

**Third Session - Thirty-Eighth Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Social and Economic Development**

*Chairperson*  
*Ms. Marilyn Brick*  
*Constituency of St. Norbert*

**Vol. LVI No. 1 - 6:30 p.m., Tuesday, May 31, 2005**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Eighth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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**LEGISLATIVE ASSEMBLY OF MANITOBA**

**THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT**

**Tuesday, May 31, 2005**

**TIME – 6:30 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Ms. Marilyn Brick (St. Norbert)**

**VICE-CHAIRPERSON – Mr. Doug Martindale (Burrows)**

**ATTENDANCE - 11 QUORUM - 6**

*Members of the Committee present:*

Hon. Mr. Lathlin, Hon. Ms. McGifford, Hon. Messrs. Rondeau, Smith, Hon. Ms. Wowchuk

Ms. Brick, Messrs. Cummings, Eichler, Martindale, Rocan, Mrs. Rowat

*Substitutions:*

Hon. Mr. Sale for Hon. Mr. Smith at 7 p.m.  
Hon. Mr. Smith for Hon. Mr. Sale at 7:36 p.m.

**APPEARING:**

Mr. Leonard Derkach, MLA for Russell  
Mr. Larry Maguire, MLA for Arthur-Virden  
Mrs. Heather Stefanson, MLA for Tuxedo  
Hon. Jon Gerrard, MLA for River Heights  
Mr. John Loewen, MLA for Fort Whyte

**WITNESSES:**

Bill 21–The Oil and Gas Amendment and Oil and Gas Production Tax Amendment Act

Mr. Manson Moir, GASPE (Group Advocating Safe Petroleum Emissions)  
Mr. Bruce Campbell, Private Citizen  
Ms. Wendy Anderson, Private Citizen  
Ms. Laura Jean Campbell, Private Citizen  
Mr. Ken Wray, Private Citizen  
Mr. Brad Thiessen, Manitoba Committee Chair, Small Explorers and Producers Association of Canada

Bill 17–The Regional Health Authorities Amendment and Manitoba Evidence Amendment Act

Mr. Rob Robson, Manitoba Institute for Patient Safety

Bill 43–The Regulated Health Professions Statutes Amendment Act

Mr. William D. B. Pope, Registrar, College of Physicians and Surgeons of Manitoba

Bill 18–Le Collège de Saint-Boniface Incorporation Amendment Act

Ms. Solange Buissé, Association étudiante du Collège universitaire de Saint-Boniface

Mr. Roland Gaudet, Association des professeurs du Collège universitaire de Saint-Boniface

Mr. Daniel Boucher, CEO, Société franco-manitobaine

Mr. John Whiteley, University of Manitoba Faculty Association

Mr. Jim Clark, Manitoba Organization of Faculty Associations

**WRITTEN SUBMISSIONS:**

Ms. Raymonde Gagné, Rector, Collège universitaire de Saint-Boniface

Mr. Jim Anderson, Private Citizen

Mr. Gordon Halls, Private Citizen

**MATTERS UNDER CONSIDERATION:**

Bill 15–The Emergency Measures Amendment Act

Bill 17–The Regional Health Authorities Amendment and Manitoba Evidence Amendment Act

Bill 18–Le Collège de Saint-Boniface Incorporation Amendment Act

Bill 21–The Oil and Gas Amendment and Oil and Gas Production Tax Amendment Act

Bill 26–The Margarine Repeal Act

Bill 27–The Horse Racing Commission Amendment and Horse Racing Regulation Repeal Act

Bill 32—The Rural Municipality of Kelsey By-law No. 5/02 Validation Act

Bill 42—The Health Services Insurance Amendment and Prescription Drugs Cost Assistance Amendment Act

Bill 43—The Regulated Health Professions Statutes Amendment Act

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**Madam Chairperson:** Good evening. Will the Standing Committee on Social and Economic Development please come to order.

Our first item of business is the election of a Vice-Chairperson. Are there any nominations?

**Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives):** I nominate Doug Martindale.

**Madam Chairperson:** Doug Martindale. I do not think your mike is on. Could you do that again, please?

**Ms. Wowchuk:** I would like to nominate the MLA for Burrows, Mr. Martindale.

**Madam Chairperson:** Mr. Martindale has been nominated. Are there any other nominations?

Hearing no other nominations, Mr. Martindale is elected Vice-Chairperson.

This meeting has been called to consider the following legislation: Bill 15, The Emergency Measures Amendment Act; Bill 17, The Regional Health Authorities Amendment and Manitoba Evidence Amendment Act; Bill 18, Le Collège de Saint-Boniface Incorporation Amendment Act; Bill 21, The Oil and Gas Amendment and Oil and Gas Production Tax Amendment Act; Bill 26, The Margarine Repeal Act; Bill 27, The Horse Racing Commission Amendment and Horse Racing Regulation Repeal Act; Bill 32, The Rural Municipality of Kelsey By-law No. 5/02 Validation Act; Bill 42, The Health Services Insurance Amendment and Prescription Drugs Cost Assistance Amendment Act; Bill 43, The Regulated Health Professions Statutes Amendment Act.

We have a number of presenters registered to speak this evening, as follows:

For The Regional Health Authorities Amendment and Manitoba Evidence Amendment Act: Rob Robson from the Manitoba Institute for Patient Safety.

For Bill 18, Le Collège de Saint-Boniface Incorporation Amendment Act: Solange Buissé, students association of le Collège de Saint-Boniface; Roland Gaudet, Association des professeurs du Collège universitaire de Saint-Boniface; Daniel Boucher, CEO, Société franco-manitobaine; John Whiteley, University of Manitoba Faculty Association; Jim Clark, Manitoba Organization of Faculty Associations.

For Bill 21, The Oil and Gas Amendment and Oil and Gas Production Tax Amendment Act: Manson Moir, GASPE (Group Advocating Safe Petroleum Emissions); Bruce Campbell, private citizen; Wendy Anderson, private citizen; I would like to advise the committee that Jim Anderson will not be in attendance; Laura Jean Campbell, private citizen; Brad Thiessen, Manitoba Committee Chair for the Small Explorers and Producers Association of Canada; Ken Wray, private citizen.

For Bill 43, The Regulated Health Professions Statutes Amendment Act: Dr. William D.B. Pope, Registrar, College of Physicians and Surgeons of Manitoba.

Before we proceed with these 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.

Second, a written submission on Bill 18 from Raymonde Gagné, rector from the Collège universitaire de Saint-Boniface, has been received and distributed to committee members.

Also, two submissions for Bill 21 from Jim Anderson and from Gordon Halls have also been received.

Does the committee agree to have these documents appear in Hansard transcript for this evening? *[Agreed]*

Also, for the information of all presenters, while written versions of the presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20

copies. If you need help with photocopying, please speak with our staff.

As well, I would like to inform presenters that, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations, with another 5 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 presenters' list.

Regarding the order of public presentations, I will note that we do have out-of-town presenters in attendance marked with an asterisk on the list. As well, we have had a request from the first three presenters listed for Bill 18 to make their presentations in French. We do have translation staff on-hand to accommodate consecutive translation.

With these considerations in mind, then, in what order does the committee wish to hear the presentations?

**Mr. Doug Martindale (Burrows):** Madam Chairperson, the normal procedure would be to hear out-of-town presenters first, and so I think we should do that.

**Madam Chairperson:** Is that the will of the committee? *[Agreed]*

**Mr. Leonard Derkach (Russell):** Madam Chair, I, too, agree with hearing out-of-town presenters first. However, because of a conflict, I am wondering whether or not the committee would agree, by leave, to deal with three bills at or around seven o'clock so as to accommodate the critic. These are the health bills, Bill 17, Bill 42 and Bill 43, to allow the critic to attend to other matters.

\* (18:40)

**Mr. Martindale:** Well, we have a slight problem because Mr. Sale is not expected until seven o'clock, and I think the minister should be here to hear presentations.

**Mr. Derkach:** Perhaps I did not make it clear. I had asked that we deal with these issues at seven or thereabouts, whenever Mr. Sale gets here.

**An Honourable Member:** Oh, no, you were clear.

**Madam Chairperson:** Excuse me.

**Mr. Martindale:** Well, I think that is agreeable, as long as Mr. Sale is in the room before we start.

**Madam Chairperson:** Is there agreement from the committee? The agreement being that at seven o'clock we will move toward the presentations that are being done on the health-related bills, providing Mr. Sale is here? *[Agreed]*

On another matter I would like to inform all attendants of the provisions in our rules regarding the hour of adjournment. Except by unanimous consent, a standing committee meeting to consider a bill in the evening must not sit past midnight to hear presentations unless fewer than 20 presenters are registered to speak to all bills being considered when the committee meets at 6:30 p.m.

As of 6:30 p.m. this evening, a total of 14 persons have registered to speak to these bills. Therefore, according to our rules, this committee may sit past midnight to hear presentations. How late does the committee wish to sit tonight?

**An Honourable Member:** Until we are done.

**Madam Chairperson:** Until we are done? Is that the will of the committee? *[Agreed]*

Just prior to proceeding with public presentations then, 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 need to first say the person's name. This is the signal for the Hansard recorder to turn the mikes on and off, and it also ensures proper identification in the transcript.

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

### **Bill 21—The Oil and Gas Amendment and Oil and Gas Production Tax Amendment Act**

**Madam Chairperson:** I will now call the first presenter on Bill 21, The Oil and Gas Amendment and Gas Production Tax Amendment Act, Manson Moir, from the Group Advocating Safe Petroleum Emissions. You may proceed, Mr. Moir.

**Mr. Manson Moir (GASPE – Group Advocating Safe Petroleum Emissions):** My name is Manson Moir.

**Madam Chairperson:** Please proceed.

**Mr. Moir:** Our organization, when it began I was the Reeve of the R.M. of Albert, and I do not really believe that I was affected by oil field emissions, but I was more than willing to help my friends and neighbours who felt that their health was being impaired by emissions.

When I became part of GASPE, my experience in dealing with governments, I tried to instill patience, and after five years we have been very patient in getting to where we are tonight. The other thing I tried to get them to do is understand how government works, and after 45 years I am still trying to figure that out myself. Thank you for the opportunity to make a presentation on Bill 21.

GASPE is an incorporated, non-profit group that promotes safe oil field emissions. We are not a radical environmentalist group, nor do we oppose the oil and gas production. Most of our members are directly or indirectly connected with the industry.

Our concerns came about in 1997 when we had some problems with emissions from a battery. Our concerns were twofold, the fact that the Petroleum Branch had allowed a battery to emit sour gas, H<sub>2</sub>S to the atmosphere, and only acted after there were several complaints that the industry operated a battery that vented sour gas and only reacted in 1997 to a non-compliance notice to control and mitigate the gas by installing a flare and later an incinerator.

GASPE has participated in the amendments to the drilling and production regulations in 2000, made presentations to the mining and petroleum task force in 2002 and proposed amendments to The Oil and Gas Act in 2003. GASPE has taken the position that the construction of an oil field battery should be considered a Class 1 development and licensed under The Environment Act. GASPE and three families have applied to the Provincial Court to rule on this matter.

My presentation would likely take more than the 10 minutes allotted, so I will highlight it and get through as quickly as I can. If I am going overtime, I will accept that.

We were encouraged that some of the proposed amendments improve the act, but let us first look at the objectives. The purposes of the act are to provide for, encourage and facilitate the safe and efficient development and the maximum economic recovery of oil, gas, helium and oil shale resources of the province in accordance with the principles of sustainable development. We feel that the Petroleum Branch is allowed too much emphasis on the maximum economic recovery of oil. It is our perception that the Petroleum Branch was often industry driven. It is our belief that the lack of enforcement of the act and its regulations allowed the industry to operate in a manner that discharged pollutants that were harmful to public health.

In looking at the act and talking about the sustainable development, the purpose of this subsection is that the principles of sustainable development include the following. The decisions respecting the development of oil and gas resources be integrated with the decision respecting protection and management of the environment.

Going on to (b), that the government and the oil and gas industry acknowledge in their respective policies and practices that stewardship of oil and gas resources of the province so that the economy is developed and the environment is preserved.

Going on to (c), the industry and the government share responsibility for sustaining a sound and healthy environment and developing a sound, healthy oil and gas industry. We do not have any problems with that, and it goes on talking about the protection of the environment and the ecosystems. If the government and the industry had lived up to these principles, GASPE would not have been needed. Families in the Tilston area would not have had to leave their homes. Their livelihoods would not have been affected, and the industry would still have been able to prosper.

Protection and management of the environment with due regard to the impact on the environment, the economy is developed and the environment is preserved. There is no doubt that the government and the industry are responsible for the protection of our environment. It is the responsibility of the Petroleum Branch to make sure that these principles are upheld.

In 1988, the Petroleum Branch agreed to take the responsibility of ensuring that oil and gas operations

are managed in an environmentally sound manner. The memorandum of agreement allows for a working arrangement under the Petroleum Branch and shall review all applications for potential adverse impacts on the environment and the use, for example, impacts on surface water and/or ground water, impacts on heritage resources, impacts on wildlife management areas, but there was never mention where is air quality. In fact, air quality is not mentioned in the act, and only in recent amendments to The Oil and Gas Act production regulation was air quality ever mentioned.

The definition of environment may vary, but basically it is the aggregate of the surrounding things, conditions or influences of one's life. Perhaps an additional amendment could be included in section 1, the definition of environment.

Our comments on the amendments will pertain to those that our group feels have or will affect our members the most. General amendment 3, section 5, General Authority of the Minister; we agree with this. Our experience has been that the minister has often been left on the outside of the loop and had to rely on someone else. It may also encourage the government to have the minister responsible for the Petroleum Branch administer in a more hands-on way.

\* (18:50)

We often feel that the government has allowed the Petroleum Branch to operate on its own. Previous to being included in the Department of Industry, Economic Development and Mines, it was part of the Department of Conservation. This appeared to us as just a place to put it and let it look after itself.

Amendment 4, section 8(1), the minister may refer the matter, and we totally agree with this amendment. We were amazed when the Petroleum Branch told us that they would only act if they received a complaint about emissions. We were equally amazed when we asked the minister to deal with their problems, and there appeared to be a lack of process to deal with our complaint even though the act stated that there was a board to do just that. After several failed attempts by the minister to deal with our concerns about emissions we were forced to resort to the courts to make a decision. Hopefully, the establishment of an inquiry panel will organize the government and give them

an instrument to adequately meet the public's expectation of being heard.

The minister may direct a hearing; that is what we wanted all along. We requested the Conservation board to hold a hearing. That was denied. We requested that the minister refer our concerns about emissions to the Clean Environment Commission to hold hearings. That also was denied. To be honest with you that would have been our choice, because by this time we felt that the government did not really know how to deal with it. We had a lot of questions starting in 1997. We still have a lot. We believe that GASPE and the industry understands each other's position on emissions, and a hearing would allow those to be judged by a third party.

Application to resolve the matter to a minister is good. Hopefully, it was not his fault or her fault that that request came from.

Section 8(4), in addition, any prescribed application fee; it is not a real concern as long as they are reasonable and similar to other fees.

Inquiry panels. We generally agree with this amendment, and we trust that the minister will appoint panel members that will represent fairly all parties involved.

The one concern that we may have with section 27(2), the awarding of cost to be paid by a party in favour of another in respect of the inquiry, it may be a deterrent to some applicants to come forward. We feel that it is only fair that an applicant is made aware of this possibility and, if possible, put the maximum amount it might be and on what grounds it may be applied.

If the amendment is accepted please use it. It would have made our journey through your department so much easier. Taking the route of court action was our last resort.

Amendment 23, section 93(1), director must not issue a well licence when there is a significantly impaired use of surrounding land was deleted.

**Madam Chairperson:** Mr. Moir, you have 45 seconds.

**Mr. Moir:** Pardon.

**Madam Chairperson:** 45 seconds.

**Mr. Moir:** 45 seconds. Okay. I will finish it up then.

It goes on to talk about the director to consult the plan with the minister responsible of the environment, but more construction of a battery without a permit, and here again I mention that we do not feel that this should be the director's responsibility, that the Director of Environment should approve that.

In closing, I would like to go to the back of the page here and starting with director's powers of pollutants. If something walks like a duck and quacks like a duck, it looks like a duck, and then usually it is a duck. The act and the regulations can have all the right intent and all the right words, but if they are not adhered to and enforced, they are of no value.

GASPE feels that the director was not doing what the act and regulations said were his responsibility, nor did the Petroleum Branch live up to its terms of the memorandum of agreement with the department of environment. Batteries were allowed to discharge pollutants that were harmful to public health and had a significant impact on the environment. GASPE is adamant that the Petroleum Branch failed us, and we have very little confidence that any of these amendments pertaining to the battery construction licensing and pollutants would change our belief that a battery should be considered a Class 1 development under the regime of The Environment Act. Thank you.

**Madam Chairperson:** Thank you. Questions?

**Mr. Larry Maguire (Arthur-Virden):** Thank you very much for your presentation. You have given us a very good outline again of the concerns that have taken place in the Tilston region.

**Madam Chairperson:** Mr. Maguire, I am sorry. We cannot hear you. You will have to get closer to the mike, please. Will you start again, Mr. Maguire, please?

**Mr. Maguire:** Thank you very much, Madam Chair, and, thank you, Mr. Moir for making your presentation that you have this evening to bring these concerns forward as you have done before. I know you and the folks involved have gone through many, many years here of trying to provide others with

information and the circumstances that surround their farms. I noticed that one of the areas that you were just touching on briefly as you were trying to finish up was in the area of No construction or operation of a battery without permit, and perhaps a single well battery is exempt. I wonder if you could just elaborate on what you would like to see under those amendments and whether you feel that they are pertinent or not.

**Mr. Moir:** The single well production is a well that just pumps into a tank or tanks. There is not any way of controlling the pollutants it is in, but it is vented to the atmosphere. We feel that, for very little cost and little labour, a scrubber would put it through a solution that would take the H<sub>2</sub>S out of it or be flared, and that would allow wells, single wells, that are close to dwellings to meet some kind of a standard.

**Madam Chairperson:** Mr. Maguire, do you have a supplementary question?

**Mr. Maguire:** Yes. Just to 111, I guess Inspector to approve modification to a battery, can you elaborate on what you would like to see the inspectors being able to do there, and just whether or not you feel that that would be a help in this whole process?

**Mr. Moir:** What number was that?

**Mr. Maguire:** It was 111(6), Inspector to approve modification to a battery, whether or not you would feel that would be a benefit to it, the bottom of page 7.

**Mr. Moir:** The battery that we have the biggest concern with started with producing 12 cubic metres of oil a day. That was in 1985, and the horizontal drilling increased production of this battery up to a 160 cubes of oil per day. The battery was allowed to be renovated and modified without concern about that. It was being allowed to vent to the atmosphere the H<sub>2</sub>S that was not being burnt in the fuel in the treating process. It just did not make sense to us that that would have happened.

**Hon. Jim Rondeau (Minister of Industry, Economic Development and Mines):** Thank you very, very much for a well-thought-out presentation. I would like to thank you for all the correspondence and the work that you have done over the years to move the industry, this industry, to become more



environmentally friendly and moving it forward to become more easily administered. So thank you.

My question has more to do with the inquiry panel because we had a lot of discussion about that, again because of your correspondence. I am just wondering whether you have any suggestions as to the maximum amount of money that they should be doing on the hearing, and time lines and things like that, because that is something that we have to put into the regulations and move forward on.

**Mr. Moir:** Yes, I think it is something that needs to be really looked at because we as a group could not afford to pay the expenses if we were charged with an exorbitant amount of expenses. We are private citizens.

**Madam Chairperson:** Thank you very much, Mr. Moir. I am sorry, your time has elapsed.

The time being now seven o'clock, by agreement of the committee, we will move into the bills related to Health.

#### Committee Substitution

**Madam Chairperson:** Do we have a substitution?

**Mr. Doug Martindale (Burrows):** Madam Chairperson, with the unanimous consent of the committee, I would like to make the following membership substitutions effective immediately for the Standing Committee on Social and Economic Development, Fort Rouge for Brandon West.

**Madam Chairperson:** Is there agreement from the committee? *[Agreed]*

\* \* \*

**Madam Chairperson:** Do you want to do one more presenter for Bill 21, or is the critic here?

**An Honourable Member:** She is here.

\* (19:00)

#### Bill 17—The Regional Health Authorities Amendment and Manitoba Evidence Amendment Act

**Madam Chairperson:** We will now proceed to Bill 17, The Regional Health Authorities Amendment and Manitoba Evidence Amendment Act.

Prior to moving on to this, I just want to get agreement from the committee that we will hear also this bill, clause by clause. Is that also what the committee would like to do on this particular bill, the two bills, three bills?

Is there agreement of the committee? *[Agreed]*

On Bill 17, the first presenter we have—Bill 17, once again—is The Regional Health Authorities Amendment and Manitoba Evidence Amendment Act—Rob Robson from the Manitoba Institute for Patient Safety.

Thank you, Mr. Robson, and thank you to everyone in attendance for being patient with some of the changes the committee is putting forward.

Mr. Robson, you can proceed whenever you are ready.

**Mr. Rob Robson (Manitoba Institute for Patient Safety):** Thank you. I would like to, rather than read the submission, simply provide some comments and perhaps allow more time for questions.

The Manitoba Institute for Patient Safety supports Bill 17 as presented. You will see in the material that is being handed out that we have provided comments basically about three sections: very briefly about the institute itself, some further comments about contemporary issues in the field of patient safety, how the bill relates to that, and then some comments about the bill itself.

Very briefly, the Manitoba Institute for Patient Safety is a not-for-profit corporation which was founded in June of last year and has a board of 12 members. It is intended to stimulate and co-ordinate activities relating to the field of patient safety and to promote an understanding amongst Manitobans of the issues relating to this area.

There are a number of things that we are not intended to do. For instance, we are not providing any direct services. We are not expected to replace any of the work of professional regulatory or licensing bodies, nor are we expected to act as an organization to gather complaints or concerns of patients and family members who may have had a less than fully positive experience in interacting with the health care system.

We see the principal method of acting being one of developing partnerships and collaboration

with other organizations and, indeed, think that this process of developing a broad consensus is an important way in which we can further the work of patient safety and reduce the number of unnecessary injuries and deaths to patients.

With respect to the issue of the general field of patient safety, you will see that on page 2 it is important to note that the vast majority of care provided by practitioners, front-line care providers and others within the system is of a high quality and that in the majority of cases patients are dealt with very appropriately.

However, there has been some attention recently to the unfortunate consequences suffered by some patients and family members as a result of their interactions with the health care system. It is important to say that the experience of those who have analyzed these incidents indicate that in virtually all cases we are not dealing with bad physicians, bad nurses, or other bad health-care providers, but rather good people who are attempting to provide high-quality services within a complex and complicated health care delivery system, and this is an important point. The understanding of health care, critical incidents and other kinds of adverse events leads us to conclude that in almost all cases there are broad systemic issues leading to these problems.

We should say that this is an important issue because it affects a lot of individuals not only in Manitoba but throughout the country. The one major study that looked at this issue suggested that almost 7.5 percent of patients being admitted to acute-care hospitals would encounter some kind of adverse event during their stay in the hospital.

In order for us to learn as much as possible from these incidents, we need to be aware of as many of them as we can, analyze them as fully as possible and understand the contributory factors that led to their development. This will then allow us to make appropriate changes to reduce the risk of these happening to others in the future.

This requires a major change in the culture, and by that I mean the bundle of attitudes and values and approaches that we have to incidents that have caused harm or even death to patients. Traditionally, we have tended to blame practitioners. Now that we understand that most of these cases involve broad

systems issues and the sequential occurrence of a number of failures and weaknesses in the way the services are provided and organized, we must move away from this culture of blaming individuals toward a culture of understanding as much as we can to learn from these incidents in order to prevent as much as possible future occurrences.

One of the ways to do this is to encourage reporting of these incidents. You will see on page 3, discussion of the issues of mandatory versus voluntary reporting. Bill 17 has developed a system, or is proposing a system, of mandatory reporting with respect to critical incidents which are those that are of the most serious nature causing some significant disability to patients or even death.

There are other debates about whether the reporting should be anonymous or confidential. I do not think we will go into those right now. One thing that is important is we must encourage reporting of these incidents so that we can learn from them. At the same time, we must also encourage a broad disclosure of such events to patients who have been harmed as a result of their interactions with the health care system. So it is important to understand that distinction between reporting the incident to a health authority or a facility or the Ministry of Health and disclosing the events to the patient.

One difficulty in learning from these is a relatively low participation of physicians and other health care providers in the committees that analyze these cases because of fears of exposure to potential litigation. It is for this reason primarily that we support the intent in the provisions of Bill 17 which will provide conditions that would allow physicians, nurses and other health care professionals to be comfortable participating actively in not only the reporting but the subsequent analysis of these incidents so that we can come to as good an understanding as possible to make proposals for change.

We believe that Bill 17 provides a reasonable balance of the needs of society of Manitoba to move ahead with improving the way we organize health care services to reduce the number of these critical incidents on the one hand and the need for patients and family members to learn as much as possible about what might have gone wrong in a particular incident. There is always a balancing act between these two values. We feel that the present

constitution of Bill 17 has reached an appropriate balance in this regard.

We think that it is important that Bill 17 has included a section which requires the revealing or sharing of information about any new facts that might come to light under an investigation or a review of a critical incident that that information be shared with the patient or family members.

I think I will stop at this point. There are a number of other issues which have been covered. You will see an appendix A. We have provided a brief list of some of the preliminary activities. The Manitoba Institute is a small organization with still relatively limited funding, but we have already been quite active in proceeding with very broad public consultations throughout all parts of the province and with professional organizations. Thank you, Madam Chair.

\* (19:10)

**Madam Chairperson:** By leave of the committee, we will extend the time on questions.

Is there leave? *[Agreed]*

**Mrs. Heather Stefanson (Tuxedo):** Thank you very much for your presentation. I just have one quick question for you with respect to this bill. Certainly, we do, as well, agree with this bill and would like to move it forward. We are, sort of, thinking about ways that, in other provinces, that they have strengthened the bill somewhat. Certainly, in Saskatchewan, when a critical incident occurred and recommendations were made through to the minister, they would then share them with other RHAs that may be affected by similar circumstances. If it may, in that event, sort of, prevent similar circumstances from taking place, would you be in favour of something like that?

**Mr. Robson:** Well, I think it is important to spread any learning or knowledge that comes about as a result of analyzing a critical incident. On the basis of my reading of the proposed bill, I do not believe that there are any restrictions to doing that, but it is not, as I understand it, actively promoted. I think it is important that that occurs, and that efforts are made to have other sectors in the province who are providing services benefit from the learning that arises.

**Hon. Jon Gerrard (River Heights):** As a physician who is in politics, one of the observations that I—

**Madam Chairperson:** Mr. Gerrard, you will have to get closer to the mike. I am sorry, we cannot hear you.

**Mr. Gerrard:** One of the things that I observed is that, while there are mechanisms even now for physicians to report, and it certainly is an improvement with mandatory reporting and some change in the culture, one of the big problems has been the lack of any real process for a patient to report.

My question to you would be, under this new statute, if it is passed, is there an adequate mechanism for a patient to report an incident.

**Mr. Robson:** I can tell you that, as director of patient safety for Winnipeg Regional Health Authority, we will intend to encourage and to establish ways for patients to bring their concerns to our attention.

There are already well-established mechanisms, to the best of my knowledge, in all the RHAs in Manitoba to allow patients and family members to register concerns, but your suggestion, I think, is an interesting one. It would, certainly, put Manitoba in the forefront across the country and North America if patients had a formal mechanism by which they could bring these concerns to our attention, but I think it is a very reasonable suggestion.

Based on our analysis of critical incidents, we are always surprised by how many positive contributions that patients and family members can make in discussing these unfortunate incidents with us. As a practising physician, I know also that we can learn very much from patients by listening to them.

**Hon. Tim Sale (Minister of Health):** Thank you very much for your presentation. You reference on page 7, and a bit on the bottom of page 6, about the issues of education. Could you just speak briefly about what you are really suggesting there, because you have a great deal of experience around patient safety issues in a specific health care setting? So help us a bit to understand what you mean there.

**Mr. Robson:** Well, I think it is crucial for, on the one hand, health care providers to understand fully

the new legislation, not only the obligations that it creates, but the protections that it provides, as well as the duty to disclose information to patients and family members under this legislation. This is a significant change for health care providers of all levels.

One thing that we intend to do within our regional health authority in Winnipeg is to have very active and broad-based educational efforts with all health care providers, but also, very importantly, with patients. One of the initiatives that we are in the process of undertaking is the formation of patient safety patient advisory councils so that we can learn more directly from those who have been affected by unfortunate incidents in their interaction with the delivery of health care services.

So I think that very active and broad-based education programs about the nature of Bill 17 and also about the nature of the systemic origin of most of the problems which result in injuries to patients will help health care providers be more active in reporting these and be more active in helping us to analyze and better understand the factors which may have contributed to a particular incident happening. It is only if we create those conditions that we will understand what occurred so we can recommend changes to reduce the likelihood of it occurring again.

**Madam Chairperson:** Thank you very much, Mr. Robson.

#### **Bill 43-The Regulated Health Professions Statutes Amendment Act**

**Madam Chairperson:** The committee will now hear public presentations on Bill 43, The Regulated Health Professions Statutes Amendment Act.

Calling Dr. William D. B. Pope, Registrar for the College of Physicians and Surgeons of Manitoba.

Did you have presentations you wanted to distribute?

**Mr. William D. B. Pope (Registrar, College of Physicians and Surgeons of Manitoba):** It is very brief, Madam Chair, so I will just read it if I may.

**Madam Chairperson:** Please proceed.

**Mr. Pope:** I do have copies if anyone would like it afterwards.

**Madam Chairperson:** Please proceed Doctor Pope.

**Mr. Pope:** Madam Chair, members of the committee, thank you for this opportunity to comment on this bill.

**Madam Chairperson:** If you could just speak up just a little, I am sorry.

**Mr. Pope:** I am sorry. It is the height and the closeness to the speech. There are three parts to this legislation that affect the College of Physicians and Surgeons of Manitoba.

The first relates to preparedness for a medical emergency. This college strongly supports measures that will ensure that Canadian- or American-licensed physicians can be registered quickly and efficiently in Manitoba if needed to meet a major public health emergency. We will also continue to work with other health providers and organizations to develop advance planning to assist the delivery of medical care in these circumstances.

Secondly, there are changes to permit the collection by the college of information about physicians and the release of information by the college to the government to establish and maintain an electronic registry of health care providers. The act also permits the minister to release that information to authorized entities, provided that the information is in non-identifying form.

This college supports the creation of an electronic health record and the changes to facilitate that project; however, it is important to acknowledge the importance of individual privacy in today's society. The college believes it is imperative that the creation of a system of electronic health records adequately protect the privacy interests of patients and of health care providers. The college considers protection of privacy as integral to its support of this legislation.

Thirdly the act also contains changes to The Medical Act which will assist the development of a regulation for a physician profiling, and the college supports these changes. Thank you.

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

Prior to proceeding, is it the will of the committee to allow the presenter more time for questions if needed? Agreed?

**An Honourable Member:** He has not used his time.

**Madam Chairperson:** He has not used his time.

**Mrs. Stefanson:** Well, thank you very much for your brief presentation tonight. It is wonderful. Just with respect to the electronic health records, do you see that there is a potential there for there to be problems? Is that why you are sort of bringing that forward or under this legislation? I just should ask you that.

**Mr. Pope:** Well, I think that these—

**Madam Chairperson:** Doctor Pope, excuse me.

**Mr. Pope:** I am sorry. It is extremely important that individual issues that—the college will have a great deal of information about physicians, and so we have the understanding of the government that the use of the non-identifying phrase has been introduced. That is of extreme importance to us so that locked data can be used to allow for health care planning, but anything that might release particular information about an individual physician's prescribing patterns, for example, would not be involved with this because of what it might mean for patients and the release of information about patients. So it was very important to us to have the non-identifying clause inserted.

\* (19:20)

**Mr. Sale:** Thanks, Bill. I appreciate the support that the college has provided to, not just this, but the extended practice nurse regulation and the collegial relationships that exist between the pharmacists, the physicians and nurses. The working together is something that may sound trite, but, as you know from your experience across Canada, it is not always so. Manitoba does have an enviable record of its professional bodies collaborating on important issues. So thank you again for your support of this legislation and the broader support the college has provided to some pretty important stuff that we have worked on together. I appreciate it very much.

**Mr. Gerrard:** My question may not necessarily be covered by the legislation, but it is an issue that deals with emergencies and that the college might have some input on. It was raised with me recently. It deals with the living wills, and the fact that when a senior arrives with a living will, arrives in an emergency department for an unscheduled visit, it is important that that living will information be rapidly available to the physicians and health providers

caring for that individual, and as this person pointed out, that people arrive without their wallets sometimes under conditions and there may not be rapid access. Clearly, one of the things that would be desirable in times of emergencies, and some of this deals with that, is rapid access to information like that. I wonder if you would comment on your thoughts on this matter.

**Mr. Pope:** It is certainly something that is often raised with the college as well, and it is a very valid issue. I think one of the truly exciting things about an electronic health record is the possibility to have available quickly right across this country, as it is in some of the European countries, the availability of really crucial information for patient safety. By patient safety, I also mean the sort of thing you raised Doctor Gerrard, the importance of dying in dignity for a patient who has decided that is the way he or she wishes to go. I would hope that a national electronic health record would have the availability, as well, of including the kind of information you raised. I think it would be a very positive action nationally. I think that you would find that the regulatory authorities across this country would support it very strongly.

**Madam Chairperson:** Thank you very much, Doctor Pope.

**Mr. Pope:** Thank you.

**Madam Chairperson:** By leave of the committee, we will go now to clause-by-clause consideration. During the consideration of the bill, the table of contents, enacting clauses, schedules and titles are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee, for the longer bills I 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]*

We will now proceed to clause-by-clause consideration of the bills.

### **Bill 17—The Regional Health Authorities Amendment and Manitoba Evidence Amendment Act**

**Madam Chairperson:** Does the minister responsible for Bill 17 have an opening statement?

**Mr. Sale:** I think, Madam Chair, we have had a good discussion about the bill. I believe it is an important piece of legislation that all parties support and I look forward to clause by clause.

**Madam Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement?

**Mrs. Stefanson:** No, thank you very much. I think in lieu of the fact that there are many presenters here waiting to present tonight that we will move on.

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

Clause 1—pass; clause 2—pass; clauses 3 and 4—pass; clause 5—pass; clause 6—pass; clause 7—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 42—The Health Services Insurance  
Amendment and Prescription Drugs Cost  
Assistance Amendment Act**

**Madam Chairperson:** Does the minister responsible for Bill 42 have an opening statement?

**Mr. Sale:** Very briefly, Madam Chair. It is simply an act to strengthen and bring up to date primarily the enforcement provisions of this act, The Health Services Insurance Amendment and Prescription Drugs Cost Assistance Amendment Act. I think the bill is relatively uncontentious and that we should move to clause by clause.

**Madam Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement?

**Mrs. Stefanson:** In view of the fact that there are many people waiting here to present tonight, I will reserve comments for third reading or next.

**Madam Chairperson:** We thank the member.

Clauses 1 and 2—pass; clauses 3 and 4—pass; clauses 5 and 6—pass; clauses 7 through 9—pass; clauses 10 and 11—pass; clause 12—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 43—The Regulated Health Professions  
Statutes Amendment Act**

**Madam Chairperson:** Does the minister responsible for Bill 43 have an opening statement?

**Mr. Sale:** Briefly. Again, Madam Chair, this is a companion piece to my colleague, the member from Brandon West's bill in regard to public safety really, and, again, I think it has the support of all sides of the House and that we may proceed to clause by clause.

Although this one has got a lot more clauses, it actually does not do a whole lot more. It is just that there are 17 acts that need to be amended out of 19, and the 2 that we are not amending are ones that are not likely to be called on in an emergency. It also enables physician profiles to be developed, and the third thing that it does is to deal with the electronic health record which was just the subject of a question from the member from River Heights.

**Madam Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement?

**Mrs. Stefanson:** Again, I will pass on the opening statement. I do, however, just have a quick question for the minister, if that is okay.

**Madam Chairperson:** We need leave from the committee for you to have that at opening statements. Is there leave? *[Agreed]*

Please proceed, Mrs. Stefanson.

**Mrs. Stefanson:** Just with respect to the Patriot Act in the United States which, again, if health care workers are to come to Manitoba and work here, the Americans have access to, sort of, what goes on in Manitoba. I am just wondering what will happen there. Will Americans, therefore, have the access to Canadian health care worker information, and how will that be protected?

**Mr. Sale:** My understanding of the Patriot Act is that it applies in the United States to data held in the United States. So the problem for Canada would be, for example, if we have a data system that is backed up in the United States. Under the act, the data in that system might be subject to the Patriot Act's requirements, but someone coming into Canada, by nature of being an American citizen working here, would not have the right to access the health information record about anybody whether it was a caregiver or a patient and use the Patriot Act as a cover for the process of accessing that information,

because the act is limited to the territory of the United States.

It cannot be applied in Canada, which was a real concern in British Columbia, by the way, and that is where it first came to everybody's attention. It was when B.C. was looking at the question of where some of its data were stored in terms of their backup systems, and that is where it first arose. I believe that the member's concern is very valid, but I do not believe that it is an issue.

\* (19:30)

**Madam Chairperson:** Seeing no other questions, clauses 1 and 2—pass; clauses 3 and 4—pass; clause 5—pass; clauses 6 through 8—pass; clause 9—pass; clauses 10 through 12—pass; clauses 13 through 15—pass; clause 16—pass; clauses 17 and 18—pass; clauses 19 through 22—pass; clauses 23 and 24—pass; clauses 25 and 26—pass; clauses 27 through 29—pass; clause 30—pass; clauses 31 through 33—pass; clauses 34 and 35—pass; clauses 36 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; clause 52—pass; clauses 53 through 55—pass; clause 56—pass; clauses 57 through 59—pass; clause 60—pass; clauses 61 through 63—pass; clauses 64 and 65—pass; clauses 66 through 68—pass; clause 69—pass; clauses 70 through 72—pass; clause 73—pass; clauses 74 through 76—pass; clause 77—pass; clauses 78 through 80—pass; clause 81—pass; clause 82—pass; table of contents—pass; enacting clause—pass; title—pass. Bill be reported. Thank you.

**Mr. Glen Cummings (Ste. Rose):** Madam Chair, just in the interests of fairness and understanding our process, I noticed that with the last two presenters the Chair was offering to extend the time without, what I noticed, any prompting from the table or from the presenters. I do not think we offered our first presenter that courtesy. I just wonder what process do you intend to follow with the rest of the presenters.

**Madam Chairperson:** What we did with the first presenter was the first presenter actually went over by 30 seconds. The second presenter did actually ask for that leave, and since we had already granted it to the second presenter, I continued with that process. If it is the will of the committee to change that process, please advise me.

**Mr. Cummings:** I do not intend to get into a wrangle, Madam Chair. You are doing a fine job. I

just think that, in the interest of fairness to our presenters, we should know whether or not we need to request opportunity to extend, and if that is understood, that is all I want.

**Madam Chairperson:** I will wait till you request then, if that is the will of the committee. *[Agreed]*

### **Bill 21—The Oil and Gas Amendment and Oil and Gas Production Tax Amendment Act**

**Madam Chairperson:** We will now return to Bill 21, The Oil and Gas Amendment and Oil and Gas Production Tax Amendment Act.

#### **Committee Substitution**

**Mr. Doug Martindale (Burrows):** Madam Chairperson, with the unanimous consent of the committee, I would like to make the following membership substitutions effective immediately for the Standing Committee on Social and Economic Development: Brandon West for Fort Rouge.

**Madam Chairperson:** Is that agreed by the committee? Agreed? *[Agreed]*

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**Madam Chairperson:** Once again, we will return to Bill 21. The out-of-town presenters for The Oil and Gas Amendment and Oil and Gas Production Tax Amendment Act.

Mr. Bruce Campbell, private citizen. You may proceed, Mr. Campbell, whenever you are ready.

**Mr. Bruce Campbell (Private Citizen):** Thanks for this opportunity to express some of my views and opinions with regard to amendments to The Oil and Gas Act.

The proposed amendments to The Oil and Gas Act, which are designed to protect the environment, are inadequate. The Oil and Gas Act should be amended in such a way to make the operation of oil field development, such as batteries, subject to the rules of The Environment Act.

The Petroleum Branch is responsible for promoting the sustainable development of Manitoba's oil resources. All developments have an environmental impact. The conflict between promoting the development and ensuring the safety

of the surrounding environment indicates the error of having Petroleum Branch regulating both sides of the conflict.

Back in the mid-nineties, when my father first complained to the Petroleum Branch about the H<sub>2</sub>S levels in our yard, the Petroleum Branch Inspector Lorne Barsness came to visit us. It was on a day when we were downwind of the battery. We could smell H<sub>2</sub>S in our yard. Although I cannot quote the conversation verbatim, he led me to believe that he agreed that the smell in our yard was not very nice, that it should not be at high enough levels to hurt us, that he had the power to shut the battery down because of the problem, but did not want to because of the trouble it would cause the oil company and him, that he had ordered them to fix the problem, and that we should continue to tolerate the odour until it was fixed, that he had never heard of air ambient level guidelines for H<sub>2</sub>S and sulphur dioxide, that the only guidelines that he was aware of were workplace safety levels.

\* (19:40)

Oil field emissions are poisonous and deadly. The traditional methods of venting and flaring these emissions are relying on atmospheric air movement to dilute the poisons to a level safe to live in does not always happen. I was at a meeting of the southwest planning district on April 19, 2005. At this meeting, John Fox, the director of the Petroleum Branch, stated that they had done air quality testing in some of the communities in the oil fields of southwest Manitoba. He went on to say that tests showed that the levels of pollutants in the air were below air quality guidelines 90-some percent of the time. He was not accurate on the number; he was going from memory.

If the percentage at the time was 96 percent, there was 4 percent of the time the air was not acceptable or dangerous, not a very big number, but equivalent to one hour a day or 14 days out of a year. Oil companies have developed innovative and high-tech ways of extracting oil from the ground. It is reasonable for us to ask them to do the same when disposing of their waste products.

The poisonous effects of oil field emissions are not a problem unique to the battery at 8 of 8-6-29 or unique to Manitoba. Since we discovered that oil field emissions were causing our problems, we had been told others in the area and in Alberta and

Saskatchewan have similar problems while living downwind of a battery.

In a letter that the Honourable Jim Rondeau wrote Neil Hathaway, the Arthur-Virden Constituency NDP Association President, he states that the issue of the oil field emissions was raised by a small group of residents in the constituency. He is perhaps unaware that resolutions have been passed by six rural municipalities covering most of the oil fields in this same constituency in southwest Manitoba supporting the idea of having the oil industry governed by The Environment Act.

If the RCMP catches us not obeying the rules of The Highway Traffic Act, we get fined or jailed depending on the severity of the offence. If the Petroleum Branch inspector discovers that an oil company is operating in a manner contradictory to the regulations, he can only order them to fix it or be shut down. There are no penalties for non-compliance to regulations or rules. This is like a police officer catching us with no seatbelt on while driving, and only having the authority to tell us we cannot drive until we put it on.

If mechanical equipment is necessary to abate the effects of an oil development on the environment, there will be times when it will fail. If this happens, the oil company should be compelled to shut it down, rather than continue to operate with malfunctioning equipment, until such a time that it is convenient to fix.

As a cattle producer, I was originally unaware of the devastating effects that oil field emissions have on livestock, and the health problems of my cattle had while living downwind of 8 of 8-6-29 battery were many and varied. They included an increase in cows not getting pregnant, abortions, digestive upsets, deformities at birth, respiratory problems, downed cattle, runny eyes. After moving them away, the incidents of these problems decreased dramatically.

Dr. Allan Preston, a veterinarian working for Manitoba Agriculture and Food, met with 13 Tilston area cattle producers on March 23, 2000. In one of his reports to the environment branch, Doctor Preston stated, "As for the cattle side of things, I will continue to collect what info I can. It may be only anecdotal, but the large number of common concerns seems to point to a problem where there is smoke."



At present Doctor Preston is representing Manitoba Agriculture and Food in the Alberta study on the effects of oil field emissions on livestock and wildlife. The results of this study are coming out this fall.

The development of the oil industry in the province benefits everyone in the province. We should amend The Oil and Gas Act in such a way that the effects of this development to the surrounding people and the environment are minimal.

I have lost all my faith in the Petroleum Branch to develop and enforce regulations to achieve this goal. Protecting the environment is the responsibility of The Environment Act. Let us make it include the petroleum industry. Thank you.

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

**Hon. Jon Gerrard (River Heights):** Thank you, Bruce, for making a good presentation. You have certainly been through quite a lot over the years, and you speak from a lot of personal experience.

My question, really, is you point out that there are six rural municipalities which have passed resolutions, and that represents a lot of people in those rural municipalities. How many people would it be all told in those municipalities who are represented in the concerns that you are raising here?

**Mr. Campbell:** I am sorry, I am unable to answer that question. The population of our municipality that I formerly lived in, I think, is around 400, and that is one of the smaller ones. So, if you took 500 times 6, it would be representing about 3000 people. I think that is a minimum number. Maybe Larry Maguire has a better answer for that question.

**Mr. Glen Cummings (Ste. Rose):** Well, thank you for your presentation. You certainly raised some serious concerns. As someone who has got an ongoing interest in the productivity of our livestock industry, can you give us any sense of how commonly we saw some of the concerns that you are raising? I am interested in things such as downer cattle or deformities. Is this 1 out of 100, or is this 2 or 3 out of 50? Can you give me any sense of what the frequency might be?

**Mr. Campbell:** Deformities, I would say I had 1 out of 100 every year for about four years even when the

production was at its highest. Abortions as high as 10 out of 100, when I would say 2 is considered normal. What were some of the other ones? Downer cattle, I would say 1 out of 100 per year.

**Mr. Cummings:** Well, thank you. That gives me some understanding of what you feel you have had to unfairly deal with. My next question is not intended to be a quick question, but it is meant to illustrate a point. Under the current structure of government, we sometimes also have difficulty finding out who is administering The Environment Act. Can you give us any sense of whether or not you have had any contact with the environment personnel, and how easy it was to get in touch with them?

**Mr. Campbell:** I was not personally involved in contacting the environment department when they first came out. I was involved with the community advisory group that was formed; I was satisfied with their response. They were inexperienced; they had never dealt with anything like that before. Although it does not state it in the report, I was left with the impression that the oil company was chastised at times for their equipment failure when there were readings on the monitors.

**Mr. Cummings:** Perhaps at this point, because I have asked a couple of questions already, and I know my colleagues wish to ask him a question, if we exceed time, would you, by leave, grant time for more questions?

**Madam Chairperson:** Is there leave of the committee to extend the question to encompass the 15 minutes totally? *[Agreed]*

**Mr. Cummings:** A question would be were you aware of which department the officials that you dealt with may have represented. Were they the Petroleum Branch, or were they, in fact, environment officers, or were they of some other professional background? Again, I am not trying to give you a trick question. I want to get a feel of whether or not you received response from either past or current governments on this. I mean it is an important question in the sense of whether or not government has responded adequately.

\* (19:50)

**Mr. Campbell:** The answer to the question, has the government responded adequately, would be no.

**Mr. Ralph Eichler (Lakeside):** Thank you, Mr. Campbell, for your presentation. There are some concerns I have from your presentation. Have you made application for loss with either the industry or with the Department of Agriculture?

**Mr. Campbell:** I do not understand the question.

**Mr. Eichler:** With your losses, financially, do you have an amount on that, and have you made a request for reimbursement of any of those losses through the Department of Agriculture, or with the petroleum company?

**Mr. Campbell:** I do not have a number on it. It is an ongoing thing. No, I have not made a formal request to the industry or to the Department of Agriculture.

**Mr. Eichler:** One last question. Do you have any idea of how much money we are talking about in your losses just on your farm?

**Mr. Campbell:** I find this very difficult to talk about.

**Madam Chairperson:** Mr. Campbell, we can stop at this point, if you wish.

**Mr. Campbell:** I am nervous.

**Mr. Eichler:** I will withdraw the question. We can talk about it later.

**Madam Chairperson:** Thank you very much, Mr. Eichler.

**Hon. Jim Rondeau (Minister of Industry, Economic Development and Mines):** I just would like to say thank you very much for keeping us informed, keeping the government's foot to the fire, as far as considering the environment.

I know in 2001 we tried to make improvements to batteries, and this is trying to make improvements to the oil and gas regulations and what is done there. About \$3 million of improvements of batteries have happened, and we had to re-permit them all.

I am just wondering has there been a difference between the airs where things are starting to get better.

**Mr. Campbell:** Oil production at the battery has dropped significantly, and there have been some

improvements made since the early years when they were venting directly to the air. I am not living there anymore. I cannot really comment on that. I have moved out. I had to move out.

**Madam Chairperson:** Mr. Campbell, at this point, I want to thank you very much for coming before the committee. You did an excellent job. Thank you.

**Mr. Campbell:** Thank you.

**Madam Chairperson:** Wendy Anderson, private citizen. You can proceed whenever you are ready, Ms. Anderson.

**Ms. Wendy Anderson (Private Citizen):** Thank you very much for allowing us the opportunity to speak to this bill.

My name is Wendy Anderson, and I want to start out by apologizing for my husband, Jim. He could not be here tonight. He had a prior commitment. He actually has a presentation that I hope you will have time to consider as well.

In our opinion, these new amendments to The Oil and Gas Act are not the answer to controlling oil field emissions, and I apologize for that attitude because we have been reminded many times by governmental officials that you, the government, have already spent a great deal of money on a few families in our area. We do appreciate the Petroleum Branch's efforts to improve The Oil and Gas Act, and the fact that they have made an effort to involve us in the process.

However, we lack confidence in the ability of the government to both promote the oil industry and to look after us, the families living in close proximity to the oil industry. We feel that this creates a conflict of interest for them, in that, as hard as they try, it just does not work for us. The reason we feel this way comes from our real-life experience of living downwind from an oil battery for nearly 20 years.

I have lived with my family on a farm in Tilston, Manitoba, for more than 30 years now. In 1983, there was an oil well drilled a little more than a mile to the northwest of our home. A few wells later, and soon there was a battery built on the same site to process the oil from this and other wells that had been drilled in the area. In 1993, expansion and construction began in this field with the drilling of

many horizontal oil wells. In 1985, this battery handled 12 cubic metres of oil a day, and in 1996, it was handling 160 cubic metres of oil a day.

Now, while there were modifications made to the battery to handle the processing of the oil from the salt water, there were never any alterations made to handle the gas that was produced with that oil, and this gas is just a little bit unique. It contains over 13.5% hydrogen sulphide, among many other components. It became clear to the operators of the battery pretty quickly just how dangerous a chemical H<sub>2</sub>S was. However, the effects of the gas on anyone or anything outside the lease site were apparently never considered. The gases from this battery were simply vented to air and allowed to disperse at the will of the atmosphere. That will of the atmosphere put that stinking rotten-egg smell in our yard and the yards of our surrounding friends and neighbours a lot in those years prior to 1997. We now know that it happened way too often to be any good for our families.

The odour was always somewhere. It just depended on the wind direction where it was, and we never questioned this smell. It just became a fact of our lives. Never, ever, did we think that the oil industry would do anything that would harm its neighbours, and, surely, the government would never let them, but, by 1997, we and our neighbours were gradually starting to sort out what was maybe happening to us and to our livestock. We are mostly cattle farmers in our area.

We became certain that the emissions from the battery close to us were making our families and our livestock ill. We started trying to talk to someone, either the company or the government, and try and talk them into helping us. We learned that the Petroleum Branch only operates on a complaint system, so we started registering complaints with them. The Campbells and ourselves had several meetings around our kitchen table with the oil company. In the end, it actually took about 40 people staging a blockade at the battery to really make anyone listen and do anything constructive. That still amazes us that people have to get radical in order for government and big companies to believe us.

These amendments that are on the board today offer nothing to improve the complaint system. It did not work then, and I do not see any improvement in what is offered. There were lots of changes made

at this battery, but not until after 1997. The company tried burning the gas. They tried flaring it, and then, finally, in early 2000 they installed an incinerator. Now these changes mostly came about because of pleas we made to the company to do something to improve the situation and not as a result of enforcements by the Petroleum Branch.

We still feel that the governing bodies failed us big time. We trusted that you, the government, would be looking after us and it just did not happen. Again, I see nothing in these amendments that would have changed the way the whole scenario worked out.

In 1998, after much prodding from local people, Manitoba Environment did become involved in our dilemma. They installed their monitors, first in our neighbour's place, and then later they put an air monitor just east of the battery, and one at our farm yard. We have differing opinions from the government on the conclusions provided by these monitors.

Government officials assured us that, although there might be some fugitive emissions, the hourly averages were well within the government air quality guidelines. On the other hand, what those monitors helped us to realize was that we were not totally crazy. Those emissions whether they registered high or low on that monitor made the people at our house ill. We had absolutely no access to the trailers where the monitors were kept, and yet our bodies could tell the people in charge of them when there was an increase in the H<sub>2</sub>S emissions.

I have actually made a quote from Doctor Kraut's medical report that suggests the kinds of readings there were. Like in one 30-day period there were 10 readings above the provincial guideline level, and at our farm between, in a matter of 65 days, there were 85 readings registered. A comparison of the timing of these recordings at the well site and at the Anderson farm revealed that on all but one occasion when H<sub>2</sub>S was identified at our place a higher reading was recorded at the well site. So now at least there was proof that the air from the battery was indeed making it to our yard. We all well know that those same levels of emissions were always in the air; it just depended on where the wind took them.

That is why there are many people in every direction from the battery who are affected by oil

field emissions. It depends on the wind direction and the atmosphere at the time just who will be in the way, and it depends on how frequently one is in the way of those emissions just how lousy they make you feel.

What we have learned over the years is what oil companies and the government deem to be safe is very often much different than that of the people who just happen to live in the vicinity of the industry. Our experiences have taught us that being within guidelines, hourly averages and dispersion modelling do not begin to tell the whole story if you are the family that has to live close to the industries.

\* (20:00)

Maybe this will help you to explain our lack of confidence in these amendments. First of all, air is entirely missed in these amendments, and to us it is one of the most important aspects of the industry. Secondly, we are living proof that spending time that is in air that is well within guidelines can and does make people and livestock ill. By February of '99, our friends and neighbours, Bruce and Laura Jean Campbell, had left their new home on the farm just north of us and moved their family to a rental home in Reston. They also moved their cattle away to another site away from the emissions.

Another two families actually also left their homes in the fall of 1998, so in February of 2000 we too decided to make dramatic changes in our farming set-up so that we could move ourselves and our daughter away from the emissions. We needed to prove to ourselves that we were, in fact, not crazy, and so we did. We relocated for a couple of months. Everyone had told us that the improvement in their health was dramatic once they were out of the emissions, and we too had that same experience, but for economic reasons we decided we had to return to our home and our farm. There have been many days when we have wondered about the wisdom of that decision, but we are still there.

People have often been led to believe by government and company officials that the problems that the battery close to us have since been resolved and that we have a state-of-the-art battery, the best in the province we are told. However, those of us living in the vicinity of the battery, and that includes folks who live up to three miles away, still experience multiple health ailments that we know that are

emission-related. After more than 10 years of living close to an oil field battery, trust us we have absolutely no doubt when our bodies have had too many toxic emissions. An example of such upset occurred as recently as December 2004; there was a malfunction at the battery. It is obvious to us that there were more than a few fugitive emissions which is what we were told by the local Petroleum Branch inspectors.

Jim and I became ill with our usual symptoms that we know are the result of toxic emission. As well, our cattle became ill. Two of our neighbours' cattle became ill, and other neighbours also experienced health problems. Is there any wonder that we lack confidence in oil companies and government officials to look after us? The sad part is not anyone in the company or the government will ever take any responsibility for these things that happened to us. My husband says that living in the vicinity of a battery is a little bit like playing Russian roulette. We know someone will be hit by the emissions every day, but only the wind and the atmosphere can determine who it will be and how serious.

So it came to pass that in 2000 we created this group called GASPE. Our main objective was to try to prevent the same thing that happened to our families from happening to anyone else ever again. Our group believes that there needs to be an impartial, independent, third-party involvement to ensure a safe environment for all. There needs to be provision for involving the public in a meaningful way and for keeping the public informed of facts and issues related to the industry. We believe that this could be best accomplished by having oil batteries determined to be a class 1 development under The Environment Act whereby an unbiased and proper environmental assessment would be part of the application.

The proposed amendments, although perhaps an improvement, do nothing to resolve the fundamental problem. The oil industry is regulated by the Petroleum Branch, whose priority is development of the industry, and not environmental protection. Thank you.

**Madam Chairperson:** Thank you very much, Ms. Anderson.

**Mr. Larry Maguire (Arthur-Virden):** Thank you very much for your presentation.

**Madam Chairperson:** Microphone, Mr. Maguire, you need to be a little closer. I apologize.

**Mr. Maguire:** Thank you very much, Wendy, for coming this far and making your presentation as well again. I know that you folks have made, as I have mentioned when Mr. Moir was up, a number of presentations, and Bruce as well, on these issues over periods of time. Your recommendations in regard to at least an appeal process, or an independent appeal process, is something that we have seen lacking in other bills, I guess, in regard to some of the legislation that is before us right now as well. I would think of The Planning Act as an opportunity there.

So, when you are looking at our rural municipalities who have always determined that they want to have land use determination, this could be one of the areas that they do deal with, although under those requests they have always wanted environment to be handled by the Province. Would I be correct if I read that you feel, of course, that these environmental issues should be dealt with by the environment department of government, which falls under Conservation in this case?

**Ms. Anderson:** Sorry, that has been our experience. We think we need a third-party involvement.

**Madam Chairperson:** A supplementary, Mr. Maguire?

**Mr. Maguire:** Yes. Just that that third-party involvement would be a small group, technical people, private citizens. Do you have any preference as to how that would be set up, or have you thought about the makeup of that independent body?

**Ms. Anderson:** I am thinking that it would be something that The Environmental Act would set up as they do for other developments.

**Mr. Gerrard:** Thank you for coming. You certainly have nothing to apologize for, and I think that there are others who owe you an apology for not having adequately looked after the environment in this province. So I salute you.

Your recommendation is very clear that oil batteries should be considered a Class 1 development under The Environment Act. I hope the minister is listening.

One of the things that we have discussed is the issue of compensation, and what I would ask is just a comment. I know that there is not an intent to seek anything particularly for yourself, but I think that there is a need to recognize that when there are problems, that there should be some compensation, and maybe you would comment on that.

**Ms. Anderson:** We have been asked that question before, and I think that the compensation that would make us happiest is if it would never, ever, ever happen again. If somebody could promise us that because it does happen all the time to other families. That would be the best compensation there could be if there would be a promise that it could not happen again. Thank you.

**Madam Chairperson:** Move the mike closer, Mr. Eichler, please.

**Mr. Eichler:** Thank you, Ms. Anderson, for your presentation. I just have a quick question. Have you met with Mr. Preston as well with respect to your livestock?

**Ms. Anderson:** Sorry. Yes, we have, or my husband did as a representative of our family.

**Mr. Eichler:** Is your livestock operation similar to that of the previous presenter, and your loss has been about the same?

**Ms. Anderson:** I would expect likely so, probably not as high as Bruce's. They probably were in the predominant wind direction a little bit more frequently than we were. We actually still have our cattle at our place and there are still lots of times when there are problems.

**Mr. Rondeau:** Thank you very much for your presentation, your letters and your correspondence. I appreciate it. Our attempt was to try to, again, make another step in the right direction. I would appreciate it first if you could send me your husband's presentation and other correspondence.

**Floor Comment:** It is here.

**Mr. Rondeau:** It is in there, good. The other one is, do you think the third party independent tribunal hearings may be able to be a tool to use in the future for dispute mechanisms?

**Ms. Anderson:** I probably am not really sure how that would really work. I am thinking any

involvement from another department would probably help.

**Madam Chairperson:** Thank you. I am sorry. We have run out of time. We appreciate your presentation.

Laura Jean Campbell, private citizen. You can proceed, Ms. Campbell, whenever you are ready.

**Ms. Laura Jean Campbell (Private Citizen):** Okay. We appreciate this opportunity to present our views on Bill 21.

**Madam Chairperson:** You will have to speak up just a little though, I am sorry.

**Ms. Campbell:** I am sorry. Is that better?

**Madam Chairperson:** Yes.

**Ms. Campbell:** Our views are based on personal experience. Our contention is that Bill 21 does not adequately address the problems of oil field emissions and how they affect the environment and those who live and work in their proximity.

\* (20:10)

My name is Laura Jean Campbell, and I moved to Tilston in 1977. I lived on southeast 9629 until February 1, '99, when our family abandoned our relatively new home and our family farm. We moved our family to a rented house in Reston in order to escape oil field emissions and to allow our children to live in a safer environment.

The oil field emissions were coming from a battery a mile directly from west of our farmyard. Since '83, we have smelled H<sub>2</sub>S, or the rotten egg smell, in our yard. As the production increased, the intensity and frequency of the H<sub>2</sub>S odour was in our yard whenever the wind and weather conditions were conducive. It is a known fact that predominant wind direction is west-northwest so that put our yard at risk a greater percentage of the time.

We naively assumed the oil industry had standards that would be met and we would not be at risk so we never questioned their actions, but that was not the case. For our own peace of mind, we have to believe that the Petroleum Branch truly felt that the oil emissions would be dispersed before they

became a threat. We did not realize that the branch operated on a complaint-based system until the late nineties. Since that time, there have been many complaints to the branch.

We did find that the complaint-based system never got any results other than lip service until a roadblock prevented an oil truck from leaving the battery one day. That radical action got various government departments and the oil industry to take notice and become involved, but it was actually the health of our livestock that triggered the realization that we were being bombarded with pollutants. The farmers all got talking, as they do, about the unusually high rate of abortions in the cows, open cows or cows that were not bred, down cattle. An animal would be perfectly healthy one day and would be down and could not get up the next and deformities.

It took longer for us to realize that the health problems in our family could be associated to the same time frame as the cattle problems. What truly confirmed our quick beliefs and suspicions of the source of our problems was when we left our home at Tilston and moved our cattle to Sinclair. Our health problems and those of our cattle became normal. An example of this would be in 1997 and '98, when we were still living at the farm, we made 45 and 46 trips to the doctor respectively. In 1999, from February 1 to December 31, while living in Reston, we only made 13 trips to the doctor. Two of those 13 were still while we were on the farm in January so it just proved to us that that was what was happening, and we were not experiencing any of what we had been at home.

I am sorry, I am just sort of putting highlights because I am a little over. In August of 1998, our eldest son was knocked down or unconscious when he walked into an emission plume in our farmyard which is a mile east of the battery. He was 17 years old and leaving for school in Winnipeg in two days. I cannot even begin to describe how terrifying that experience was for us. According to all the experts, the emissions should have been dispersed by the time they got to our yard, but we know the emissions travelling up to at least three miles away from the battery and affecting people's and livestock's health.

In the fall of '98, we moved our cattle to a farm in Sinclair. The catalyst that prompted our family abandoning our home and our family farm, which

some of that land had been in my husband's family for over a hundred years, was constant high monitor readings for an entire week in early January of 1999. After what happened to Al in the previous fall, we could not in good consciousness allow our other sons, Adam and Stephen, who still lived at home to be subjected to these oil field emissions. By February 1, we were renting and living in Reston.

We lived in a form of limbo for five years. When we realized we could not continue to operate our farm business and family life in this fashion, we made a painful and extremely hard decision to permanently abandon our family farm and community. We purchased a farm in the Sinclair area in February 2004. It was after the ink dried on the deal that we found out the oil industry would be our neighbours yet again. We have yet to move to our home to our new farm site to fully get our lives back on track.

Our past experience with the oil industry and consequential adverse health in our family and livestock, the extra expenses, the work our limbo incurred over the years, and our fear of the continuation of this problem has us in a form of limbo yet again. We have been repeatedly told over the years that the oil company was and is operating within government guidelines. Experts have also said, and continue to say, oil field emissions should not have affected us adversely and are still not affecting our former neighbours, while the state-of-the-art battery and oil industry regulations failed yet again to adequately protect the health of those downwind of the poisonous oil field emissions, as you heard Wendy talk about just a few minutes ago. Neighbours three miles away are suffering right now after driving through it and having it in their yard.

Since our radical action prompted government involvement, the quotes in the papers or any correspondence, pat answers in regard to concerns expressed, and the general feeling of government seems to be that the problem has been adequately addressed. When we first started meeting with the ministers, we had a meeting with the previous minister that was responsible for the Petroleum Branch. Her first words to us were, "Did we realize that the government has spent over \$100,000 because of us? What more did we want?" She left us with the impression that we had cost the government a lot of heartache, but that does not hold a candle to the expense and heartache we have endured and are still living.

A letter from Honourable Jim Rondeau just last month talks of all that had been done by the different government departments to 1998, the air quality monitoring, soil, vegetation and groundwater studies that were conducted by the environment department, but it does not state that the monitoring was done after the poisonous oil field emissions were not just being vented completely to air as they had been for many years. It does not state that there were still readings that were not acceptable for safe living some of the time. It does not state that if the wind was not blowing directly at the monitor, people and livestock were getting sick while being exposed to emissions blowing from another wind direction. And going down, it does not state that the whole monitoring program was a totally new experience for the department, and one operator admitted their inexperience in this area. On many high emission readings, they said there must be equipment problems because their readings should not be what they were.

We have since learned that Alberta experiences these spikes in their readings. So, consequently, many high emission readings were discounted, and they were in fact legitimate but were not recorded in the final report, making the final report inaccurate.

The letter talks about two independent health studies commissioned by the Health Department. He states, and this comes from one of the studies, "A health study of Tilston area residents concluded health effects from exposure to battery emissions, in particular hydrogen sulphide, were short lived and people living in the area were not at risk for long-term health effects." But, unlike when we first began our current quest, it is now admitted and accepted that the oil field emissions were and are making us sick. At the time of the health study, the adult health study, Doctor Kraut said there was not sufficient evidence to determine if there would be long-term health effects, but as the years unfold, information and evidence about the adverse health effects of oil field emissions are being documented and released confirming what we have been stating all along.

People working in the oil industry have spoken to us, telling us how they agree with our stand on the issue but at the same time cannot come forward as their livelihood would be at risk. We understand—

*Mr. Vice-Chairperson in the Chair*

**Mr. Vice-Chairperson:** Excuse me, I apologize for interrupting you. I just wanted to let you know you have a little less than 30 seconds left.

**Mr. Cummings:** I do not want to be repeating, but I would give leave for the presenter in the committee to finish the presentation.

**Mr. Vice-Chairperson:** Is there leave from the committee to finish the presentation? Leave is granted. Please continue until you are finished.

**Ms. Campbell:** Thank you very much.

We understand and can appreciate this as one of our former neighbours did lose her job when she spoke out. We did receive an anonymous letter from an employee of the Cromer pumping station, which is an interprovincial oil pipeline. In this letter he listed all the former employees who had died prematurely. It was an alarmingly long list, and unfortunately for the families' sake, supports the theory of long-term health effects. The letter talks about amendments to the regulations under The Oil and Gas Act, and we have to agree some baby steps were taken. We appreciate the fact that John Fox met with us and considered our concerns while working on the amendments, but we do not agree there has been enough done to rectify the problem of oil field emissions to the surrounding people, animals and environment.

\* (20:20)

We support the oil industry in that it brings revenue to our government both provincially and locally. It creates many jobs and benefits the local businesses and our family and friends working in the oil industry. It is not our intention to damage the industry. Our goal, and what we believe everyone's goal is and should be, is to conduct the oil industry so that people can live safely with no health worries in their home. We live in a free country. We should not be exposed to the tyrannical rule of an industry whose sole objective appears to be financial gain at whatever cost. What is an acceptable dollar figure to put on a person's life?

Understandably, the Petroleum Branch's priority is the development of the oil industry. Environmental protection is not significantly considered or provided for in the current amendments to The Oil and Gas Act. It does not provide the involvement of the public in a meaningful way or does not even inform

the public of most facts and issues related to the industry. The fact that oil batteries are not specifically included in the classes of development as well as other oil and gas facilities is grossly remiss. Oil batteries need to be listed as a Class 1 development in order to safeguard the environment and the people living in their proximity. The information supporting this theory is fast becoming a fact.

The most important amendment and one that has not been addressed at all would be to make The Oil and Gas Act subject to The Environment Act so that an impartial, independent third party's involvement would ensure a profitable and safe environment for all. Thank you.

**Mr. Vice-Chairperson:** Thank you for your presentation. Are you willing to answer questions?

**Ms. Campbell:** Yes, I am.

**Mr. Maguire:** I just want to thank you, as well, Jean, for coming and making the presentation tonight.

**Mr. Vice-Chairperson:** Mr. Maguire, please move the mike forward.

**Mr. Maguire:** Thank you, Laura Jean, for coming and making the presentation as well. Of course, as I asked before, you make it very clear here that you would like to see The Environment Act be the controlling agent for some of the areas of emissions that come under the wells in the particular area, and that I am sure not just in your area, but all areas, and that you people have put a lot of thought into the type of presentations that you have made tonight in co-ordinating them very well and making the point on the classes of development of these batteries, as well. That is why I asked for clarity in the first presentation to see just what—so it could be on the record, the types of batteries there are. I think it is important that all types of batteries are looked at.

Do you see any difference between the old single wells that we started to talk about in Mr. Moir's presentation as well as is there a difference now in the horizontal-type wells? I am assuming that it does not make a lot of difference because it is the emissions coming off the battery regardless of the type of well.

**Ms. Campbell:** Now, I hope I am answering this correctly. It is my understanding that a horizontal



well can draw more out so your emissions would be more. Is that answering your question?

**Mr. Maguire:** Well, just a supplemental. It certainly can draw more out of the horizontal well, but it all goes into the same battery, and so it is the emissions from the battery that you are concerned about.

**Ms. Campbell:** It is emissions. There is a cell that a single pump jack is going to, and it is just being vented to air. There will be emissions there, too. There will be a different kind at a battery, but it is our goal to—it would just be wonderful if there could be no emissions at all because then everyone could live safely.

**Mr. Gerrard:** Thank you for your presentation. I think you have made it pretty clear some of the problems. One of the things that I have heard a little bit about and maybe you can elaborate is the fact that sometimes the sour gas exposure, the hydrogen sulphide exposure, can set up sensitivities to other conditions or exposures so that there may be more than just the immediate health effects. Can you tell us more about that?

**Ms. Campbell:** We are unsure of that theory, and we do not know if it was the H<sub>2</sub>S, or just all the different pollutants that were coming out of the battery that affected us, but it does seem as though we are sensitive to a lot more than we ever were in just sort of normal day life, perfumes, et cetera. I used to wear perfume all the time. I cannot go near it right now, but I do not know if it is the H<sub>2</sub>S pollutant, or some of the other ones.

**Mr. Vice-Chairperson:** We have run out of time. Thank you for your presentation.

The next out-of-town presenter on this bill is Mr. Ken Wray, private citizen. Please proceed.

**Mr. Ken Wray (Private Citizen):** Thank you for the opportunity to speak to you about Bill 21. My name is Ken Wray and I live on a farm in the area north of Tilston. Our home is three and a half miles as the crow flies from the oil battery known as Tundra 8 of 8-6-29. We also farm the land that the battery site is on. We have first-hand experience of the effect of sour gas emission from oil wells and batteries. My health and the health of my wife and children have been directly affected by these emissions. Our three children have now moved away

from home and, thank goodness, are not in an area where sour gas is a problem. Although we do not know, there could be long-term effects to their health that we are not aware of.

I personally feel a tingling sensation in my fingers when I am exposed to sour gas. It also does something to one's head. I get vague feelings and lose my concentration. Later in the day, dark marks will show up on my face under the outside corner of my eyes. This is the most obvious sign I have been exposed to sour gas. My wife experiences a dull, constant headache and stiff shoulders that can last for days. She has had extensive medical testing and no cause has been found. We have to realize that these symptoms are directly related to the weather conditions that are favourable to H<sub>2</sub>S to be flowing into our yard and our home. When she is away from home for any length of time, these symptoms soon start to subside. We have a higher than normal rate of abortions and open cows in a herd and we have extensive records on this as we run a purebred operation.

Bill 21 does not go far enough. Having the Petroleum Branch in total control of the oil industry is not an option. It is comparable to leaving the wolf to guard the sheep. We need the department of environment to be involved in the control of emissions from oil wells and batteries. Air quality needs to be addressed. It is not mentioned in Bill 21 at all. What happened to concern for the air we breathe?

In drilling regulations it now says that there is a need to be in consultation with the landowner within one and a half kilometres of the proposed battery site. This distance is way too close. We live three and one half miles from a battery and we are definitely feeling the ill effects of sour gas. Officials need to recognize that these emissions can and do travel much farther than they either know and/or admit. Bill 21 needs to have the department of environment involved to control the air quality, along with the water and other environmental issues.

*Madam Chairperson in the Chair*

Why is air quality not included in the oil industry? The same H<sub>2</sub>S that comes from hog barns comes from oil wells and batteries but the government sees fit to let the oil companies be their own regulators of this.

We are only a small portion of your people, but we represent a far greater number and if this bill passes as it is now, there will be far more people feeling the effects of sour gas. You have the power to start the wheels in motion to correct the shortcomings of this legislation. If all industries were allowed to completely regulate themselves with no outside input, to look after the interests of the public, can you imagine the mess the country would be in today?

\* (20:30)

It is time for you, our government, to correct the gross inadequacies in this bill and to think of the health of your people. Someone needs to be under the umbrella of The Environment Act so there can be a third party involved in the industry. Maybe then we would feel more confident in the government's ability to look after the best interests of the people. Thank you.

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

**Mr. Gerrard:** Thank you for your presentation. Clearly, there have been significant numbers of people affected already. I think it is admirable that you are coming forward and you travelled quite a way to make this point.

One of the questions which I think is important in the drilling regulations, it says 1.5 kilometres is the area that people need to be notified about. But you are three and a half miles, and that would be more than the five kilometres that was suggested by Manson Moir. What distance do you think that we need to be looking at? Should it be 7 or 10 kilometres?

**Mr. Wray:** I believe personally that yes, it should be probably at least a minimum of seven kilometres because there are many times that if the weather conditions are right, especially if you get high humidity, low clouds, that is how our gas will travel a long distance.

**Madam Chairperson:** Thank you. Any other questions for Mr. Wray?

**Mr. Cummings:** My question relates to the health of your livestock. Obviously, the individual health of you and your family would come first, but sometimes we can determine from the health of our

stock trends or difficulties. Has there been any testing that anybody has recommended, or do you believe there is testing that would be useful to be done on the livestock in the area, or is that something that has been thought of and already discarded?

**Mr. Wray:** I do not think anybody really knows enough about it or there are really any tests that they can really come up with. I know we have had different animals to the vet. For instance, two years ago we had a cow that quit eating and drinking. After about a week we took her to the vet and they took samples and sent them in. The results we got back were that the cow was lacking in water and food, which we already knew. So, you know, I do not know.

For some reason, I do not think there is enough known about it or at least the causes. If we have calves that are weak and we lose, you can send them in and they come back that, you know, inconclusive. So I do not know how you can really come up with—I would love to have an answer. I will put it that way. If somebody could give me an answer for it, that would be great. No matter what it was, I would like to know. But it is so often that it comes back inconclusive or something you already know is the problem.

**Mrs. Leanne Rowat (Minnedosa):** Madam Chair, in reviewing the bill, I just want to ask an individual who obviously is a stakeholder in regard to this bill—

**Madam Chairperson:** Mrs. Rowat, you have to bring the microphone a little closer, sorry.

**Mrs. Rowat:** As a stakeholder, do you feel comfortable with the appeal or review process? If you do have a complaint as an individual, do you feel comfortable that the bill will be there, will provide access and opportunity for an individual to come forward either through a hearing process or through a means of allowing the minister to review your personal situation?

**Mr. Wray:** Again, I guess I will just speak personally here. I think that, you know, as long as everything is under control of the one board, we will not have a fair review. I think it has to be a third party that is involved in it to have a fair review on it.

**Madam Chairperson:** Thank you very much, Mr. Wray.

Brad Thiessen, Manitoba Committee Chair for the Small Explorers and Producers Association of Canada. Before you proceed, Mr. Thiessen, that list previously, Mr. Ken Wray was the last of our out-of-town presenters.

Mr. Thiessen, you can proceed whenever you are ready.

**Mr. Brad Thiessen (Manitoba Committee Chair, Small Explorers and Producers Association of Canada):** It has been a long time waiting.

**Madam Chairperson:** We thank you for your patience.

**Mr. Thiessen:** Certainly. Good evening, my name is Brad Thiessen. I am the chairman of the Manitoba Committee of the Small Explorers and Producers Association of Canada. CPAC represents emerging and junior conventional oil and gas companies to the public, to governments and to other sectors of the energy industry. CPAC has over 400 member companies, 80 percent of which are exploration and producing companies.

I am also here as the land manager of Tundra Oil and Gas Ltd. headquartered here in Winnipeg. Tundra is the largest producer in Manitoba and also the most active driller of oil wells in the province.

As CPAC's representative, I am here to voice the oil industry's support for the proposed amendments to The Oil and Gas Act, and The Oil and Gas Production Tax Act, and for the consultation process that the government has utilized to get us to the point that you are at today.

The Petroleum Branch of the Department of Industry, Economic Development and Mines first approached oil industry associations and individual oil companies that are active in Manitoba back in 2003 with proposed draft amendments. Since that time, the department has met with the various parties individually and held industry round table sessions, two in Calgary and two in Virden. At these round table sessions, all active producers and explorers were invited to meet as a group, to listen to presentations from department officials and to jointly discuss issues that industry faces. These sessions were well attended and provided an excellent forum for discussions. In addition, the Petroleum Branch held a public meeting in November 2003, to allow

non-industry groups and individuals the opportunity to provide their input.

We feel that the proposed amendments are most appropriate. The department has recognized the provisions of the existing legislation that needed changes to the administrative processes and have strengthened and clarified provisions related to the protection of the environment. We would like to thank the minister and his staff for their efforts, and we look forward to continuing to work with them and the people in the communities in which we work. Thank you.

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

**Mr. Gerrard:** Thank you for your presentation. One of the concerns for industry people in terms of the sour gas situation is that it is not necessarily simple to diagnose some of the medical problems, and it has been difficult to sort some of this out over the years, but it is clear now that there are medical problems associated with the hydrogen sulphide.

One of the things that is always bad for industry is to have the potential for liabilities because of health effects or other effects hanging over your head. One of the things that I would ask you would be basically this: To have a situation where you can be sure that you are not going to be facing future liabilities would certainly be positive. Is that correct?

**Mr. Thiessen:** Maybe you could rephrase the question. I am not sure exactly what you have asked.

**Mr. Gerrard:** Yes. I mean, if industries which had been associated with health problems in the past have sometimes found themselves with big bills for liabilities which they never anticipated, and that certainly is not something that we would like to see with the oil and gas industry, for example. Certainly, anything that would limit or reduce the potential for future liabilities would, I think, be a good thing for you. Is that right?

**Mr. Thiessen:** I think I would answer that question by saying that we operate under a very closely regulated industry. The amendments that you are looking at to The Oil and Gas Act are just part of a full package of legislation under The Oil and Gas Act and all of the regulations that go with it.

Our position is that we protect the environment, our people and the people that we work with and that

is an overriding concern of us, I know of my company and also of our industry.

**Mr. Maguire:** I guess I want to thank you for your presentation as well. I wanted to look at one of the key amendments in this Oil and Gas Act, that the Conservation Board is replaced with an inquiry panel that considers these matters.

You are of the opinion, then, that the Conservation Board being replaced is a good thing?

\* (20:40)

**Mr. Thiessen:** I certainly do. Maybe a little background on myself. I have been with Tundra Oil and Gas now for 10 years as the Land Manager. Prior to that I spent 15 years working for them, the Department of Energy and Mines, with the Petroleum Branch. Knowing the legislation from that viewpoint, it was always an issue to be able to find competent people who could be represented on the Oil and Gas Conservation Board.

The idea of having an inquiry process whereby the minister would be involved and be able to bring in outside expertise as needed to address specific and, again, I cannot stress enough, that a lot of the issues that we are talking about here are very technical issues. I know we have heard some emotional conveyance of those issues at this meeting tonight. To be asking people who are not technically capable, and I am not technically capable, to be able to comment on things like appropriate distances, is there is a whole body of knowledge around all this that is available, and for the minister to be able to avail himself of that expertise would be most appropriate.

**Mr. Cummings:** I wondered if you could share with us what recommendations the industry would have made to the department about these amendments. You indicate that you are very satisfied with what you see here. Does it go as far in terms of protection as you had recommended?

**Mr. Thiessen:** Yes. Actually, again because of my background, is when I received the first proposed draft amendments, I certainly reviewed them all very, very carefully. I think inasmuch as I am an employee of Tundra Oil and Gas Ltd., I certainly take my role as the Manitoba committee chair for our organization very seriously and try to wear as many

hats as I can when I look at this sort of thing. I think that a healthy oil and gas industry operating in healthy communities is good for the province of Manitoba.

I think many of you are aware of some of the newspaper articles that have appeared in the last while regarding activity levels in the Sinclair area. This sort of development is very good, but at the same time, we recognize the need for strong environmental legislation. The provisions that are anticipated in the oil and gas and the bill that you are looking at, many of which have been preceded by changes in procedures already under The Oil and Gas Act by way of specifically an informational notice regarding oil and gas battery permitting. Many of those ideas regarding consultation, the emission limitations, modelling for any emissions that are there are very important.

**Madam Chairperson:** Mr. Thiessen, I am sorry. Is there leave of the committee to continue past the five minutes for his answer in light of the fact that his initial presentation was short? Agreed, to finish this answer? *[Agreed]* Please continue.

**Mr. Thiessen:** I am sorry, I think that was my point.

**Madam Chairperson:** Okay, sorry.

**Mr. Cummings:** You alluded to—

**Madam Chairperson:** Mr. Cummings, I need leave from the committee to extend beyond that. Is there leave of the committee to go beyond for the extended time period? *[Agreed]* Please proceed, Mr. Cummings.

**Mr. Cummings:** I want to make this very brief, Madam Chair. One of the issues that has always been in the middle of this debate is environmental law. You just referenced environmental protection in your comments. What is your view on whether or not The Environment Act should be used to deal with emissions?

**Mr. Thiessen:** I think that it is appropriate for it to be in The Oil and Gas Act for a number of reasons. The first one being that the Petroleum Branch does have the expertise to be able to deal with the issues that we are dealing with here. These are professional engineers that have been schooled in what they need to be to understand these issues. But I also think, and

it has come up before in other conversations, that the idea that, and I know you have heard it from a number of the other presenters tonight, is how can someone wear two hats as being a promoter of the industry and also being its regulator.

I think that some of that causes me some discomfort. I think the analogy that I have used in the past is we have a relationship with the Petroleum Branch much in the same way that if you were in a small town you have with the local RCMP officers, is that these are people that are within your community and people you play hockey with and maybe golf with, but there is also the business end of that in recognizing that they are not just there to give you speeding tickets, although that is certainly part of their job and when you get them, you deserve the ticket and you got it.

I think that is the same kind of relationship with the Petroleum Branch is that this is what I see under The Oil and Gas Act, and I know the regulations, and what I am thinking is anticipated to be in those regulations. This is a marked improvement in the controls and the powers that are being given both to the branch and, maybe more importantly, to the minister to get involved in issues that line staff, for whatever reason, are unable to deal with.

**Mr. Cummings:** I hear your analogy. Unfortunately, I would have a different interpretation of that, being a recipient of a few speeding tickets, but the fact is, under Manitoba Public Insurance, we put the appeal body into an entirely different department. There was a reason for that. The current government has continued with that thinking.

Would you have an objection if, in fact, the appeal mechanism was in some department other than the one that is, rightfully so, promoting the industry? I am a proponent of the industry as much as anyone around this table, but in the interest of fairness and not taking away the competence, is that something that you think would be worth considering?

**Mr. Thiessen:** I think that whatever body decides on an appeal needs to have the technical expertise to be able to address that and whether that expertise is from the Petroleum Branch and from the department or from the department of the environment, and I know the department of environment has been involved in the ongoing issues in the Tilston area for

a number of years now, is that whatever expertise that the minister needs or that the government feels that it needs to address these issues would be a good idea and welcomed by our industry.

**Madam Chairperson:** Thank you very much, Mr. Thiessen.

**Mr. John Loewen (Fort Whyte):** Sorry, I was just going to ask for leave of the committee. We have to take a break.

**Madam Chairperson:** Okay.

**Mr. Loewen:** Thanks, Madam Chair, I know there are a number of people—

**Madam Chairperson:** Could you just bring the mike a little closer, Mr. Loewen. I am sorry.

**Mr. Loewen:** I know there are a number of people that we have just heard from who have come a long distance to give us their thoughts on this bill, Bill 21. We have heard all of the presenters on Bill 21 and I would seek leave of the committee now just to quickly go through the clause by clause. We do not think it will take a long time, but these individuals have a long trip home tonight and if we could finish off this bill in the next five to seven minutes. We have only one minor amendment which I believe the minister has agreed to and the bill should move pretty quickly.

**Mr. Doug Martindale (Burrows):** Yes, quite often presenters do not stay until the clause by clause is over and the normal process of our committees is to hear all the presenters first. The other normal process, which we did not follow tonight, is to have the Francophone presenters go next so that we can hear the Francophone presenters and pass any legislation that they are here for, clause by clause, so that we can send the translator home. We have not done that tonight, but I think we should proceed to the five presenters on Le Collège de Saint-Boniface Incorporation Amendment Act since they are waiting and I do not think it is fair for them to wait for clause by clause for a lengthy bill because our normal process is to hear all the presenters first.

**Madam Chairperson:** Does the minister have a comment?

**Mr. Rondeau:** No.

**Hon. Diane McGifford (Minister of Advanced Education and Training):** I thank my colleague Mr. Martindale for his comments. I, however, have been assured by my colleagues opposite that this will be very brief and, out of respect for the individuals from out of town, I trust that our friends from St. Boniface will not mind waiting since these folks have, I think, in the hundreds of kilometres to drive home.

\* (20:50)

**Madam Chairperson:** Just before I go on, is there agreement then from the committee that—*[interjection]* Just a moment please, agreement from the committee that we will go clause by clause on Bill 21? I will say that the bill is not a lengthy bill. Agreed? *[Agreed]* Thank you very much.

Does the minister responsible for Bill 21 have an opening statement?

**Mr. Rondeau:** Yes, I do.

**Madam Chairperson:** Please proceed, Mr. Rondeau.

**Mr. Rondeau:** This bill continues what was started about the year 2001 when the regulatory amendments dealing with the design construction of batteries were introduced. In 2001, the amendments from the new and existing batteries were extended so that the Manitoba air quality guidelines for hydrogen sulphide and sulphur dioxide were extended, and by 2002 all existing batteries in the province were re-permitted after demonstrating compliance with air quality guidelines. I understand that the operators spent almost \$3 million to upgrade the batteries to ensure compliance with air quality guidelines.

This bill continues with that practice of improving the situation and making sure that people get a fair hearing and get to hear, administratively, clean up administratively so people can have a right to be heard in a timely manner. So what it is doing, it is creating an inquiry panel which is flexible, which allows outside expertise so that if a person has a complaint, there is a group that they can go to, that they can be heard, who has the expertise to make a quick, effective decision. It is acting for inquiry flexibility. What is good about it is that it will be heard. It is not something that is done in the branch. It is something that is directed out of the ministerial

office that is effective. Finally, what it is doing is getting rid of some of the old regulations that have not been used for years.

**Madam Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement? No? Thank you.

Clauses 1 and 2—pass; clauses 3 and 4—pass; clause 5—pass; clauses 6 through 8—pass. Shall clause 9 pass?

**An Honourable Member:** Pass.

**Madam Chairperson:** A little louder, please.

**An Honourable Member:** Pass.

**Madam Chairperson:** Thank you. Clause 9—pass; clause 10—pass; clauses 11 through 14—pass; clauses 15 and 16—pass; clauses 17 through 20—pass; clauses 21 and 22—pass.

Shall clause 23 pass?

**Mr. Denis Rocan (Carman):** Madam Chairperson—

**Madam Chairperson:** Would you move the mike a little closer, Mr. Rocan.

**Mr. Rocan:** Madam Chairperson, after hearing many of the discussions here this evening by the presenters, we on this side are prepared to move a friendly amendment in order to give this bill a little bit more guts and gusto.

**Madam Chairperson:** You have to move the mike closer, please.

**Mr. Rocan:** We would like to move, seconded by the honourable Member for Fort Whyte (Mr. Loewen),

*THAT the proposed subsection 93(1), as set out in Clause 23 of the Bill, be amended by adding "or significantly impair use of the surrounding land" after "environment".*

That is for Bill 21, The Oil and Gas Amendment Act.

**Madam Chairperson:** It has been moved by Mr. Rocan

*THAT the proposed subsection 93(1), as set out in Clause 23 of the Bill, be amended by adding—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense. The motion is in order. The floor is open for questions. Seeing no comments, 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 93(1), as set out in Clause 23 be amended—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

Amendment—pass.

Clause 23 as amended—pass; clause 24—pass; clauses 25 through 27—pass; clauses 28 and 29—pass; clauses 30 through 32—pass; clauses 33 through 37—pass; clauses 38 and 39—pass; clause 40—pass; clauses 41 through 44—pass; clauses 45 through 47—pass; clauses 48 through 51—pass; clauses 52 through 54—pass; clauses 55 and 56—pass; clauses 57 through 59—pass; clauses 60 through 63—pass; clauses 64 through 66—pass; clauses 67 through 70—pass; clauses 71 through 74—pass; clauses 75 through 77—pass; enacting clause—pass; title—pass. Bill as amended be reported.

**Mr. Cummings:** Before the minister leaves the chair, I wonder if he is prepared to give us an approximate date of proclamation.

**Mr. Rondeau:** We will wait until third reading. We will let you know before that.

### **Bill 18—Le Collège de Saint-Boniface Incorporation Amendment Act**

**Madam Chairperson:** The Standing Committee on Social and Economic Development will now consider Bill 18, Le Collège de Saint-Boniface Incorporation Amendment Act. We thank all the presenters who have so patiently waited. To all committee members, there is translation equipment available and translators, for those who need it, available.

Our first presenter is Solange Buissé, students association of le Collège de Saint-Boniface. Thank

you for waiting so patiently. You may proceed whenever you are ready. There is water available too. You can change that if you wish.

**Ms. Solange Buissé (Association étudiante du Collège universitaire de Saint-Boniface):** Mesdames, messieurs, l'Association étudiante du Collège universitaire de Saint-Boniface aimerait prendre cette occasion pour faire part au comité de ses commentaires relatifs au Projet de loi 18, Loi modifiant la Loi constituant en corporation Le Collège de Saint-Boniface, tel que déposé en Chambre le 21 mars 2005.

\* (21:00)

L'association étudiante est le porte-parole officiel des étudiants et des étudiantes du Collège universitaire de Saint-Boniface. Ainsi, c'est dans cette optique, et étant donné que les membres de l'AECUSB sont les principales parties intéressées, que l'association espère que ses commentaires et ses recommandations seront retenus.

Quoique nous réalisons que des corrections à la Loi constituant en corporation le Collège universitaire de Saint-Boniface sont une nécessité à l'heure actuelle, nous croyons que le projet de loi, tel que déposé en Chambre le 21 mars, est très restrictif et aurions préféré une révision complète de cette loi. Nous sommes de l'avis que plusieurs des modifications suggérées par la ministre réduiront la capacité du Collège de Saint-Boniface de fournir les programmes et les opportunités nécessaires au développement de sa clientèle étudiante, et de la communauté qu'elle dessert.

Le Projet de loi 18 propose que la corporation soit appelée "Collège universitaire de Saint-Boniface." Pourtant, c'est notre avis que cette nouvelle appellation est erronée, inappropriée et porte à la confusion. C'est que l'appellation "collège universitaire" n'existe pas dans le réseau des universités canadiennes, et ne présente pas fidèlement notre institution postsecondaire. De plus, ce titre fait plutôt référence à un niveau d'instruction inférieur tel que le lycée en France et le CÉGEP au Québec. Il serait plus juste de la nommer "Université de Saint-Boniface".

Deuxièmement, à l'article 1.1, le préambule "à titre de collège affilié à l'Université du Manitoba" pour décrire les objectifs de la corporation est mal

placé et devrait être retiré. Bien que l'affiliation à l'Université du Manitoba, pardon, bien qu'elle soit affiliée à l'Université du Manitoba, les objectifs de la corporation ne devraient pas dépendre de son affiliation à l'Université du Manitoba. Il serait préférable que l'affiliation de la corporation à l'Université du Manitoba soit l'objet d'un article indépendant.

L'association étudiante croit que le sens de "établissement francophone", tel que défini à l'article 6.1(1) pourrait être modifié pour se lire comme suit: "Dans le présent article, "établissement francophone" s'entend d'un établissement d'études postsecondaires qui offre des programmes enseignés en français." La définition actuelle d'établissement francophone dans le projet de loi est beaucoup trop restrictive.

La corporation devrait être en mesure de conclure des accords, non seulement avec des établissements canadiens dont les programmes sont essentiellement offerts en français, mais avec tout établissement francophone à l'étranger, et avec tout établissement offrant des programmes en français ici au pays, tel que l'Université de la Colombie-Britannique, l'Université de Régina ou même la Faculté Saint-Jean à l'Université d'Alberta.

De plus, puisque les diplômes attribués par l'École technique et professionnelle sont accordés exclusivement par la corporation, nous estimons que l'École technique et professionnelle devrait être en mesure de conclure des accords avec tout établissement postsecondaire qu'elle juge opportun.

À l'article 2.1, le projet de loi propose que le conseil d'administration passe de 12 à 15 membres, dont trois nouveaux administrateurs ou administratrices nommés par le Lieutenant gouverneur en conseil. L'association étudiante aimerait que l'un des trois membres nommés par le Lieutenant gouverneur en conseil soit un étudiant ou une étudiante qui fréquente l'établissement, de préférence qu'il ou elle soit sélectionné par l'Association étudiante du Collège universitaire de Saint-Boniface.

Présentement, à l'Université de Winnipeg, 19 pourcent des membres au bureau des gouverneurs sont des étudiants. À l'Université de Brandon, 24 pourcent. À l'Université du Manitoba, 26 pourcent. Néanmoins, le Collège universitaire de Saint-Boniface n'a aujourd'hui qu'un membre sur douze qui est étudiant, soit 8 pourcent, et c'est nettement

inférieur à la composition actuelle des trois autres établissements mentionnés ci-haut.

Il est alors nécessaire que l'un des représentants nommés par le Lieutenant gouverneur en conseil soit un étudiant ou une étudiante, afin de ne pas diluer encore plus la représentation étudiante au conseil d'administration. Afin que le représentant ou la représentante nommé soit efficace dans son rôle, il est important que cette personne soit au courant des enjeux de la corporation et des besoins de sa clientèle. Pour ce faire, il est propice que cet étudiant ou cette étudiante soit choisi d'une liste fournie par le conseil d'administration de l'Association étudiante du Collège universitaire de Saint-Boniface.

L'association étudiante croit qu'il serait important d'ajouter un article au projet de loi exprimant clairement que la langue officielle et la langue de travail de la corporation est le français.

Dernièrement, un article devrait être ajouté qui stipule que le candidat ou la candidate à un examen pour un cours offert par la corporation doit y répondre en français, sauf s'il s'agit d'un cours dispensé surtout en anglais ou dans une langue étrangère. Nécessairement, ces changements donneraient lieu à une mise à jour de la Loi sur l'Université du Manitoba.

Je vous remercie pour votre attention et aussi pour avoir accordé l'occasion à l'association étudiante du Collège universitaire de Saint-Boniface de s'exprimer sur le Projet de loi 18.

### **Translation**

*Ladies and gentlemen, the Collège universitaire de Saint-Boniface student association would like to take this opportunity to convey to the committee its comments regarding Bill 18, Le Collège de Saint-Boniface Incorporation Amendment Act, as tabled in the House on March 21, 2005. The student association is the official representative of the collège's students. It is with this perspective, and given the fact that the members of the association are the principal parties concerned, that our association hopes that its comments and recommendations will be followed.*

*Although we realize that changes to Le Collège de Saint-Boniface Incorporation Act are necessary at the present time, we believe that the bill as tabled in*



*the House on March 21<sup>st</sup> is very restrictive and would have preferred a complete review of that act. It is our opinion that a number of amendments suggested by the minister will reduce the capacity of the collège to provide the programs and opportunities necessary for the development of its student clientele and of the community that it serves.*

*The bill proposes that the corporation be called "Le Collège universitaire de Saint-Boniface". But it is our opinion that this new title is erroneous, inappropriate and leads to confusion. The title "collège universitaire" does not exist within the network of Canadian universities and does not properly represent our post-secondary institution. Moreover, this title refers to a lower level of instruction, such as the lycée [secondary school] in France and the CÉGEP in Québec. It would be more accurate to call it "Université de Saint-Boniface".*

*Secondly, at section 1.1, the preamble "As a college affiliated with the University of Manitoba" to describe the objectives of the corporation is poorly placed and should be removed. Although the affiliation with the University of Manitoba, excuse me, although it is affiliated with the University of Manitoba, the corporation's objectives should not depend upon its affiliation with the University of Manitoba. It would be preferable that the affiliation of the corporation with the University of Manitoba be the subject of a separate section.*

*The student association believes that the meaning of "French language institution" as defined in section 6.1(1) could be amended to read as follows: "In this section, French language institution means a post-secondary institution that provides programs taught in French". The current definition of a French language institution in the bill is much too restrictive.*

*The corporation should be able to enter into agreements not only with Canadian institutions whose programs are provided predominantly in the French language but with any French language institution in another country and with any institution providing programs in French in this country, such as the University of British Columbia, the University of Regina or even the Faculté Saint-Jean at the University of Alberta. Moreover, since the diplomas given by the École technique et professionnelle are awarded exclusively by the corporation, we feel that the École technique et*

*professionnelle should be able to enter into agreements with any post-secondary institution that it considers appropriate.*

*In section 2.1, the bill proposes that the board increase from 12 to 15 members, including 3 new members appointed by the Lieutenant-Governor-in-Council. The student association would like 1 of the 3 appointments by the Lieutenant-Governor-in-Council be a student who attends the institution, and preferably that he or she be chosen by the student association.*

*Currently, at the University of Winnipeg, 19 percent of the members of the board of governors are students; at Brandon University, 24 percent; and at University of Manitoba, 26 percent. But at the Collège universitaire de Saint-Boniface, only one member out of twelve is a student, which is 8 percent, and this is substantially lower than the current composition at the three other institutions I have mentioned.*

*So it is necessary that one of the representatives appointed by the Lieutenant-Governor-in-Council be a student in order not to dilute even further the student representation on the board. In order that the representative appointed may be effective in his or her role, it is important that this person be aware of the issues facing the corporation and the needs of its clientele. In order for that to happen it is right that this student be chosen from a list provided by the board of the student association.*

*The student association thinks it would be important to add a section to the bill that clearly states that the official language and the language of work of the corporation is French.*

*Lastly, a section should be added, stipulating that examination candidates for courses provided by the corporation must write their exams in French except for courses taught primarily in English or in another language. These changes would necessarily require updating of The University of Manitoba Act*

*Thank you for your attention and for having provided the opportunity to the Collège universitaire de Saint-Boniface student association to express its views on Bill 18.*

**Madam Chairperson:** Merci.

**Hon. Diane McGifford (Minister of Advanced Education and Training):** Thank you,

Mademoiselle, for your presentation. I wanted to tell you at this time that we are bringing in a number of amendments which will address some, but not all, of the issues which you have raised.

I want to make one point, and that concerns student appointments. The new act will have 15 members, three of them are OIC appointments and one of them is a student. You pointed to a number of students at the University of Manitoba and the University of Winnipeg, and I do encourage you to lobby your administration and board at CUSB, and I am sure that they may comply by appointing more students.

Government is appointing three members, one of whom will be a student, and that student will be not necessarily drawn from the student leadership, or the elected student leadership but, as is true of the other universities throughout the province, will be appointed by government to represent, not only students' interests, but the interests of the institution at large.

**Madam Chairperson:** Just a moment. Did you want to comment, Ms. Buissé?

**Ms. Buissé:** Yes, please. I thank the minister for appointing one student. I am wondering if that will be actually something that will be put in the law itself, that one of those three will be a student. Also, I think that it is important that student council does have a say in it just because, in order to have someone who knows about the corporation and about the inner workings of the college, it would be more functional to elect someone who knows a little more about the college.

**Ms. McGifford:** The answer to your question is, yes, it will be in the legislation. Thank you for your advice with regard to the appointment.

**Mrs. Leanne Rowat (Minnedosa):** Madam Chair, during the discussions and briefings with the minister we did address the issue of student representation on the—

**Madam Chairperson:** Mrs. Rowat, you have to bring the microphone a little closer, please. Thank you.

**Mrs. Rowat:** We did discuss the representation percentage of students at the board and indicated

our support of what you had presented. We also had discussed several of the points that you had indicated, the official language, I guess, preference and looking at the possibility or moving toward looking at a new act that would be more encompassing of the culture and requests of the St. Boniface College.

In regard to universities, such as Alberta, University of Regina and others offering programming that is in the French language and having the ability to work with other universities, especially with the University of Manitoba, is something that we had addressed and have indicated in, I believe, the second reading. We had also addressed that.

So several points that you have presented today have been looked at and we would love to work with you to move a stronger act forward.

**Madam Chairperson:** Ms. Buissé?

**Ms. Buissé:** I have no comment.

**Madam Chairperson:** Thank you very much. Seeing no other questions from the committee—oh, sorry, Mr. Rocan. I apologize.

\* (21:10)

**Mr. Denis Rocan (Carman):** Solange, je suis très heureux ce soir d'avoir l'occasion d'écouter vos commentaires et d'avoir lu la lettre de Chantal. Ce qui m'a touché le plus, c'est que pendant la deuxième étape à la Chambre, on parlait avec la ministre à propos de changer les mots, comme aujourd'hui, ils veulent l'appeler le "Collège universitaire de Saint-Boniface" au lieu de "l'Université de Saint-Boniface." As-tu eu l'occasion de regarder—moi, j'ai essayé de regarder sur Internet pour trouver des noms comme "collège universitaire". Y a-t-il un collège universitaire au Canada?

#### **Translation**

*Solange, I am very happy to have had the opportunity to listen to your comments and to have read Chantal's letter. What struck me the most is that during second reading in the House we discussed changing the words with the minister. Today, they want to call it the "Collège universitaire de Saint-Boniface" rather than the "l'Université de Saint-Boniface." Have you had the opportunity to look—I*

*have tried to look on the Internet to find names like "collège universitaire". Is there a "collège universitaire" in Canada?*

**Ms. Buissé:** J'ai fait de la recherche, et non, je n'ai pas trouvé d'autres collèges universitaires, partout au pays et au niveau international non plus. "Collège" est compris au Québec et en France comme quelque chose de secondaire, comme pour nous autres ici, cela serait de la neuvième à la douzième, et ce n'est pas ce que c'est que le Collège universitaire de Saint-Boniface. Ce n'est pas ce qu'on offre. C'est une éducation postsecondaire, et le mot "université" reflète plus précisément ce qu'on est.

#### **Translation**

*I have done research and, no, I did not find any other "collège universitaire" anywhere in the country or at the international level either. "Collège" is understood in Québec and in France as secondary; for us here it would be from Grade 9 to Grade 12, and that is not what our institution is. It is not what we offer. Ours is post-secondary education and the word "university" reflects more accurately what we are.*

**Madam Chairperson:** Excuse me. We have expired time, unless you ask for leave. You have leave to ask one additional question, Monsieur Rocan.

**Mr. Rocan:** L'autre chose qui me reste à demander, Solange, quand tu finiras tes études au collège, à l'université de Saint-Boniface, le diplôme que tu vas recevoir, va-t-il dire "l'Université de Saint-Boniface" ou va-t-il dire "l'Université du Manitoba" après tu auras fini toutes tes études?

#### **Translation**

*The other point that I wanted to ask Solange about is, when you complete your studies at the collège, at the university of St. Boniface, will the diploma that you receive say University of St. Boniface or University of Manitoba?*

**Ms. Buissé:** Présentement, mon diplôme va dire "l'Université du Manitoba" en français, mais si on veut créer un projet de loi qu'on doit changer dans cinq ans, d'accord, on laisse le nom; mais si on veut créer un projet de loi qui va durer et qui représente vraiment la réalité de l'université, c'est "l'Université de Saint-Boniface" qui reflète cette réalité.

#### **Translation**

*Right now my diploma will say University of Manitoba, in French. If you want to create a bill that will have to be changed in five years, you can keep the name, but if you want a bill that will last and that truly represents the reality of the university, it is "Université de Saint-Boniface" that reflects that reality.*

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

Roland Gaudet, Association des professeurs du Collège universitaire de Saint-Boniface.

**Mr. Roland Gaudet (Association des professeurs du Collège universitaire de Saint-Boniface):** It is a common mistake, it is not "Godot." It is "Gaudet." There is a very famous play, *En attendant Godot* [Waiting for Godot], and I got teased about that a lot when I was young.

**Madam Chairperson:** I will try to do it. I said it wrong. You may proceed whenever you are ready.

**Mr. Gaudet:** Je m'appelle Roland Gaudet. Je suis professeur de mathématiques et sciences de gestion au collège. Je suis aussi un ancien du collège au moment où le latin et la philosophie étaient obligatoires pour tout étudiant, donc ça fait quelques années, mon affiliation avec l'université, avec le Collège de Saint-Boniface. C'est ma 38ième année dans l'enseignement universitaire et je siégeais au sénat de l'Université d'Alberta il y a 34 ans, je crois, donc je suis un des vieux rats.

Notre présentation se divise en trois. Premièrement, des commentaires touchant la loi requise. Deuxièmement, des commentaires touchant le projet de la loi qui est présentement devant nous, et enfin, quelques commentaires brefs indiquant pourquoi il faut procéder avec un des deux options plutôt que l'autre.

Donc, première chose. Au courant de l'été 2004, la rectrice du collège a transmis à la ministre une formulation de loi touchant "l'Université de Saint-Boniface" donnant à l'institution actuel les outils requis pour continuer à remplir sa mission de façon efficace dans le contexte du 21ième siècle. Mon association n'a pas participé à la rédaction de ce texte, qui est très largement inspiré des aspects les

plus modernes des lois touchant l'Université de Brandon et l'Université de Winnipeg.

Nous avons eu l'occasion de le lire attentivement avec des modifications récemment apportées en accord avec la rectrice et son équipe administrative. Ce texte reçoit maintenant notre approbation puisqu'il répond à la description correcte d'une institution universitaire de qualité: bureaux des gouverneurs de composition et pouvoirs corrects, un sénat de composition et pouvoirs corrects, une répartition correcte des pouvoirs, voulant dire les décisions académiques par les académiciens, la liberté universitaire pour les académiciens, et cetera.

J'ai inclus en annexe une copie de ce texte modifié. C'est, à notre avis, la loi dont nous avons besoin. Notez que les caractéristiques ci-haut qui aident à définir une institution avec un rôle universitaire moderne se retrouvent ni dans l'actuel loi sur le collège, ni dans les propositions de modifications présentées par la ministre.

Deuxième chose, des commentaires touchant le projet de loi devant nous. Assez récemment, la rectrice a transmis au Conseil sur l'enseignement postsecondaire et à la ministre la réaction de notre bureau des gouverneurs au projet de loi dont nous discutons ici. Encore, mon association n'a pas participé à la rédaction de ce texte. Nous avons eu l'occasion de le lire et le lire attentivement. En appui à la réaction de l'institution, nous voulons mettre un accent particulier sur quelques points particuliers, puis en soulever d'autres qui nous touchent particulièrement en tant qu'académiciens ayant la responsabilité immédiate de maintenir l'excellence des services.

Légalement, nous nous appelons "collège", mais nous nous présentons déjà depuis 21 ans, probablement, comme "collège universitaire". Ni l'une ni l'autre des appellations n'est adéquate à cause de la terminologie utilisée partout où nous recrutons. Le nom actuel légal et celui d'usage sont des obstacles importants à notre capacité de remplir notre mission de façon efficace. Ce que nous sommes, le nom que nous nous donnons, comment nous sommes perçus: voilà trois choses pas toujours en concordance. Il nous faut donc éliminer le mot "collège" du nom de l'institution, car en français, il ne nous identifie pas correctement, et puis en fait, c'est très différent en anglais. J'ai une bonne anecdote politique à ce sujet si vous voulez l'entendre.

Bref, l'inclusion du mot "université" ou même "universitaire" dans le nom de notre institution ne résout pas notre problème, car il faut plutôt exclure le mot "collège". Notez que cette demande de nous renommer "l'Université de Saint-Boniface" a été votée par l'académie interne lors d'une réunion CDE en juin 2004. Il y a un consensus à l'intérieur de l'institution à ce sujet, un consensus qui n'existait pas il y a quelques années.

Deuxième point, l'affiliation continue avec l'Université du Manitoba est primordiale. Tout le monde en convient, mais ce n'est pas à cause de cette affiliation que nous avons la mission que nous avons. L'affiliation est un mécanisme permettant de remplir notre mission. D'où la suggestion par la rectrice de placer l'article ailleurs, ce qui nous semble essentiel. L'article définissant les institutions avec lesquelles nous aurions le droit de collaborer est restrictif au point de nous empêcher d'établir des relations hors du pays, et même avec un bon nombre d'institutions canadiennes pertinentes. Le libellé proposé par la rectrice convient très bien.

Le projet de loi devant nous réduit substantiellement le droit de conférer des grades par rapport à la loi existante, car c'est le contrat actuel d'affiliation avec l'Université du Manitoba qui crée maintenant le droit à cet égard. Ce n'est pas la loi actuel du collège. C'est le contrat d'affiliation.

Voici enfin maintenant la chose la plus importante que j'aimerais que vous puissiez retenir. C'est une erreur grave de ne pas nous donner un sénat libre de machinations, de ne pas déclarer dans la loi que notre institution souscrit aux valeurs universelles modernes, universellement reconnues et essentielles, commençant avec la liberté académique et la gouvernance collégiale. Ce serait regrettable de voir planer une menace de censure, comme dans le cas du Collège universitaire du Nord, d'autant plus que c'est aisément évitable dans le cas qui nous concerne ici. On n'a qu'à adopter le projet conjoint de loi que j'ai mentionné tantôt. Une vieille loi vétuste et délabrée, c'est une chose, une nouvelle loi vétuste et délabrée, c'est autre chose. Enfin, notre association ne trouve pas prudent d'adopter le projet de loi devant nous.

\* (21:20)

Troisième point, pour terminer. Nous vivons aujourd'hui une rare occasion, une très rare occasion

où l'administration et le personnel académique du collège sont d'accord sur le genre, puis sur le texte précis de la loi qui devrait nous gérer. C'est un alignement des planètes assez rare. À notre avis, il ne faut pas manquer cette occasion car elle risque de ne pas se présenter à nouveau très bientôt. Comme le disait un de mes anciens doyens, "Nous sommes tous locataires icitte," voulant dire que personne ici n'est une fixture. Du jour au lendemain, n'importe lequel d'entre nous pourrait être remplacé par une tête chaude, moins ouverte au bien collectif. Comme l'a dit Horace il y a près de 21 siècles, carpe diem. C'est une occasion rare, je pense, qu'on doit prendre.

Merci de m'avoir entendu.

### **Translation**

*I am Roland Gaudet. I am a professor of mathematics and management sciences at the collège. I am also a graduate of the collège from the time when Latin and Philosophy were required for all students, so my affiliation with the university goes back a number of years. I am in my 38th year of university teaching, and I sat on the senate of the University of Alberta 34 years ago, I believe? So I am one of the veterans.*

*Our presentation is in three parts, firstly some comments about the act that is needed; secondly, comments about the bill that is presently before us; and lastly, some brief comments indicating why we need to proceed with one of the two options rather than the other.*

*First point: In summer 2004, the president of the collège sent the minister a proposed act dealing with the university of St. Boniface providing the institution with the tools required to continue to fulfil its mission effectively in the context of the 21st century. My association did not participate in the drafting of this text, which is very largely inspired by the most modern aspects of the acts concerning Brandon University and University of Winnipeg.*

*We have had the opportunity to read it carefully, along with the amendments recently made in co-operation with the president and her administrative team. This text now has our approval because it correctly answers the description of a quality university institution: a board of governors with the proper composition and powers; a senate with the proper composition and powers; a proper*

*distribution of powers, meaning that academic decisions are made by academics, academic freedom for academics, et cetera.*

*I have included as an appendix a copy of this amended text. In our opinion, it is the act that we need. Note that the aforementioned characteristics that help to define an institution with a modern university role are found neither in the existing act on the collège nor in the amendments proposed by the minister.*

*Second point: Some comments on the bill before us. Quite recently the president provided to the Council on Post-Secondary Education and the minister the reaction of our board to the bill that is under discussion here. Once again, my association did not participate in the drafting of this text. We did have the opportunity to read it and read it carefully. In support of the reaction of the institution, we want particularly to emphasize certain points, then raise some others that specifically affect us as academics having the immediate responsibility for maintaining service excellence.*

*Legally, we are called a "collège", but for probably 21 years now we have called ourselves a "collège universitaire". Neither of the names is adequate because of the terminology used everywhere that we recruit. The current names, both the legal and the commonly used one, are serious obstacles to our ability to fulfil our mission effectively. What we are, the name that we use, and the way we are perceived are three things that are not always in harmony, so we need to eliminate the word "collège" from the name of the institution because in French it does not identify us correctly and, in fact, it is very different in English. I have a good political anecdote on that subject if you want to hear it.*

*In short, the inclusion of the word "university" as a noun or adjectivally in the name of our institution does not solve our problem because what really needs to be done is exclude the word "collège". Note that this request to rename us "l'Université de Saint-Boniface" was voted on by the academics in a meeting in June 2004. There is a consensus within the institution on this subject, a consensus that did not exist some years ago.*

*Also, the continued affiliation with the University of Manitoba is fundamental. Everyone agrees on that, but it is not because of this affiliation that we have*

*the mission that we do. Affiliation is a mechanism that enables us to fulfil our mission, hence the suggestion by the president to place the section elsewhere, which seems essential to us. The section defining the institutions with which we would have the right to co-operate is restrictive to the point of preventing us from establishing relationships outside of the country and even with several relevant Canadian institutions. The wording proposed by the president is very suitable.*

*The bill before us substantially reduces the right to grant diplomas in comparison with the existing act because it is the existing affiliation agreement with the University of Manitoba that will now create the right in this regard. It is not the current act concerning the collège. It is the affiliation agreement.*

*Now here is the most important thing that I would like you to remember. It is a serious error not to give us a senate that is free of machinations, not to state in the act that our institution subscribes to universal, modern values that are universally recognized as essential, beginning with academic freedom and collegial governance. It would be regrettable if a threat of censorship were to hover, as with the University College of the North, all the more because this is easily avoidable in the case we are concerned with here. We need only adopt the joint proposed bill that I mentioned earlier. An old, antiquated, dilapidated statute is one thing; a new, antiquated, dilapidated statute is another. Our association does not think it prudent to adopt the bill before us.*

*Third point, to conclude: We have today a rare opportunity, a very rare opportunity where the administration and the academic staff of the collège are in agreement on the kind of text and the specific text of the act that should govern us. This is a fairly rare alignment of the planets. In our opinion, we must not lose this opportunity because it is not likely to occur again very soon. As one of my former deans used to say, "Nous sommes tous locataires icitte" [We are all tenants here], meaning that no one here is a fixture. From one day to the next any one of us could be replaced by a hothead who is less open to the collective good. As Horace said almost 21 centuries ago, carpe diem. This is a rare opportunity which I think we have to take.*

*Thank you for your attention.*

**Madam Chairperson:** Thank you very much, Mr. Gaudet.

**Mrs. Rowat:** I want to thank you for your presentation. This is the first I have seen of your proposed bill. There is a lot of information here, and I would appreciate an opportunity to set a meeting and meet with you to discuss this further. But what you are presenting here is information, some of it which I have heard in my meetings with stakeholders, and some of it is familiar from other universities. So I definitely would be interested in meeting. Thank you.

**Mr. Gaudet:** Upon reading it you will see that a lot of the language is verbatim, word for word, from either the University of Winnipeg or University of Brandon acts. The people who did the major work on this were Raymonde and her team, and we added some touches at the end. I believe they did very good work. They did not try to reinvent the wheel on this.

**Mrs. Rowat:** Thank you very much for your presentation.

**Ms. McGifford:** Thank you, Monsieur Gaudet, for your presentation. As a former academic, I, of course, have great respect for all our academic institutions, including the Collège universitaire de Saint-Boniface.

I just want to make the point that this bill, the amendments to the act are a response to the Auditor's report of September 2003. It is not government's intention at this time to create a new university, which is not to say that government would not be interested at some point in the future, but the amendments to the current legislation are designed as a response to the Auditor's report under obvious direction from the Auditor.

**Mr. Gaudet:** Yes, I understand that. The point I wanted to make when I talked about une nouvelle loi vétuste et délabrée [*a new, antiquated and dilapidated statute*], the point I want to make is that the insufficiencies, the problems with the present law that we have are not limited to what the Auditor General stated. I think he made some points, but I think not all valid points.

The problem with adopting that at this time without proper collegial governance, without proper

senate, without proper language on academic freedom, basically, in a sense, states that this is what we are comfortable with. I am not comfortable with that position. That is the reason why I think we should take the time, do it well and do it properly, because I do not think we will be doing it again in another year. We might not be here in a year.

We have a major consensus now that has not been easy to achieve, and I think it would be good to build on that consensus we have now.

**Ms. McGifford:** Thank you very much for being here and sharing your ideas.

**Hon. Jon Gerrard (River Heights):** Merci bien pour votre présentation. C'est un bon moment pour faire cette grande oeuvre ici, et c'est le moment de passer à l'action.

Est-ce qu'il y a des consultations avec la faculté et l'administration sur cette proposition, et des discussions sur la loi qui est proposée par le gouvernement? Est-ce que le gouvernement vous a consultés avant ce soir sur les questions de changement de nom et sur les autres changements?

**Translation**

*Thank you very much for your presentation. It is a good moment to be doing this great work here and it is time to act.*

*Are there consultations with the faculty and the administration on this proposal, and discussions on the act being proposed by the government? Has the government consulted you prior to this evening on the subject of the name change and on the other changes?*

**Mr. Gaudet:** Oui. L'information que nous avons eue c'était que l'intention à l'automne 2003 était de procéder avec une loi en bonne et due forme, et puis je pense que la rectrice a travaillé dans ce contexte-là, et le projet de loi que je vous ai présenté ici a été modifié suite aux discussions que nous avons eues avec la rectrice et avec son équipe. Dans notre esprit, jusqu'à assez récemment, c'était la direction où on était pour aller, et nous croyons toujours que c'est la direction qu'on devrait prendre.

Est-ce qu'il y a eu des consultations par la ministre? Non, mais je dois dire que je n'ai pas

téléphoné à la ministre pour demander un rendez-vous. Je suis en surcharge de travail majeur. Je suis le seul président d'un syndicat canadien universitaire sans décharge d'enseignement.

**Translation**

*Yes, the information that we had was that in autumn 2003 the intention was to proceed with an act. And I think that the president worked in that context, and the bill that I have presented here was amended following discussions that we had with the president and her team. In our minds, until quite recently this was the direction that was going to be taken and we continue to believe that it is the direction that should be taken.*

*Were there consultations by the minister? No, but I must say that I did not call the minister to request a meeting. I am overloaded with work. I am the only president of a Canadian university union who has not had some relief from the teaching load.*

**Madam Chairperson:** Is there leave for another question from the committee, from Monsieur Rocan? One question? You have leave, Mr. Rocan, for one question.

**Mr. Rocan:** Monsieur Gaudet, le projet de loi que vous venez de poser sur la table, ma collègue, la députée de Minnedosa en a parlé justement. Vous, comme professeur, venant ici ce soir faire vos commentaires, la plupart de la discussion que vous faites ce soir, c'est sur le projet de loi que vous—c'est vous, monsieur, ou plusieurs de vos collègues qui se sont mis ensemble pour faire déposer ça ici ce soir?

**Translation**

*Mr. Gaudet, my colleague the Member for Minnedosa (Mrs. Rowat) referred to the bill that you just presented. Did you, as a professor, coming here this evening, make your comments—is most of your discussion this evening on the bill that you—was it you, sir, or several of your colleagues who got together to present it here this evening?*

**Madam Chairperson:** Excusez-moi. Monsieur Gaudet, you have about 45 seconds to answer.

**Mr. Gaudet:** La plupart de mes collègues ne sont pas ici ces jours-ci. Nous avons reçu un mandat de notre association pour que l'exécutif de l'association

s'occupe de la question. Ce texte-là et les amendements sur lesquels je me suis entendu avec la rectrice, ça a été fait par notre comité exécutif dont un membre était Jacob Atangana-Abé qui est professeur d'administration, et puis aussi en consultation avec Sylvie De Serres qui est notre représentante à la MOFA. Donc, c'est pas une position personnelle. C'est une position de notre association.

**Translation**

*Most of my colleagues are not here these days. We received a mandate from our association for the executive of the association to deal with the matter. This text and the amendments upon which I agreed with the president were done by our executive committee, of which one member was Jacob Atangana-Abé, who is a professor of administration, and in consultation with Sylvie De Serres, who is our representative on MOFA. So it is not a personal position; it is the position of our association.*

**An Honourable Member:** Do I have leave to ask another question?

**Madam Chairperson:** Mr. Rocan, we are out of time. I thank you very much.

**An Honourable Member:** No more leave? No more questions?

**Madam Chairperson:** No. Is there leave? It would take us past 15 minutes. Is there leave? No, I am sorry. Is there leave? Could the committee please vocalize whether or not there is leave for Mr. Rocan? *[Agreed]*

**Mr. Rocan:** Monsieur Gaudet, encore une autre fois, à cause de vos commentaires encore ce soir, vous avez touché le cœur avec le projet de loi que vous avez déposé ici ce soir. Nous comme Francophones, nous avons fondé une université à Saint-Boniface. Nous n'avons pas vraiment une université pour les Francophones au Manitoba. C'est une province bilingue.

Savez-vous, monsieur, pour quelle raison nous n'avons pas une université de Saint-Boniface, une université pour les Francophones ici à Manitoba? Avez-vous des raisons pourquoi on n'a pas mis cela en place ici en 2005?

**Translation**

*Mr. Gaudet, once again, with your comments this evening you have hit the mark with the bill that you have presented here this evening. We Francophones founded a university in St. Boniface. We do not really have a university for Francophones in Manitoba. It is a bilingual province.*

*Do you know, sir, why we do not have a university of St. Boniface, a university for Francophones here in Manitoba? Do you have any reasons why this has not been put into place here in 2005?*

**Mr. Gaudet:** Je n'ai pas de réponse pour vous. Cela ne relève pas de moi. Cela relève de vous. Merci

**Translation**

*I do not have an answer for you. That is not within my competence; it is within yours. Thank you.*

**Madam Chairperson:** Merci.

Daniel Boucher, from the Société franco-manitobaine. You may proceed whenever you are ready.

**Mr. Daniel Boucher (Société franco-manitobaine):** Merci. Bon. Bonsoir, good evening. Mesdames et messieurs les députés, j'aimerais d'abord vous remercier d'avoir permis à la SFM d'exprimer sa vision au sujet du Projet de loi 18 qui modifierait la Loi constituant en corporation le Collège de Saint-Boniface. Ma présentation ne sera pas longue, mais les points que je fais réitérent beaucoup des points qui ont été faits au préalable et vous serez exaucés, parce que je pense que le temps avance, et je vais tenter d'être le plus bref possible.

\* (21:30)

La Société franco-manitobaine est l'organisme porte-parole de la communauté francophone du Manitoba. C'est donc au nom de toute la communauté francophone du Manitoba que nous nous exprimons aujourd'hui.

D'entrée en jeu, nous aurions souhaité tout comme la direction du Collège universitaire de Saint-Boniface, qu'une toute nouvelle loi soit adoptée. Nous croyons que le temps était propice. Nous aurions également souhaité que le nom de "Collège



de Saint-Boniface" soit changé à "Université de Saint-Boniface" dans le but de respecter la terminologie universitaire française. Encore une fois, le temps était propice.

En effet, le terme "collège" au Québec est perçu comme l'équivalent du CÉGEP, et le Collège universitaire de Saint-Boniface, ce n'est pas un CÉGEP, et en France comme un lycée, comme celui du lycée. Le Collège universitaire de Saint-Boniface, ce n'est pas un lycée.

Il est évident que le premier souhait n'a pas été exaucé, c'est à dire une toute nouvelle loi, et permettez-moi de vous exprimer notre grande déception. Pour ce qui est du nom "Université de Saint-Boniface", nous espérons que cela fera partie des amendements mentionnés par la ministre il y a quelques minutes. Cela étant dit, dans son mémoire présenté à votre comité, le Collège universitaire de Saint-Boniface vous faisait part d'autres importantes modifications qui devraient être apportées au Projet de loi 18.

Au nom de tous les Francophones de la province, la Société franco-manitobaine désire aujourd'hui exprimer son appui au Collège universitaire de Saint-Boniface en ce qui concerne ces modifications qui ont été demandées au projet de loi déposé le 21 mars 2005. Nous vous référons au mémoire du Collège universitaire de Saint-Boniface pour connaître les détails, mais voici l'essentiel des modifications demandées, des modifications que nous appuyons et que nous jugeons très importantes.

La mention de l'affiliation du collège avec l'Université du Manitoba devrait faire l'objet d'un article indépendant des objectifs et devrait préciser que le collège a été l'un des trois collèges fondateurs de l'Université du Manitoba et demeure un collège affilié à celle-ci. Il est important de reconnaître le collège à sa juste valeur dans cet article de votre projet de loi.

En ce qui concerne les accords pouvant être conclus entre le collège et d'autres établissements francophones, le sens de "établissement francophone" devrait inclure tout établissement postsecondaire accrédité offrant des programmes en français. Le libellé que vous proposez est, à notre avis, restrictif. Il ne nous permettra pas de conclure des accords avec, par exemple, l'Institut française de Régina, qui ne tombe pas dans cette définition.

Troisièmement, en termes de vérification, tout vérificateur autre que le vérificateur général devrait être Francophone.

Quatrièmement, une disposition sur le français comme langue officielle de travail de la corporation devrait être adoptée. Des points qu'on a déjà entendus et qui sont importants pour nous tous, enfin une disposition sur l'obligation pour les étudiants de répondre aux examens en français devrait également être adoptée. Il est de notre avis que ces demandes de modifications formulées par le collège sont tout à fait raisonnables et vont dans l'intérêt général de la communauté et du ministère de l'Enseignement postsecondaire et de la Formation professionnelle.

J'espère donc sincèrement, au nom de toute la communauté francophone du Manitoba, que vous tiendrez compte des demandes du collège avant de procéder à l'adoption du Projet de loi 18. Je vous remercie de votre attention et je vous remercie encore de nous avoir donnés l'occasion d'exprimer notre point de vue à cette audience publique. Merci beaucoup.

#### **Translation**

*Good evening. Ladies and gentlemen, members of the Legislature, firstly I would like to thank you for having allowed the SFM to express its views on the subject of Bill 18, which would amend Le Collège de Saint-Boniface Incorporation Act. My presentation will not be long, but the points that I am making largely reiterate points that have already been made and you will be relieved because I think the time is moving along and I am going to try to be as brief as possible.*

*The Société franco-manitobaine is the organization that speaks for the Francophone community of Manitoba, so it is on behalf of the entire Francophone community of Manitoba that we are speaking today.*

*To begin with we would have liked, as would the administration of the Collège universitaire de Saint-Boniface, that an entirely new act be adopted. We think that the time was right. We also would have liked the name "Collège de Saint-Boniface" to be changed to "Université de Saint-Boniface" in order to conform with French university terminology. Once again, the time was right.*

*In fact, the term "collège" in Québec is perceived as the equivalent of a CÉGEP, and the Collège universitaire de Saint-Boniface is not a CÉGEP, and in France as a secondary school. The Collège universitaire de Saint-Boniface is not a secondary school.*

*It is clear that our first wish was not met, that is an entirely new act, and allow me to express to you our great disappointment. As for the name "Université de Saint-Boniface," we hope that this will be among the amendments mentioned by the minister a few minutes ago. That said, in its brief presented to your committee, the Collège universitaire de Saint-Boniface communicated to you other important amendments that ought to be made to Bill 18.*

*On behalf of all the Francophones of the province, the Société franco-manitobaine wishes today to express its support for the Collège universitaire de Saint-Boniface concerning these amendments that have been requested to the bill tabled on March 21, 2005. We refer you to the brief by the Collège universitaire de Saint-Boniface for the details but here are the essentials of the amendments requested, amendments that we support, and that we think are very important.*

*The reference to the affiliation of the collège with the University of Manitoba should be the subject of a section that is independent from objectives and should specify that the collège was one of the three founding colleges of the University of Manitoba, and remains a college affiliated with it. It is important to recognize the collège at its proper value in this section of your bill.*

*With regard to agreements that may be entered into between the collège and other French language institutions, the meaning of "French language institutions" should include any accredited post-secondary institution offering programs in French. In our opinion, the wording that you are proposing is restrictive. It will not enable us to enter into agreements with, for example, the French institute of Regina, which does not fall within this definition.*

*Thirdly, in regard to audits, any auditor other than the Auditor-General should be French speaking.*

*Fourthly, a provision on French as the official language of work of the corporation should be adopted. Points that we have already heard and are*

*important to all of us, lastly a provision on the requirements for students to write their exams in French should also be adopted. It is our opinion that these requests for amendments put forward by the college are entirely reasonable and are in the general interest of the community and the Department of Advanced Education and Training.*

*So I sincerely hope, on behalf of all the French speaking community of Manitoba, that you will take account of the requests of the collège before proceeding to adoption of Bill 18. I thank you for your attention, and thank you once again for having given us the opportunity to express our point of view at this public hearing. Thank you very much.*

**Madam Chairperson:** Thank you.

**Mrs. Rowat:** Thank you, Mr. Boucher, for your presentation.

As you indicated, as a representative of the French-speaking community, I think the points that you have presented today were very clear and concise and have been shared by the president of the university and other stakeholders that we have met with. I look forward to an opportunity to meet with you to discuss the points that you have indicated.

You have made several points regarding the restrictive policies in the act in regard to the University of Regina programming, the appointment of a French-speaking representative on the audit as an auditor with the Auditor General's office and several other points that we have, in briefings, discussed these with the minister as well as with the college. So we are definitely on the same page on some of these and would love to explore them further with you. Thank you.

**Mr. Boucher:** Thank you very much for those comments. I just wanted to make the comment that as a community we are on the same page. We have discussed this as a community, and we agree on these issues. These are very important issues to us, and we have done a lot of work in that regard. We are all together on this. Merci.

**Ms. McGifford:** Thank you, Monsieur Boucher, for your presentation.

I had, of course, received a communication from the rector, and I will be later moving many of the

amendments that she suggested to me. So I wish to bring that to your attention. I wish to repeat what I said to the last gentleman who was speaking, I think, yes, that you do understand that these are amendments to an act in accordance with the Auditor's 2003 report. We are not creating a new institution today.

**Mr. Gerrard:** Je voudrais demander s'il y a des consultations par le gouvernement avec vous et votre communauté—

**Translation**

*I would like to ask if there are consultations by government with you and your community—*

**Madam Chairperson:** Mr. Gerrard, I am sorry. You will have to bring the mike up closer. It is just that you are turned away.

**Mr. Gerrard:** Okay, c'est mieux? That is better?

**Madam Chairperson:** Merci.

**Mr. Gerrard:** Merci pour votre présentation. Je vous demande s'il y a des consultations de la part du gouvernement avec votre organisation ou avec d'autres dans la communauté, parce que c'est clair que c'est nécessaire de faire de grandes choses plutôt que les changements qui sont présentés dans le Projet de loi 18. Est-ce qu'il y a des consultations du tout de la part du gouvernement avec vous?

**Translation**

*Thank you for your presentation. I am asking you whether there are consultations on the part of government with your organization or with others in the community, because it is clear that big things need to be done rather than the changes that are presented in Bill 18. Are there consultations at all by government with you?*

**Mr. Boucher:** Nous avons eu des consultations à l'intérieur de notre communauté. Notre porte-parole sur ce dossier est évidemment le Collège universitaire de Saint-Boniface, et ils ont eu beaucoup d'interaction avec la ministre à ce niveau-là. Nous savons qu'ils ont eu plusieurs discussions. Je pense que ces discussions-là ont certainement amené des choses intéressantes. On croit qu'il y a encore des discussions à avoir pour changer certaines choses au

niveau du projet de loi. Mais, oui, il y a eu une consultation du gouvernement avec le collègue, et du collègue avec nous, la communauté, alors on a travaillé avec le collègue à ce niveau-là.

**Translation**

*We have had consultations within our community. Our representative on this issue is, of course, the Collège universitaire de Saint-Boniface, and they have had a great deal of interaction with the minister. We know that they have had several discussions. I think that those discussions certainly led to some interesting things. We think that discussions remain to be had to change certain things in the bill, but, yes, there has been consultation by government with the collègue, and by the collègue with us, the community. So we have worked with the collègue there.*

**Mr. Rocan:** Daniel, j'étais très heureux ce soir de vous voir sur la liste, mais ce qui me concerne c'est que nous avons des étudiants, nous avons des professeurs. Ensuite nous avons le porte-parole pour nous autres, les Francophones, la SFM. Mais vous parlez tous de la même chose, que cela devrait être "l'Université de Saint-Boniface".

Nous voyons ce soir qu'on a votre appui, comme SFM, mais avez-vous consulté notre communauté sur le besoin d'avoir une université de Saint-Boniface, une université pour les Francophones?

**Translation**

*Daniel, I was very pleased this evening to see you on the list, but what concerns me is that we have students, we have professors, and then we have the representative for us Francophones, the SFM. But you all say the same thing, that it should be the university of Saint-Boniface.*

*We see this evening that we have your support as the SFM, but have you consulted our community on the need to have a university of Saint-Boniface, a university for Francophones?*

**Mr. Boucher:** Nous avons—

**Madam Chairperson:** Monsieur Boucher.

**Mr. Boucher:** Excusez-moi. Je suis habitué à parler trop vite.

Nous avons une université francophone. On veut se faire appeler université francophone. Elle existe, l'université francophone. Les programmes qu'on offre dans la communauté sont des programmes universitaires avec des professeurs et des gens qui offrent un service universitaire professionnel. Alors, pour nous, c'est une question d'appellation. C'est une question de trouver le terme correct qui va définir qui on est et nous présenter à notre juste valeur, comme j'ai dit tout à l'heure. Alors l'université existe. On veut être reconnu à notre juste valeur, comme on devrait l'être, comme l'une des universités du Manitoba, une des universités, pas l'université du Manitoba, une des universités du Manitoba.

### **Translation**

*Excuse me. I am accustomed to speaking too quickly.*

*We have a Francophone university. We want to be called a Francophone university. The Francophone university does exist. The programs offered to the community are university programs with professors and people who provide a professional university service, so for us it is a question of the name. It is a matter of finding the correct term that will define who we are and present us at our true value, as I said earlier. So the university exists. We want to be recognized as we should be, as one of the universities of Manitoba, one of the universities, not the University of Manitoba, but a Manitoba university.*

\* (21:40)

**Madam Chairperson:** Merci.

Before we proceed, is there anybody else present who would like to have their presentations put forward in French? Seeing none, we can excuse the translators and thank them.

Before we proceed, is there anybody else present who would like to have their presentations put forward in French? No? Seeing none, we can excuse the translators and thank them very much for the patience this evening.

John Whiteley from the University of Manitoba Faculty Association, you can proceed whenever you are ready. Thank you.

**Mr. John Whiteley (University of Manitoba Faculty Association):** Thank you for the opportunity

to speak to you on behalf of the University of Manitoba Faculty Association regarding the proposed Bill 18, Le Collège de Saint-Boniface Incorporation Amendment Act.

The University of Manitoba Faculty Association represents 1150 full-time academics and librarians. A major purpose of our association is to promote the quality of post-secondary education in Manitoba and Canada. Consequently, we wish to ensure that an act governing St. Boniface College, an important institution of higher education in Manitoba, provides the necessary ingredients to ensure the highest academic standards.

One essential ingredient of an act for an institution of higher learning is that it legislates a system of collegial governance which vests the authority for decisions affecting academic programs in academic staff. Such a governance structure requires that legislation provide for a governing body such as the senates of the universities of Manitoba, Winnipeg and Brandon, which has the authority to decide academic matters and whose membership includes a majority of academics. The government must take care not to create a situation like the University College of the North, where proper collegial governance over academic matters is not established by law.

At present, academic matters at St. Boniface College are decided in the first instance by the academic council of the college. This body is constituted by the board of governors of the college. It is not included in the current act. Its responsibilities and membership are entirely under the powers of the board of governors of the college. Only about 30 percent of the members of the academic council come from the teaching staff of the college. This governing structure fails to provide the necessary guarantee that academic matters are decided by academic staff of the college because it is subservient to the board and has a very low representation of academic staff.

Now, the situation is complicated because, under the current affiliation with the University of Manitoba, proposals from St. Boniface College on academic matters are considered by the relevant academic bodies of the University of Manitoba, a process which provides a collegial system of academic review. Nevertheless, as the initial decisions are taken at the level of the college, and

this is done by the academic council of the college which then forwards its recommendations to the university, collegial governance is not ensured by this process. Indeed, it undermines collegial decision making at the university.

Now, the proposed amended act described in Bill 18 does not improve on the current situation by providing for collegial governance at St. Boniface College through a proper senate. This is a very serious weakness, in our view.

In contrast to this proposed Bill 18, the act proposed by the administration and faculty of St. Boniface College does include a senate which is responsible for academic matters and whose proposed membership would have 60% teaching staff. This proposal provides the necessary assurance of control of academic matters by the faculty members at the college. We strongly recommend that such an academic set-up be included in new legislation for St. Boniface College.

We believe that the government has embarked on a very important task by addressing the legislation governing St. Boniface College. Inclusion of an academic senate which ensures collegial governing of the college should be a central feature of this legislation. Thank you.

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

**Mrs. Rowat:** I want to thank Mr. Whiteley for his presentation. He has indicated that he supports the proposed bill.

The piece on the senate, have you had an opportunity to discuss with the minister or the department your concerns with the current act and the shortcomings and where you would feel that there should be some consideration given to strengthen the act?

**Mr. Whiteley:** We had discussed it with the college, but not with the minister.

**Mrs. Rowat:** Did you have opportunity to speak to anybody within the department regarding your concerns?

**Mr. Whiteley:** No.

**Mrs. Rowat:** In reviewing the proposed act, presented by the St. Boniface College, have you had

a look at the senate layout, including the members and the by-laws, et cetera? Do you have any concerns or do you feel comfortable what they have presented here would be fine?

**Mr. Whiteley:** We support the proposal from St. Boniface College.

**Mr. Gerrard:** You make, I think, a very important point, in terms of the need to not just tinker with this act, as Bill 18 does, but to make sure that the real changes are made, both in terms of the senate and, I think, you would probably also support the change in the name to be the University of St. Boniface.

Clearly, now is the time to make these changes rather than waiting for some future time.

**Mr. Whiteley:** Yes, we agree that the changes should be made now.

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

Jim Clark from the Manitoba Organization of Faculty Associations.

**Mr. Jim Clark (Manitoba Organization of Faculty Associations):** I am going to be repetitive, but very brief.

**Madam Chairperson:** It is okay. Go right ahead. It is your 10 minutes.

**Mr. Clark:** It sometimes works in teaching statistics to unwilling psychology students.

**Madam Chairperson:** So they tell us.

**Mr. Clark:** The Manitoba Organization of Faculty Associations, MOFA, represents approximately 1500 faculty members at Manitoba's four public universities, Brandon, Collège universitaire de Saint-Boniface, University of Manitoba and University of Winnipeg. MOFA does not participate directly in collective bargaining matters but, rather, undertakes public and political actions to improve the quality of the university teaching, research and governance in Manitoba.

MOFA is concerned that Bill 18, Le Collège de Saint-Boniface Incorporation Amendment Act, fails to institute an improved governance structure that

will further ensure the quality and legitimacy of academic programs offered at le Collège de Saint-Boniface. Universities are generally structured so that academic matters are governed primarily by a senate, with a majority of its members being academics. This is the case in Manitoba's existing public universities and ensures the academic integrity and legitimacy of university courses and programs, which are developed primarily on the basis of academic considerations, free of political or ideological interference. Le Collège de Saint-Boniface currently does not enjoy a properly constituted senate, and this shortcoming should be redressed by appropriate legislation.

The importance of effective bicameral governance at le Collège de Saint-Boniface and, indeed, all Manitoba universities cannot be stressed enough. Scholars and potential students in other provinces and countries judge the legitimacy and reputations of our institutions in part on their adherence to such universally accepted standards as the presence of suitably constituted senates. Moreover, the lack of such governance structures can lead to highly visible controversies that reflect badly on our institutions and on the province. To avoid any such threat to Manitoba's national and international reputation as a place for post-secondary teaching and research, it is essential to introduce legislation defining a properly constituted senate for the Collège de Saint-Boniface.

\* (21:50)

I would just like to elaborate a little bit on this last point about why the image of Manitoba's universities is so important. Manitoba struggles to retain and attract students at both the undergraduate but especially at the graduate level. I think there is some relatively easy way to avoid possible tainting of our image outside the province. To make an even more difficult task even more difficult than it already is in things like academics and its concerns for academic freedom, is one easy way to do that.

So, on behalf of MOFA's members, merci for this opportunity to suggest ways in which the proposed legislation could be improved.

**Madam Chairperson:** Thank you.

**Mrs. Rowat:** Thank you very much for your presentation today, Mr. Clark. Again, I see a theme

and I appreciate the comments that you have shared today and the final comments on the issues and the challenges that you face in recruiting quality graduate students and individuals into your program.

My question is have you had the opportunity to meet with the minister or departmental staff to share your views on this issue specifically and on the point that you have raised further to your presentation.

**Mr. Clark:** Over the years, involved with MOFA, I have met a number of times with Minister McGifford, not particularly with respect to the le collège, but oftentimes with respect to issues similar to the ones that are being addressed here. We would be very interested in seeing some of the amendments that she mentioned are forthcoming.

**Mr. Glen Cummings (Ste. Rose):** Thank you. To some extent, I am going to replough the ground that my colleague was just visiting, but you are the second presenter now that has made the case that this is a limp-wristed effort in response to the Auditor's recommendations. It appears in the main to be only responding to the Auditor's concerns.

Government probably feels, and I would see that they have very little option but to respond to the Auditor. But would you believe that there is an opportunity here that would be much better used in the future opportunities around le collège to have completely redone this bill as opposed to doing it partially as has been pointed out tonight.

**Mr. Clark:** I guess our concern is that governments are very busy and always have lots of things on their plate. If the collège now passes off the plate in this form, it may be very difficult to get it back on again in a manner that could perhaps create a healthier document.

I also, again speaking naively as a non-governmental person, could see that clauses could be inserted even in this act that could redress, you know, some of the shortcomings that have been already identified. I do not see that that would be a very complicated thing to do. I mean is a clause describing the senate going to be any longer than the clause describing the board of governors, for example, which is already here.

I think Roland, as well, spoke to the matter that there is consensus at the present time among all of

the stakeholders, and that seems like an ideal opportunity to get something done in a rather quick fashion whereas the environment may not be so friendly as some later point in time.

**Madam Chairperson:** Mr. Cummings, do you have a supplementary question?

**Mr. Cummings:** Just a very brief question to follow up on that. This is not all that complicated a process. You flatter us by saying that it might be. But it is about the will to make change. Can I interpret your presentation that you believe that we have lacked the will to deal with this properly?

The car warming up behind the building here interrupted my comments. Do you believe that it is a lack of will on the part of us as legislators that we have not moved to make this bill as complete as it should be at this time, or is there another reason we have not been apprised of that this bill only goes as far as it does? I am seeking an opinion in that respect.

**Mr. Clark:** I am an academic psychologist. You would have to ask my wife who is a clinical psychologist what the motives of people were. I mean there could be many motives. It may be a concern about opening a can of worms, of getting something quickly off the plate, and having too much already on the agenda. So I will leave the parties to comment on each other's behaviour.

**Madam Chairperson:** Is there leave for a couple of other questions here that are on the table? Is there leave?

**Some Honourable Members:** Leave.

**Mr. Gerrard:** We have heard tonight that the minister is concerned about creating a new university, but none of the proposals that I have seen would create a new university. They would just give the institution a proper name, "Université de Saint-Boniface" and the proper governing bodies and structures including the senate. So, I mean, you are not proposing to create a new university.

**Mr. Clark:** We have been representing the faculty at le collège for a number of years now, and so from our perspective there is an institution there that functions as a university. Again, I am not familiar with all the details of the various programs that are

operating there and the meaning of the word "college," in English and in French, and the implications of that. So I am certainly not expert enough in all of these matters.

There is an institution there. It has an academic council that is deficient in a number of ways that we have identified, and it does not seem like it would be terribly difficult to correct those deficiencies, and I think perhaps some of the others that Roland and others have identified.

**Ms. McGifford:** Thank you, Jim, for your presentation. I do not think you need worry about CUSB passing off the plate, especially since I understand you are passing into my office in early September. Undoubtedly, you will be talking about this, among other things, but thank you for being here tonight.

**Madam Chairperson:** Thank you very much. That concludes the list of presenters I have before me. Are there any other persons in attendance who wish to make a presentation? Seeing none, that concludes public presentations.

In what order does the committee wish to proceed with clause-by-clause considerations of the bills that remain before us?

**Mr. Doug Martindale (Burrows):** I would recommend that we do St. Boniface College and then do the other bills as listed on the Orders of the Day.

**Madam Chairperson:** Is there agreement from the committee to do St. Boniface College first and then proceed with the other bills that are before us? *[Agreed]*

Does the minister responsible for Bill 18 have an opening statement?

**Ms. McGifford:** Madam Chair, as I have said, what we are doing tonight is responding to the Auditor's report which was released in, I believe, it was August 2003. Maybe it was September 2003. We believe that the legislation that is before us, as I said in the House, will certainly respond to the Auditor's report and bring a greater measure of independence to the collège. I think I will just leave it at that because I think it is late in the evening and we have several amendments to introduce.

\* (22:00)

**Madam Chairperson:** Thank you.

Mrs. Rowat, as the critic from the official opposition, do you have an opening statement?

**Mrs. Rowat:** Very brief.

**Madam Chairperson:** Thank you. You may proceed, Mrs. Rowat.

**Mrs. Rowat:** Thank you, Madam Chair. Again, I want to thank all of the presenters this evening. I want to thank them for their patience. It has been a long evening.

I think the information shared this evening shows that there is a consensus between all stakeholders to address several issues that are obvious weaknesses in the act. The representation from the community, the academic community as well as the Francophone community, indicates there are several areas, as well as the student association. I think Solange provided some very good insight into the importance of student representation and involvement. I think that, based on what was presented today, we do have some work to do in third reading and, likely, to move forward to strengthen the act or to revisit a new act. So thank you very much.

**Madam Chairperson:** We thank the member.

Clause 1—pass; clause 2—pass; clause 3—pass. Shall clauses 4 and 5 pass?

**An Honourable Member:** No.

**Ms. McGifford:** I have an amendment, Madam Chair.

**Madam Chairperson:** To which clause?

**Ms. McGifford:** Clause 4.

**Madam Chairperson:** Clause 4. You can move your amendment.

**Ms. McGifford:** Madam Chair, I move

*THAT the proposed section 1.1, as set out in Clause 4 of the Bill, be amended by striking out "As a college affiliated with The University of Manitoba" and substituting "The".*

I am very sorry. Apparently I missed a word out of the amendment that I read,

*THAT the proposed section 1.1, as set out in Clause 4 of the Bill, be amended by striking out "As a college affiliated with The University of Manitoba, the" and substituting "The".—with a capital T.*

**Madam Chairperson:** The motion is in order. It has been moved by Minister McGifford

*THAT—*

**Some Honourable Members:** Dispense.

**Madam Chairperson:** Dispense. The motion is in order.

The floor is open for questions. Seeing no questions, is the committee ready for the question?

**An Honourable Member:** Question.

**Madam Chairperson:** The question before the committee is as follows:

*THAT the proposed section 1.1, as set out in Clause 4 of the Bill—*

**Some Honourable Members:** Dispense.

**Madam Chairperson:** Dispense. Shall the amendment pass?

**Some Honourable Members:** Pass.

**Madam Chairperson:** The amendment is accordingly passed.

Shall clause—I am sorry, Minister McGifford, this is an additional amendment to clause 4? Is that correct?

**Ms. McGifford:** That is right, Madam Chair.

**Madam Chairperson:** You may proceed.

**Ms. McGifford:** Madam Chair, I move

*THAT Clause 4 of the Bill be amended by adding the following after the proposed section 1.1:*

**Affiliated college of University of Manitoba that also provides community college programming 1.2** The corporation is an affiliated college of The University of Manitoba and, for its purposes,



may also provide community college programming approved by the Council on Post-Secondary Education.

**Madam Chairperson:** It has been moved by Minister McGifford

*THAT—*

**Some Honourable Members:** Dispense.

**Madam Chairperson:** Dispense. The motion is in order.

The floor is open for questions. Seeing no questions, is the committee ready for the question?

**An Honourable Member:** Question.

**Madam Chairperson:** The question before the committee is as follows—

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

Amendment—pass.

Clause 4 as amended—pass.

Shall clause 5 pass?

Excuse me, just one moment please. It has been moved by Minister McGifford—no, sorry.

**Ms. McGifford:** I move

*THAT the proposed clause 2.1(1)(b), as set out in Clause 5 of the Bill, be amended by adding "one of whom must be a student" at the end.*

**Madam Chairperson:** It has been moved by Minister McGifford—

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense. The motion is in order.

The floor is open for questions. Is the committee ready for the Question?

**An Honourable Member:** Question.

**Madam Chairperson:** Amendment—pass.

Shall clause 5 as amended—just a moment.

**Ms. McGifford:** There is a second part to the amendment to clause 5. I move

*THAT Clause 5 of the Bill be amended by adding the following after the proposed subsection 2.1(3):*

**Term of student member**

**2.1(4)** Despite subsection (3), the student appointed by the Lieutenant Governor in Council is to hold office for one year and is eligible to be reappointed.

**Madam Chairperson:** It has been moved by Minister McGifford

*THAT—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense. The motion is in order. The floor is open for questions.

Amendment—pass; clause 5 as amended—pass; clauses 6 through 9—pass.

**Ms. McGifford:** I have an amendment to clause 10. I move

*THAT the proposed clause 6(b), as set out in Clause 10 of the Bill, be amended by adding "in those subjects" at the end.*

**Madam Chairperson:** It has been moved by Minister McGifford

*THAT—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense. The motion is in order. The floor is open for questions.

Amendment—pass.

Shall clause 10 as amended pass?

**An Honourable Member:** No.

**Ms. McGifford:** I have another amendment to clause 10. I move

*THAT Clause 10 of the Bill amended by replacing the proposed subsections 6.1(1) and (2) with the following:*

**Agreements with French language universities and other institutions**

**6.1(1)** With the approval of the Council on Post-Secondary Education, the corporation may enter into an agreement

(a) with a university in Canada that provides programs predominately in the French language to enable students of the corporation to obtain credit in a course or degree program offered by that institution; and

(b) with the college, university college or other similar institution in Canada, in respect of certificates or diploma programs, to

(i) develop and deliver joint programs, and

(ii) enable students of the corporation to obtain credit in a course or program leading to a certificate or diploma offered by the corporation or the other party to the agreement.

**Madam Chairperson:** It has been moved by Minister McGifford

*THAT—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** The motion is in order. The floor is open for questions.

**Mr. Cummings:** I am asking if the minister would explain the consequences of this amendment. I am looking at the amendment and it says, "With the approval of the Council on Post-Secondary Education,". What does that mean in terms of the relationship with the college and its authority?

\* (22:10)

**Ms. McGifford:** As I explained to the member from Minnedosa, the reason for this amendment is it will allow the college and the technical-vocational part of the college, that part that gives diplomas and certificates, to enter into agreements with any

institution, for example, with Red River, with ACC, with institutions in other jurisdictions.

I want to make clear to the member that the reason the legislation allows St. Boniface College, the university part of St. Boniface College, to enter into institutions which predominantly use French language is because of an agreement that was struck between the rector and the president of the University of Manitoba. They both agreed to this.

**Madam Chairperson:** Seeing no other questions, amendment—pass.

Shall clause 10—

**Ms. McGifford:** I move

*THAT the proposed section 6.2, as set out in Clause 10 of the Bill, be amended adding—there is something wrong here—be amended by adding the following at the end:*

The audit is to be conducted in the language in which the corporation normally conducts its affairs.

**Madam Chairperson:** It has been moved by Minister McGifford—[interjection] Just a moment, please. We need leave because there has been—

**An Honourable Member:** Leave.

**Madam Chairperson:** It is agreed? The wording was changed very slightly to add the word "by". Is there leave to change the amendment to add the word "by" so that it would now read

*THAT the proposed section 6.2, as set out in Clause 10 of the Bill, be amended by adding the following at the end:*

So we are changing and adding the word "by" before "adding" and then deleting the word "by" before "the following".

Is that agreed? Is there leave by the committee? Is there leave? [Agreed] Thank you.

**An Honourable Member:** Is the French version okay?

**Madam Chairperson:** Un moment. Just for the record, I am going to read it as it will stand after your leave.

*THAT the proposed section 6.2, as set out in Clause 10 of the Bill, be amended by adding the following at the end:*

The audit is to be conducted in the language in which the corporation normally conducts its affairs.

The motion is in order.

The floor is open for questions. Is the committee ready for the question?

**An Honourable Member:** Question.

**Madam Chairperson:** The question before the committee is as follows—

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

Amendment—pass.

Clause 10 as amended—pass; clauses 11 through 13—pass; clauses 14 through 18—pass; clause 19—pass; enacting clause—pass; title—pass. Bill as amended be reported.

Thank you to everyone present.

We will now move on to the next bill.

Excuse me, I would like to—*[interjection]* I will call for order at this point.

#### **Bill 15—The Emergency Measures Amendment Act**

**Madam Chairperson:** Does the minister responsible for Bill 15, The Emergency Measures Amendment Act, have an opening statement?

**Hon. Scott Smith (Minister responsible for Emergency Measures):** Madam Chair, I believe that we have had a good solid debate of this in this House. I know in speaking with the critic and others they are very much in favour of this bill, so, in terms of moving ahead, I would like to bring it ahead as fast as we can.

**Madam Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement, Monsieur Rocan?

**Mr. Denis Rocan (Carman):** As the minister has indeed indicated, it has been our privilege to work with the minister and his staff on this particular piece of legislation, Bill 15, The Emergency Measures Amendment Act, and we are prepared to support this piece of legislation. Thank you.

**Madam Chairperson:** We thank the member.

Clauses 1 through 3—pass; clauses 4 through 6—pass; clause 7—pass; enacting clause—pass; title—pass. Bill be reported.

#### **Bill 26—The Margarine Repeal Act**

**Madam Chairperson:** Does the minister responsible for Bill 26 have an opening statement?

**Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives):** Madam Chairperson, given the time of evening that it is, I will only say that I want to thank my colleagues for the comments that they have put on record on this bill. Someone said that they remember mixing margarine with the colouring so that we could make it look like butter, but the need for this act has long passed, and given our desire to be, and our interest to have good interprovincial trade it is important that we repeal this act at this time.

**Madam Chairperson:** We thank the Minister of Agriculture and Rural Initiatives.

Does the critic from the official opposition have an opening statement?

**Mr. Ralph Eichler (Lakeside):** Yes. We would like to see the bill as it stands go ahead and be processed for motion.

**Madam Chairperson:** We thank the member.

Clause 1—pass; clause 2—pass; enacting clause—pass; title—pass. Bill be reported.

#### **Bill 27—The Horse Racing Commission Amendment and Horse Racing Regulation Repeal Act**

**Madam Chairperson:** Does Minister Wowchuk, the minister responsible for Bill 27, have an opening statement?

**Ms. Wowchuk:** Just briefly, the horse racing industry is an important industry in this province,

and members of the opposition had the opportunity to put comments on the record of their support for moving this bill along. I want to say that it is a bill that is being brought forward at the request of the Manitoba Horse Racing Commission who have asked us to make amendments to clarify and change some of their responsibilities and the races that they have to supervise in this province. Thank you, Madam Chair.

**Madam Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement?

**Mr. Eichler:** Yes, Madam Chair. I would like to thank the staff for their input, and the spreadsheet, and the information that was passed on to us in the opposition, and definitely assisted us in making our decision whether or not to move the bill forward or not. We just want to have that on record.

\* (22:20)

**Madam Chairperson:** We thank the member.

**Mr. Glen Cummings (Ste. Rose):** If the minister would entertain—

**An Honourable Member:** He is not a critic.

**Madam Chairperson:** Oh, excuse me for a moment. Is there leave to allow Mr. Cummings' statement? *[Agreed]*

I hear agreement.

**Mr. Cummings:** Well, thank you for the leave of the committee, if that is the way it is being requested. But I am struck by the fact—and because the Minister of Agriculture is also Deputy Premier—I am struck by the explanatory note in this bill that says the commission will supervise only those types of horse racing specified in regulations. Yet in the amendments to The Workers Compensation Act, the government has taken precisely the opposite approach. I wonder if there is any particular reason why she chose this approach.

**Ms. Wowchuk:** As I indicated in my comments, the changes that are being made here are at the suggestion of the Manitoba Horse Racing Commission, and the Horse Racing Commission has responsibility to

supervise all horse racing in the province. It was at their request that the regulation be changed that they only supervise specific races.

This was done in consultation with the industry, because they felt that there were races going on in the province that they could not supervise and, in fact, were not even aware of some of the races. So I can assure the member that this is not done in any way with removing responsibility without having full consultation with the Horse Racing Commission.

**Madam Chairperson:** We thank the member.

Clause 1—pass; clause 2—pass; clause 3—pass; enacting clause—pass; title—pass. Bill be reported.

Well, we have now reached the last bill we are doing tonight.

### **Bill 32—The Rural Municipality of Kelsey By-law No. 5/02 Validation Act**

**Madam Chairperson:** Does Minister Lathlin, the minister responsible for Bill 32, have an opening statement?

**Hon. Oscar Lathlin (Minister of Aboriginal and Northern Affairs):** Madam Chair, just very briefly, as I have explained to members in the House earlier, this bill is straightforward. If passed, this Bill 32 would validate By-law No. 5/02 of the R.M. of Kelsey, respecting a reserve fund established by agreement between the R.M. of Kelsey and Manitoba Hydro and The Pas Farmers' Association. I know the leadership of the R.M. of Kelsey are eagerly awaiting the passage of this bill.

**Madam Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement?

**Mr. Denis Rocan (Carman):** Madam Chairperson, on behalf of the honourable Member for Lac du Bonnet (Mr. Hawranik) because of a prior commitment, he has asked that certain words be put to the record concerning Bill 32. He wanted me to make sure, on the record, it says that this piece of legislation was requested by the third parties, Manitoba Hydro, the R.M. of Kelsey and The Pas Farmers' Association, that Bill 32 be brought forward, in order to protect the long-term interest of

the fund and to ensure that the intent and terms of the fund cannot be changed by an amendment to the by-law.

This would be according to the remarks just put on the record by the honourable minister, and we are prepared to support this particular piece of legislation at this time.

**Madam Chairperson:** We thank the member.

Clause 1—pass; clause 2—pass; clause 3—pass; clause 4—pass; clause 5—pass; schedule—pass; enacting clause—pass; title—pass. Bill be reported.

\* \* \*

**Madam Chairperson:** The hour being 10:25, what is the will of the committee?

**Some Honourable Members:** Committee rise.

**Madam Chairperson:** Committee rise?

I would like to thank all the members for their hard work tonight. Committee rise.

**COMMITTEE ROSE AT:** 10:25 p.m.

#### **WRITTEN SUBMISSIONS PRESENTED BUT NOT READ**

Re: Bill 18—Le Collège de Saint-Boniface Incorporation Amendment Act

We have now had the chance to review the contents of Bill 18, Le Collège de Saint-Boniface Incorporation Amendment Act, with our board of governors, the board. The purpose of this letter is to impart the amendments to the bill that our board members wish to suggest to you as the committee considering Bill 18.

As a threshold comment, and while we realize that these legislative changes are in direct response to recommendations made by the Office of the Auditor General, our preference would have been to have an entirely new act for our institution. This being said, the following are changes our board recommends, presented in the order in which they are found in the draft legislation.

Title

As you are aware, the French appellation "collège universitaire" is problematic in that it does

not exist in the network of Canadian universities. Moreover, the appellation leads to confusion from a recruitment standpoint and does not accurately reflect our institution. The board believes our name should be changed to "Université de Saint-Boniface".

Purposes

The board is satisfied with the wording of this section, save for the reference to the affiliation with the University of Manitoba. This reference should be made in a stand-alone clause and under a different heading. The following is suggested:

Affiliation

"The corporation was one of the three founding colleges of the University of Manitoba and continues as an affiliated college."

Agreements with French language institution

The board welcomes the ability to enter into agreements with other institutions that offer programs taught in the French language. However, it is thought that the definition of "French language institution" is far too restrictive. The board believes it would prevent the development of joint academic programs with a European university, in Alsace for example. Moreover, the wording prohibits entering into agreements with universities which provide programs in the French language but not predominantly in such. For example, it would seem reasonable to develop programs with the Institut français at the University of Regina. In light of the foregoing, we suggest the following definition:

Definition: "French language institution"

6.3(1) In this section, "French language institution" means a university, a university college, a college or another accredited post-secondary institution that provides programs taught in the French language.

Moreover, it is the board's thought that the École technique et professionnelle, for which the corporation grants certificates and diplomas, should be free to contract with any post-secondary institution, given that its programs are not under the auspices of the University of Manitoba.

We believe these suggestions are acceptable in view of COPSE's ultimate right of refusal contained in paragraph 6.1(3) of the bill.

Auditor

\* \* \*

The board is mindful of the fact that the provincial government's French Language Services policy does not apply to, nor is it implemented by, the Auditor General. Given that our books are kept in French and the working language of the corporation is French, the board suggests the following amendment:

6.2 The Auditor General, or any other Francophone auditor appointed by the Lieutenant-Governor-in-Council, must audit the accounts of the corporation at least once a year and make a written report on the audit to the board and to the Lieutenant-Governor-in-Council.

In addition, the board suggests the following stand-alone clause which would act as further safeguard:

Language

The French language is the official language of the corporation, including its working language.

Examinations in the French language

It is essential that exams be answered in French at the collège. This principle is enshrined in the Affiliation Agreement with the University of Manitoba, but seems to contravene section 64 at *The University of Manitoba Act*. Consequently, the board suggest the following section:

Examinations in the French language

An examination for a course offered by the corporation must be answered by the candidate in the French language, unless the examination is for a course in English or in a foreign language.

This would, of course, engender a consequential amendment The University of Manitoba Act.

In closing, we hope the outlined changes are acceptable to the committee. Should you have any questions relating to the foregoing or wish to discuss anything further, please do not hesitate to contact me at your earliest convenience.

Raymonde Gagné, Rector

Re: Bill 21

Thank you for allowing us to express our views on Bill 21. Our opinions are based on our real life experiences with oil field emissions over many years.

My name is Jim Anderson and I have lived on the family farm for my entire life. My wife, Wendy, and I have raised our two daughters on our farm in the R.M. of Albert. As well as being a cattle and grain farmer for my adult life, my brother and I also worked as contract oil field operators, starting in 1973. We were the contract operators for the oil field including the 8-8 Battery from its beginnings, until we resigned in 2000.

The Petroleum Branch was a joke in the 1950s, and in my opinion, it still is. In the 1950s in this area, salt water was dumped in a slough, which overflowed its perimeters, and subsequently ruined many acres on a half section of land in this area. Even though there was a great deal of interaction with the government and company officials, these farmers were never acknowledged or compensated, and to this day that land grows nothing.

Then, some forty years later, the Petroleum Branch handles oil field gases the same way it handled salt water back then. They dumped it directly into the atmosphere with no consideration for the neighbouring families. I guess we were naive and thought that they would have learned something over the years. After all, there was lots of new technology out there, and they were starting to drill horizontal wells. We never dreamed that the branch would not know that this gas would be harmful to people. I guess that we thought that after forty years, the Petroleum Branch would be up to date with the new technology to handle the gas effectively. The company failed us, and the government certainly never recognized or regulated their method of dealing with all the emissions, and now, if these amendments are passed without further alterations, then you are again failing the public.

While employed at the battery, I was the survivor of two "knock downs" (rendered unconscious by high levels of H<sub>2</sub>S). There were at least three knock downs at that battery that I am aware of before any formal warnings were issued or controls put in place.

Eventually, monitors were installed at the battery site and set at the 10 ppm guideline that is considered safe for an 8-hour period. The monitors would not quit ringing at this setting, so they were reset at 15 ppm. Hand-held monitors alarmed as soon as we drove down the municipal road past the lease site. What were any of us thinking? Why did no one realize the significance to the atmosphere of these high levels of uncontrolled emissions? It was one thing to be aware of the dangers to workers on site. It was entirely another to endanger the lives of the unsuspecting people who lived around the battery site. For some reason, the system failed us in not recognizing this danger, and allowing the battery to vent unaltered gases into the air for four years before any improvements were ever made.

As contract operators of the 8-8 Battery, we recognized the problems people were having, and despite our pleas, neither the company nor the Petroleum Branch took any of us seriously for some time. In an effort to truly see how the oil field emissions really dispersed, we figured out how to recreate the "plume" by using ammonium hydroxide injected into the stack. This created a visible, smoky plume that could be traced from the battery for a minimum of two miles, depending on weather conditions. Not the company officials, not the Petroleum Branch inspectors, not the officials from Manitoba Environment—none of these people showed any interest in this scenario. It reinforced our theory that the emissions were definitely reaching farther than we were ever led to believe.

As a cattle farmer, I am very aware of the dangers of oil field emissions to the health of our livestock. We had many problems with our herd, including open cows, high rates of abortions, downed cattle and strange birth defects. In talking with our neighbours, we were all having problems of the same nature. As recently as December 2004, there was an upset at the battery, and we were told that there were a "few fugitive emissions." Those emissions managed to upset not only the bodies of my wife and I but also our entire cattle herd. We hand feed our feeder calves (because of the potential for feeding problems related to battery emissions), and they are equally as wise as we humans are in detecting emissions. They were off their feed for nine consecutive days. Several became bloated and had to be treated; several others became ill with runny noses and coughs. Our cow herd also ate considerably less for several days. We

had two heifers that aborted their fetuses. Two of our neighbours also experienced difficulties with their cattle being off their feed. One of those herds is at least three miles from the battery. That is typical, in varying degrees, how our livestock respond to an excess of toxic emissions.

Our intent has never been to wreck the oil industry. We realize the huge benefits this industry has for our economy, both local and provincial, but surely, there must be a way that we can all live happily together, without fear of harm to people's health or livelihoods. This will only happen, in my opinion, when we have a third-party involvement in the industry. The oil industry cannot be its own regulator, nor can any other developments of this nature. It is our belief that these amendments are not sufficient to protect our atmosphere. We will continue to push to have oil batteries be considered a Class 1 Development under The Environment Act, and be subjected to an unbiased and proper environmental assessment.

As a former operator of the 8-8 Battery, I still feel partly responsible for poisoning my own family, poisoning my neighbours, and driving some of them from their family farms and their livelihoods. However, over the years, I have decided that if I am going to shoulder some of this responsibility, then surely, the "powers that be" in the government and oil company should also feel very guilty. You all need to shoulder some of the responsibility for what has happened to people in our area. You also need to learn from this experience, and promise us that this will never happen to anyone else ever again.

Presentation by: Jim Anderson

\* \* \*

Re: Bill 21—The Oil and Gas Amendment and Oil and Gas Production Tax Amendment Act

Oil is the main commodity that keeps the world moving, and it brings wealth to any area where it is found. Companies are formed to get it out of the ground.

Unfortunately, a deadly gas accompanies the oil as it is brought up. A portion of this gas is released into the atmosphere causing sickness to people as well as animals, both wild and domestic.

We feel that nobody should be allowed to engage in an activity that causes harm to other people. Technology exists that would dispose of this gas, so why not use it.

My wife and I have both been victims of this gas, as well as several neighbours.

Written by Gordon E. Halls