if you have a whole pile of regulations, and I imagine that this act will probably have several regulations under it.

I think it's also worth noting that I think we need—we need to consider consolidating and amalgamating acts. We have The Water Protection Act, The Water Rights Act, The Drinking Water Safety Act, the ground—now a new groundwater act. So we get a number of legislation that—sorry, should I stop proceeding for a moment. Anyway, we have a number of pieces of legislation that I think it would very valuable if we were to try to amalgamate them, inasmuch as possible, and I think that there's a need for that. The last time we've done a broad overhaul of Manitoba's laws is '87-88, after a Supreme Court case said we needed to rewrite out laws in French. I

think it's well overdue. It's been more than three decades. It's a good practice to go through the laws, to amalgamate what you can to clean it up. I know it's not as sexy as cutting a ribbon to open a new building, but you know what, it's really important and it makes the process easier.

I think also, similar to some of the comments that other presenters have made, you know, the general intent of the act is—I just want to find it: The purpose of this Act is to provide for the protection and stewardship of Manitoba's aquifers and groundwater. I think when we're looking at water, water isn't a subject matter that you can just slot into different silos. You know, water quality issues interrelate. Aquifers share water; water moves. I mean, I think that's pretty uncontroversial.

So, basically, I think we have to look at a broad strategy. And certainly that, once again, in the summary of comments, that was something that was brought forward by a lot of people. So I note just a couple of things that I wouldn't mind some clarification on.

So section 6, we're talking about exclusions from licensing requirements and for less than 25,000 litres per day. I'm not exactly sure that's going to operate. I believe that matches up with the regulations under The Water Rights Act, but I'm not positive on that. But I'm just wondering if someone in the committee can provide some clarification on who would be included and who would not be included, because I certainly understand that there are a lot of people in rural Manitoba that rely on groundwater, but, you know, if part of the idea is to have a registry where we're going to track the changes to groundwater, then I think there's a need to be able to track even those small wells that are dug by people themselves on their personal farm—at least a way of tracking it so we know where they are because, otherwise, we run into a situation where we just don't know where all the wells are drilled.

You know, the—you go to section 86, you can—once again, there's a lot of lack of clarity of how are all the regulations going to be drafted. I think that goes to some of my earlier comments. And, as a last comment, I note that mines and oil wells are completely excluded from this act. And this, once again, goes to my comments about trying to look at this as a broad act. I know that the Manitoba Eco-Network submitted comments where they asked questions about fracturing. And I know we're not necessarily fracturing commercially for natural gas

in Manitoba, but there is a lot of coverage that I can show you, press releases of ridgeline, talking about treating fracked water, et cetera. And I've, you know, I've sent emails to my own MLA, who was sitting here on this committee earlier, and the response was, generally, not satisfactory. The indication was we're not fracking for natural gas. And I said, you know, that wasn't the question I asked. The question I asked was specific to petroleum.

And I know that that's the same response the Manitoba Eco-Network staff has indicated that they've gotten. So, you know, my problem has been, I've been calling the Mines branch, and I've been trying to ask: Look, I know that not every well, but I can see on some of these maps that some of these are injection wells, some of them aren't. I know you used pumped wells; sometimes you use injection and you frack, so there's a lot of different processes that might be done. And my question is, can I identify which ones are which?

And they've, basically, been able—unable to answer those questions for me, and that worries me. Do we have the expertise in the department? Do we, you know—this new technology is advancing. We can look at North Dakota; we can see, you know, how rapidly it's been advancing. And I think we have to get out and get ahead of it and have some regulations on that. And that's sort of, once again, trying to look at the holistic approach to water.

I'm probably over my time, because I can see the Chair patiently looking at me. I'm fine for time? So I—just in summation, it's just, I want to see a more holistic approach. I've, you know, brought some of the concerns. A lot of the people in the public today have brought out some good concerns. You know, there are some good provisions in this bill. You know, I think it's good that we're trying to update our well water regulations. It's good that we're trying to make it more accessible in an online registry, but let's see if we can do the same thing with mines. I mean, let's make sure the information's as complete and as holistic as possible.

And I don't—I'm not sure if I'm convinced that trying to move or, as I see it, move the aquifer management stuff from The Water Protection Act to this act is the right way to go. I think The Water Protection Act, if we are going to use a bunch of separate acts, is the more general broad act to look at it, where this is, at least I think the intention is more specific to wells and groundwater.

So, you know, as I said, I'd vote for a full amalgamation, but if we're not going to do it, I think it's better to keep it in The Water Protection Act, especially given that a lot of the provisions are very similar.

\* (22:40)

That, more or less, concludes my presentation subject to any questions you may have.

**Madam Chairperson:** Thank you for your presentation.

Do committee members have any questions? Seeing none, thank you very much.

Okay, we will be moving on to Bill 29, The Contaminated Sites Remediation Amendment Act, and I've been informed that the two names on the presentation list are not wanting to present. So thank you.

That concludes the list of presenters I have before me. Are there any other persons in attendance who may wish to present? Seeing none, that concludes public presentations.

In what order does the committee wish to proceed with clause-by-clause consideration of these bills?

**Mr. Chomiak:** I'd suggest we do it as listed.

**Madam Chairperson:** Thank you. Is there agreement? *[Agreed]* Thank you.

During the consideration of a bill, the table of contents, the preamble, the enacting clause, the title are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? *[Agreed]* Thank you.

We will now proceed to clause-by-clause consideration of bills.

#### **Bill 7—The Community Renewal Act** *(Continued)*

**Madam Chairperson:** We will now start with Bill 7, The Community Renewal Act.

Does the minister for—responsible for Bill 7 have an opening statement?

**Ms. Irvin-Ross:** I just want to thank the members of the public that came to support this bill.

This bill is moving Neighbourhoods Alive! to the next level, ensuring that it's going to be enshrined in legislation and will ensure that there is more community renewal across the province.

**Madam Chairperson:** Thank you.

Does the critic from the official opposition have an opening statement?

**Mrs. Rowat:** I would also like to thank the speakers that presented at committee tonight, and I think that what they provided was some good information about the importance of community renewal. But they also did provide some very good information with regard to accountability and ways that, actually, this bill could and should be strengthened in providing support for what they do in the community. Thank you.

**Madam Chairperson:** Thank you.

Clause 1—pass; clause 2—pass; clauses 3 and 4—pass; clauses 5 and 6—pass; clauses 7 through 10—pass; clauses 11 through 14—pass; clauses 15 through 17—pass; clause 18—pass; clauses 19 through 22—pass; table of contents—pass; enacting clause—pass; title—pass. Bill be reported.

Thank you.

#### **Bill 21—The Public Schools Amendment Act** **(Code of Conduct for School Trustees)** *(Continued)*

**Madam Chairperson:** We will now move to Bill 21, The Public Schools Amendment Act.

Does the minister responsible for Bill 21 have an opening statement?

**Ms. Allan:** Yes, trustees as local leaders in education set the tone for public debate, in the manner in which they discuss issues, work collectively and focus on the broader interests of students, parents and community members. And we believe that this bill supports effective governance, has the support of our Manitoba school boards and I'm very—have been very pleased to have worked with them, and I am pleased that we are going to have the opportunity to move this bill on to committee—or back into the House for passing.

**Madam Chairperson:** Thank you.

Does the critic from the official opposition have an opening statement?

**Mr. Friesen:** Just want to also thank the presenters who came tonight and thank them for the perspective that they offered and to the clarifications that they sought with respect to the bill.

**Madam Chairperson:** Thank you.

Clause 1—pass.

Shall clause 2 pass?

**Ms. Allan:** I have an amendment. I move

*THAT Clause 2 of the Bill be amended by adding the following after the proposed subsection 35.2(3):*

**Effect on indemnity**

**35.2(4)** For certainty, in a by-law passed under subsection 56(1) a board may specify that the annual indemnity payable under that provision may be reduced as a result of a trustee being sanctioned under item 3 of subsection (1).

**Madam Chairperson:** It has been moved by Minister Allan

*THAT Clause 2 of the Bill be amended by adding the following after the proposed subsection 35.2(3):*

**Effect on indemnity**

**35.2(4)—**

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense. Thank you.

The amendment is in order.

The floor is open for questions.

**Ms. Allan:** We heard from the Manitoba school boards this evening that they would like to provide clarity in regards to when a school trustee is suspended, when their rights, duties and privileges as a member of the school board are suspended for three months. And this provides clarity in regards to their indemnity being included amongst those privileges that will be suspended.

**Madam Chairperson:** Thank you.

Any further questions?

**Mr. Maguire:** Oh, oh. Defer to my colleague.

**Mr. Friesen:** I would just ask for a clarification from the minister if the amendment would be brought to the attention of any of the other stakeholder groups that had input into this bill and whether they would have an opportunity respond.

**Ms. Allan:** No, we're quite comfortable that this amendment will provide clarity for the Manitoba

school boards' trustees, and we aren't concerned about other stakeholders in—we're quite sure they will be comfortable with it.

**Mr. Maguire:** Just for clarity, then, it says here for certainty. This bylaw is to take away their salary?

**Ms. Allan:** That's correct.

**Mr. Maguire:** Yes, thank you for that clarity. I'm sure they'll be very happy about that.

**Madam Chairperson:** No? Any further questions?

Seeing none, is the committee ready for the question?

**An Honourable Member:** Question.

**Madam Chairperson:** The question before the committee is as follows:

*THAT Clause 2 of the Bill be amended by adding the following after the proposed—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense. Thank you.

Amendment—pass; clause 2 as amended—pass; clauses 3 and 4—pass; enacting clause—pass; title—pass.

Shall the bill be reported?

**An Honourable Member:** Agreed.

**Madam Chairperson:** The bill shall be reported—oh, pardon me. Shall the bill as amended be reported? *[Agreed]*

**Bill 24—The Energy Savings Act**  
*(Continued)*

**Madam Chairperson:** We will now be—Bill 24, The Energy Savings Act.

Does the minister responsible for Bill 24 have an opening statement?

**Mr. Chomiak:** No, Madam Chairperson.

**Madam Chairperson:** Does the critic from the official opposition have an opening statement?

**Mr. Helwer:** Thank you. I'd like to thank all the presenters tonight, some very interesting information that they brought forward. And I think what I heard most from them was the need for more consultation. They would like to see more targets in the bill and transparency of what's going to happen here, I think. So that's the topics that I heard the most of tonight. Thank you.



**Madam Chairperson:** Thank you.

Shall clause 1 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Voice Vote**

**Madam Chairperson:** All those in favour of clause 1 passing, please say aye.

**Some Honourable Members:** Aye.

**Madam Chairperson:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Madam Chairperson:** In my opinion, the Ayes have it.

\* \* \*

**Madam Chairperson:** Clause 1 is accordingly passed.

Shall clauses 2 and 3 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Madam Chairperson:** All those in favour of clauses 2 and 3 passing, please say aye.

**Some Honourable Members:** Aye.

**Madam Chairperson:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Madam Chairperson:** In my opinion, the Ayes have it.

\* \* \*

**Madam Chairperson:** Clauses 2 and 3 are accordingly passed.

Shall clause 4 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Madam Chairperson:** All those in favour in clause 4 passing, please say aye.

**Some Honourable Members:** Aye.

**Madam Chairperson:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Madam Chairperson:** In my opinion, the Ayes have it.

\* \* \*

**Madam Chairperson:** Clause 4 is accordingly passed.

Shall clause 5 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chomiak:** Madam Chairperson, I move—  
[interjection]

**Madam Chairperson:** Order, please.

**Mr. Chomiak:** I move

*THAT Clause 5(1)(a)(iii) of the Bill be amended by striking out "other than natural gas".*

**Madam Chairperson:** It has been moved by Minister Chomiak

*THAT Clause 5(1)(a)(iii) of the Bill be amended by striking out "other than natural gas".*

The amendment is in order.

The floor is open for questions.

**Mr. Chomiak:** The Bill 24 is intended to increase efficiency and decrease the consumption of energy. As natural gas is one of the two primary forms of energy, along with electrical power, it is only natural that it would be considered in the bill.

The wording that excludes natural gas in sections 5 and up—subsequently in section 9 is a drafting error. The intention of the government was and is that natural gas would be included in programs and, therefore, the amendment has been provided.

**Madam Chairperson:** Thank you.

Is the committee ready for the question?

**Some Honourable Members:** Question.

**Madam Chairperson:** The question before the committee is as follows: moved

*THAT Clause 5(1)(a)(iii) of the Bill be amended by striking out—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense? Thank you.

Shall the amendment pass?

**Some Honourable Members:** Pass.

**Madam Chairperson:** Shall clause 5 pass as amended?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

#### Voice Vote

**Madam Chairperson:** All those in favour of clause 5 as amended, please say aye.

**Some Honourable Members:** Aye.

**Madam Chairperson:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Madam Chairperson:** In my opinion, the Ayes have it.

\* \* \*

**Madam Chairperson:** Clause 5 as amended is accordingly passed.

Shall clause 6 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

#### Voice Vote

**Madam Chairperson:** All those in favour of clause 6, please say aye.

**Some Honourable Members:** Aye.

**Madam Chairperson:** All those opposed, say nay.

**Some Honourable Members:** Nay.

**Madam Chairperson:** In my opinion, the Ayes have it.

\* \* \*

**Madam Chairperson:** Clause 6 is accordingly passed.

Shall clauses 7 and 8 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

#### Voice Vote

**Madam Chairperson:** All those in favour of clause 8—oops, pardon me—clauses 7 and 8, please say aye?

**Some Honourable Members:** Aye.

**Madam Chairperson:** All those opposed, please say nay?

**Some Honourable Members:** Nay.

**Madam Chairperson:** In my opinion, the Ayes have it.

\* \* \*

**Madam Chairperson:** Clause 7 and 8 are accordingly passed.

Shall clause 9 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Mr. Chomiak:** I move

*THAT Clause 9(2)(b) of the Bill be amended by striking out "other than natural gas".*

**Madam Chairperson:** It has been moved by Minister Chomiak

*THAT Clause 9(2)(b) of the Bill be amended by striking out "other than natural gas".*

The amendment is in order.

The floor is open for questions.

**Mr. Chomiak:** For the purposes of the committee, as I explained in the previous amendment to section sub 5, this was a drafting error and should have, and is included now, in the act, because the two primary forms of heating in Manitoba are natural gas and electrical.

**Madam Chairperson:** Is the committee ready for the question?

**Some Honourable Members:** Question.

**Madam Chairperson:** The question before the committee is as followed,

*THAT Clause 9(2)(b) of the Bill be amended by striking out "other than natural gas".*

Amendment—pass.

Shall clause 9 pass as amended?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Madam Chairperson:** All those in favour of clause 9 as amended, please say aye?

**Some Honourable Members:** Aye.

**Madam Chairperson:** All those opposed, please say nay?

**Some Honourable Members:** Nay.

**Madam Chairperson:** In my opinion, the Ayes have it.

\* \* \*

**Madam Chairperson:** Clause 9 as amended is accordingly passed.

Shall clause 10 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Madam Chairperson:** All those in favour of clause 10, please say aye?

**Some Honourable Members:** Aye.

**Madam Chairperson:** All those opposed, please say nay?

**Some Honourable Members:** Nay.

**Madam Chairperson:** In my opinion, the Ayes have it.

\* \* \*

**Madam Chairperson:** Clause 10 is accordingly passed.

Shall clauses 11 and 12 pass?

**Some Honourable Members:** Pass

**Some Honourable Members:** No.

**Voice Vote**

**Madam Chairperson:** All those in favour of clauses 11 and 12 passing, please say aye?

**Some Honourable Members:** Aye.

**Madam Chairperson:** All those opposed, please say nay?

**Some Honourable Members:** Nay.

**Madam Chairperson:** In my opinion, the Ayes have it.

\* \* \*

**Madam Chairperson:** Clauses 11 and 12 are accordingly passed.

Shall clauses 13 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Madam Chairperson:** All those in favour of clause 13, please say aye?

**Some Honourable Members:** Aye.

**Madam Chairperson:** All those opposed, please say nay?

**Some Honourable Members:** Nay.

**Madam Chairperson:** In my opinion, the Ayes have it.

\* \* \*

**Madam Chairperson:** Clause 13 is accordingly passed.

Shall clauses 14 through 16 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Madam Chairperson:** All those in favour of clauses 14 through 16, please say aye?

**Some Honourable Members:** Aye.

**Madam Chairperson:** All those opposed, please say nay?

**Some Honourable Members:** Nay.

**Madam Chairperson:** In my opinion, the Ayes have it.

\* \* \*

**Madam Chairperson:** Clauses 14 through 16 are accordingly passed.

Shall clause 17 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chomiak:** I move

*THAT the proposed subsection 125(5), as set out in Clause 17(5) of the Bill, be amended by striking out everything after "power for the building".*

**Madam Chairperson:** It has been moved by Minister Chomiak

*THAT the proposed subsection 125(5), as set out in Clause 17(5) of the Bill, be amended by striking out everything after "power for the building".*

The amendment is in order.

The floor is open for questions.

**Mr. Chomiak:** This is an amendment to The Residential Tenancies Act that will ensure that capital cost finance of the on-meter program won't be eligible for above-guideline rent increases.

The members would have heard many individuals and groups that presented tonight discuss that portion of the act and wanted to ensure that the capital costs would not be—would not result in rent increases above guideline rent increase.

So this act is being amended to deal with that, which will enable Manitoba Hydro to offer an innovative financing tool, where the capital cost of energy and water retrofits are paid back on the monthly utility bill, using the utility cost savings.

And then, with those few words, I'm proposing the amendment.

**Mr. Altemeyer:** Just very briefly, I really want to thank all of the people who came and presented tonight, and particular thanks to the minister for addressing this, one of the concerns that we did hear tonight.

\* (23:00)

I think it's a great example of how the Manitoba model works really well. I mean, we've brought in first-of-its-kind legislation tonight at committee, first of its kind in Canada, to bring in this type of on-meter financing, and then also using the unique Manitoba feature of the public being able to present at the committee stage has made it even stronger than it was already. And very important to folks in my constituency who are renters, and we've levelled the playing field here, and I think it's just a really good highlight, and I wanted to go on public record and thank the minister and everyone involved for making that happen.

Thank you.

**Madam Chairperson:** Is the committee ready for the question?

**An Honourable Member:** Question?

**Madam Chairperson:** The question before the committee is as follows:

*THAT the proposed subsection 125(5), as set out in Clause 17(5) of the Bill, be amended by striking out everything after "power for the building".*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Shall the amendment pass?

**Some Honourable Members:** Pass.

**Madam Chairperson:** The amendment is accordingly passed.

Shall clause 17 as amended pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

#### Voice Vote

**Madam Chairperson:** All those in favour of clause 17 as amended, please say aye.

**Some Honourable Members:** Aye.

**Madam Chairperson:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Madam Chairperson:** In my opinion, the Ayes have it.

\*\*\*

**Madam Chairperson:** Clause 17 is accordingly passed, as amended.

Shall clauses 18 through 20 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

#### Voice Vote

**Madam Chairperson:** All those in favour of clauses 18 through 20, please say aye.

**Some Honourable Members:** Aye.

**Madam Chairperson:** All those opposed, please say nay.

**An Honourable Member:** Nay.

**Madam Chairperson:** In my opinion, the Ayes have it.

\*\*\*

**Madam Chairperson:** Clauses 18 through 20 are accordingly passed.

Shall the table of contents pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Voice Vote**

**Madam Chairperson:** All those in favour of the table of contents, please say aye.

**Some Honourable Members:** Aye.

**Madam Chairperson:** All those opposed, please say nay.

**An Honourable Member:** Nay.

**Madam Chairperson:** In my opinion, the Ayes have it.

\* \* \*

**Madam Chairperson:** The table of contents is accordingly passed.

Shall the enacting clause pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Voice Vote**

**Madam Chairperson:** All those in favour of the enacting clause, please say aye.

**Some Honourable Members:** Aye.

**Madam Chairperson:** All those opposed, please say nay.

**An Honourable Member:** Nay.

**Madam Chairperson:** In my opinion, the Ayes have it.

\* \* \*

**Madam Chairperson:** The enacting clause is accordingly passed.

Shall the title pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Voice Vote**

**Madam Chairperson:** All those in favour of the title, please say aye.

**Some Honourable Members:** Aye.

**Madam Chairperson:** All those opposed, please say nay.

**An Honourable Member:** Nay.

**Madam Chairperson:** In my opinion, the Ayes have it.

\* \* \*

**Madam Chairperson:** The title is accordingly passed.

Shall the bill as amended be reported?

**Some Honourable Members:** Agreed.

**An Honourable Member:** No.

**Voice Vote**

**Madam Chairperson:** All those in favour of reporting the bill as amended, please say aye.

**Some Honourable Members:** Aye.

**Madam Chairperson:** All those opposed, please say nay.

**An Honourable Member:** Nay.

**Madam Chairperson:** In my opinion, the Ayes have it.

\* \* \*

**Madam Chairperson:** The bill as amended shall be reported.

**Bill 25—The Groundwater and Water Well and Related Amendments Act**

*(Continued)*

**Madam Chairperson:** We will now deal with Bill 25, The Groundwater and Water Well and Related Amendments Act.

Does the minister responsible for Bill 25 have an opening statement? Thank you.

Does the critic from the official opposition have an opening statement?

**Mr. Wishart:** I just want to make the point that we heard frequently tonight from the presenters that the process of consultation on developing the regulations is going to be very key to make this bill work successfully. So I would certainly encourage the

minister and his department to pay particular attention in that regard.

**Madam Chairperson:** Clause 1—pass; clauses 2 through 4—pass; clauses 5 and 6—pass; clause 7—pass; clauses 8 through 10—pass; clause 11—pass; clause 12—pass; clauses 13 through 15—pass; clauses 16 and 17—pass; clauses 18 and 19—pass; clauses 20 and 21—pass; clauses 22 and 23—pass; clauses 24 and 25—pass; clauses 26 and 27—pass; clauses 28 and 29—pass; clauses 30 and 31—pass; clauses 32 and 33—pass; clauses 34 through 37—pass; clauses 38 and 39—pass; clauses 40 and 41—pass; clauses 42 through 44—pass; clauses 45 through 47—pass; clauses 48 through 50—pass; clause 51—pass; clauses 52 and 53—pass; clause 54—pass; clauses 55 and 56—pass; clause 57—pass; clauses 58 and 59—pass; clause 60—pass; clauses 61 through 63—pass; clauses 64 and 65—pass; clauses 66 and 67—pass; clauses 68 through 70—pass; clause 71—pass; clause 72—pass; clause 73—pass; clauses 74 through 76—pass; clauses 77 through 79—pass; clause 80—pass; clauses 81 and 82—pass; clauses 83 through 85—pass; clause 86—pass; clause 87—pass; clause 88—pass; clauses 89 through 91—pass; clause 92—pass; clauses 93 through 95—pass; table of contents—pass; enacting clause—pass; title—pass. Bill be reported.

#### **Bill 29—The Contaminated Sites Remediation Amendment Act**

**Madam Chairperson:** Okay, Bill 29, The Contaminated Sites Remediation Amendment Act. Does the minister responsible for Bill 29 have an opening statement?

**Mr. Mackintosh:** No.

**Madam Chairperson:** Thank you.

Does the critic from the official opposition have an opening statement?

**Mr. Maguire:** Just a couple of moments just to say the—that this puts a lot more onus on the owners in regards to contaminated sites, and—but it's a—we feel that it's a move in the right direction with the impacted sites. It will allow for more time to do cleanup without the kinds of consequences that may have been there under—if all those sites had been contaminated, so we'll just move the bill on.

**Madam Chairperson:** Thank you.

Clauses 1 and 2—pass; clauses 3 through 5—pass; clauses 6 through 8—pass; clauses 9 through 13—pass; clauses 14 through 16—pass; clauses 17 through 21—pass; clauses 22 through 26—pass; clauses 27 and 28—pass; enacting clause—pass; title—pass. Bill be reported.

\* (23:10)

#### **Bill 38—The Statutes Correction and Minor Amendments Act, 2012**

**Madam Chairperson:** Okay, we will now go to Bill 38, The Statutes Correction and Minor Amendment Act, 2012.

Does the minister responsible for Bill 38 have an opening statement?

**An Honourable Member:** No.

**Madam Chairperson:** Does the critic from the official opposition have an opening statement? Thank you.

Clause 1—pass; clauses 2 through 4—pass; clauses 5 through 7—pass; clauses 8 through 10—pass; clause 11—pass; clause 12—pass; clauses 13 through 15—pass; clauses 16 through 19—pass; clauses 20 through 23—pass; clauses 24 and 25—pass; clauses 26 through 28—pass; clauses 29 through 31—pass; clauses 32 through 34—pass; clauses 35 through 38—pass; clause 39—pass; clauses 40 through 43—pass; clauses 44 through 46—pass; clauses 47 and 48—pass; clauses 49 through 51—pass; clauses 52 through 55—pass; clauses 56 through 58—pass; clauses 59 through 62—pass; clauses 63 through 67—pass; clause 68—pass; table of contents—pass; enacting clause—pass; title—pass. Bill be reported.

Thank you.

Okay, just a second, hang on. One moment, please.

The hour being 11:13, what is the will of the committee?

**Some Honourable Members:** Committee rise.

**Madam Chairperson:** Thank you.

**COMMITTEE ROSE AT: 11:13 p.m.**

**WRITTEN SUBMISSIONS**

Re: Bill 24

Honourable Dave Chomiak  
Minister Innovation, Energy, and Mines  
Room 349  
Manitoba Legislature  
450 Broadway  
Winnipeg Manitoba  
R3C 0V8

miniem@leg.gov.mb.ca

Dear Minister:

We are writing with comments on the government's Bill 24 – The Energy Savings Act.

Green Communities Canada was founded in 1995 and now connects and supports more than two dozen community organizations across Canada. We have focussed on many programs which benefit the environment over the years, including walk to school and walkable communities, eco-driving, composting awareness, waste reduction and water quality – however the largest focus of our efforts has been around energy and water efficiency. In fact, since our founding, our member organizations have helped lower utility bills at over 220,000 Canadian households. No national organization speaks about residential energy efficiency with more experience.

So it was with great interest that we heard about The Energy Savings Act. As far as we know, this is the first legislation in Canada, and maybe in North America, to present so clearly a financing mechanism that will dramatically change the way energy efficiency services are offered. We believe your legislation will cause a dramatic increase in the amount of insulating, earth energy systems, and even solar to be installed in Manitoba and it may also cause other provinces to follow suit. So for this Bill we would like to congratulate you.

We are particularly pleased to see mechanisms to allow the bundling of several energy efficiency measures in each building and the inclusion of water efficiency. There also appears to be provisions that can be used (if the utility so wishes – see below) to engage social enterprises. BUILD and BEEP in Manitoba, both GCC member organizations, have been leading the country in this regard and anything to ramp up these activities is to be commended.

Green Communities Canada has also been a leader in promoting a particular focus on low income

families. Approximately 1 million Canadian households were forced to choose between heating their homes last year and other priorities such as putting food on the table. We worked closely with the parliament of 2004 that unanimously passed Bill 66 that would fund a five-year national strategy on low income energy efficiency. Unfortunately, this program was scrapped soon after the Conservatives took office in 2005, depriving 130,000 low income families of utility bill relief.

We then sponsored a national gathering in 2008 with groups from across Canada and published a road-map called: Time for Action. (See: <http://affordableenergycanada.files.wordpress.com/2011/08/time-for-action-road-map-25-november.pdf>).

With this experience to inform us, we'd like to offer suggestions in two areas in which the bill could easily be strengthened to capture even more benefits.

1. **Utility mandate:** We note that Bill 24 gives Hydro all the tools it needs to move in a serious manner to provide relief to Manitoba's low income families. Ultimately, we'd love to see in Canada the same approach taken in some European and U.S. jurisdictions where every home in a neighbourhood is retrofitted. A neighbourhood-wide approach will mobilize much higher levels of participation and reduce costs through economies of scale. While the bill makes this a possibility, it is not specifically incorporated into the legislation. It is our experience that utilities don't do this type of work unless they are given a specific mandate to do so. We would strongly recommend that Cabinet be given the responsibility to set annual targets by regulation after consultation with industry and other stakeholders – including your utilities. Strong targets set in the areas of low income households to be retrofitted, including low-income households, and the number of these homes to be insulated by social enterprises would ensure your intentions are carried out. .
2. **Lowering utility bills:** While this legislation will undoubtedly cause much retrofit activity in the low income sector, it is important to ensure that total bills decline as a result. We encourage you to consider amendments so that a portion of the retrofit costs for low-income retrofits could be absorbed, paid for through a small charge to all

customers on utility bills. This would ensure that financing costs charged to participating low-income households remain less than bill savings, resulting in net reductions in monthly energy bills. We understand that this hybrid approach is being used for the U.K.'s ambitious Green Deal on-bill financing and retrofit program.

In conclusion we would like to offer our congratulations on a Bill that moves energy efficiency to the next level in Manitoba. We hope that you will consider our suggestions to ensure the benefits are captured that you have clearly intended with this legislation.

Please call should you have any questions or comments. We'd be pleased to assist you in any way.

Thanks,

Clifford Maynes,  
Executive Director  
Green Communities Canada

\* \* \*

Re: Bill 29

June 4, 2012

Clerk of Committees  
251 Legislative Building  
450 Broadway  
Winnipeg, MB R3C 0V8

Dear Committee Members,

On behalf of the Association of Manitoba Municipalities (AMM), I would like to provide comments on Bill 29: The Contaminated Sites Remediation Amendment Act.

Contaminated sites, or brownfields, are often desirable sites for development due to their proximity to existing infrastructure. However, the remediation costs often present an overwhelming obstacle to restoring these sites in a timely manner. The AMM is pleased the Province has placed a priority on identifying mechanisms to eliminate the environmental and public health concerns associated with contaminated and impacted mine and fuel storage sites in this province.

As a result, we are pleased that polluters will remain responsible for decontamination in the amendments to The Contaminated Sites Remediation Act. We also support the provision requiring contamination above certain levels be reported.

The amendments also require sites contaminated at a level that does not currently pose a threat, but may in the future, to be designated as an impacted site. The owner of an impacted site must develop a remediation plan within 90 days of the designation. However, although these amendments may provide additional protection to the public by creating a new designation for potentially contaminated sites, the AMM feels the legislation should contain time requirements for remediation to provide additional protection and allow these sites to become productive property again.

The AMM recommends a legislated timeline for remediation of contaminated sites of a maximum of three years after the closure or abandonment of a facility. This will allow the restoration of a site to usable condition within a reasonable timeframe.

In closing, the AMM would like to reiterate our support for the government's efforts to remediate contaminated sites across the province.

Doug Dobrowolski  
President



The Legislative Assembly of Manitoba Debates and Proceedings  
are also available on the Internet at the following address:

**<http://www.gov.mb.ca/legislature/hansard/index.html>**