



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

**STANDING COMMITTEE
on
PUBLIC UTILITIES
and
NATURAL RESOURCES**

40 Elizabeth II

*Chairman
Mr. Jack Penner
Constituency of Emerson*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

LIB - Liberal; ND - New Democrat; PC - Progressive Conservative

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	LIB
ASHTON, Steve	Thompson	ND
BARRETT, Becky	Wellington	ND
CARR, James	Crescentwood	LIB
CARSTAIRS, Sharon	River Heights	LIB
CERILLI, Marianne	Radisson	ND
CHEEMA, Gulzar	The Maples	LIB
CHOMIAK, Dave	Kildonan	ND
CONNERY, Edward	Portage la Prairie	PC
CUMMINGS, Glen, Hon.	Ste. Rose	PC
DACQUAY, Louise	Seine River	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DEWAR, Gregory	Selkirk	ND
DOER, Gary	Concordia	ND
DOWNEY, James, Hon.	Arthur-Virden	PC
DRIEDGER, Albert, Hon.	Steinbach	PC
DUCHARME, Gerry, Hon.	Riel	PC
EDWARDS, Paul	St. James	LIB
ENNS, Harry, Hon.	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Clif	Interlake	ND
EVANS, Leonard S.	Brandon East	ND
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen, Hon.	Springfield	PC
FRIESEN, Jean	Wolseley	ND
GAUDRY, Neil	St. Boniface	LIB
GILLESHAMMER, Harold, Hon.	Minnedosa	PC
HARPER, Elijah	Rupertsland	ND
HELWER, Edward R.	Gimli	PC
HICKES, George	Point Douglas	ND
LAMOUREUX, Kevin	Inkster	LIB
LATHLIN, Oscar	The Pas	ND
LAURENDEAU, Marcel	St. Norbert	PC
MALLOWAY, Jim	Elmwood	ND
MANNESSE, Clayton, Hon.	Morris	PC
MARTINDALE, Doug	Burrows	ND
McALPINE, Gerry	Sturgeon Creek	PC
McCRAE, James, Hon.	Brandon West	PC
McINTOSH, Linda, Hon.	Assiniboia	PC
MITCHELSON, Bonnie, Hon.	River East	PC
NEUFELD, Harold, Hon.	Rossmere	PC
ORCHARD, Donald, Hon.	Pembina	PC
PENNER, Jack	Emerson	PC
PLOHMAN, John	Dauphin	ND
PRAZNIK, Darren, Hon.	Lac du Bonnet	PC
REID, Daryl	Transcona	ND
REIMER, Jack	Niakwa	PC
RENDER, Shirley	St. Vital	PC
ROCAN, Denis, Hon.	Gladstone	PC
ROSE, Bob	Turtle Mountain	PC
SANTOS, Conrad	Broadway	ND
STEFANSON, Eric, Hon.	Kirkfield Park	PC
STORIE, Jerry	Flin Flon	ND
SVEINSON, Ben	La Verendrye	PC
VODREY, Rosemary	Fort Garry	PC
WASYLYCIA-LEIS, Judy	St. Johns	ND
WOWCHUK, Rosann	Swan River	ND

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON
PUBLIC UTILITIES AND NATURAL RESOURCES

Tuesday, July 2, 1991

TIME — 10 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Jack Penner (Emerson)

ATTENDANCE - 11 — QUORUM - 6

Members of the Committee present:

Hon. Mr. Neufeld

Messrs. Carr, Edwards, Helwer, Hickes,
Laurendeau, Martindale, Penner, Rose,
Sveinson, Mrs. Vodrey

MATTERS UNDER DISCUSSION:

Bill 6—The Mines and Minerals and
Consequential Amendments Act

* * *

Mr. Chairman: The Standing Committee on Public Utilities and Natural Resources is called to order to consider Bill 6, The Mines and Minerals and Consequential Amendments Act (Loi sur les mines et les minéraux et modifiant diverses dispositions législatives).

Since all presentations have been heard regarding Bill 6, The Mines and Minerals and Consequential Amendments Act will proceed with detailed consideration of the bill. Does the minister responsible have an opening statement?

* (1005)

Hon. Harold Neufeld (Minister of Energy and Mines): The only thing that I would like to say is that I find Thursday morning not possible for a meeting for me. I cannot make it Thursday morning until about eleven o'clock and if we can get through the amendments today, as well as, perhaps, the clause by clause, then maybe we can finish today. If we can do all the amendments first, and then go clause by clause, we might just be able to finish today.

Mr. Chairman: Would the critic of the official opposition have any comments?

Mr. George Hickes (Point Douglas): I think that is an excellent idea because I spent the whole

weekend with some experts in the mining area, and prospectors, and overall the people like this bill. It is long overdue. I only have two areas of concern—one that we have an amendment coming forward is the whole Shoal Lake watershed area, and the other area which might be addressed, I have not got an amendment for it, but I would like to open it up later on to throw out for discussions and it is about the licensing of prospectors.

If you are in a remote community, way out in the bush somewhere and if you forget your licence, the prospectors would like 30 days grace to produce their licences instead of shutting everything down and the expense of flying in to get their licence, flying out again. That is all they are asking, a 30-day grace period.

Otherwise we have no problem with this bill and I think it would be a good idea if we follow the directions of the minister and went through all of the amendments first, and then once we have dealt with those, then if we proceed page by page or whatever, I think it will speed things up quite a bit. Thank you very much.

Mr. Chairman: We could, Mr. Hickes, consider going block-by-block of clauses, once we have dealt with the amendments. I think that would probably speed up the process even more, if that could be agreeable to the committee.

Would the critic for the second opposition have some comments to make?

Mr. James Carr (Crescentwood): First, I would say on behalf of our party that we would be prepared to entertain any process that would expedite the clause-by-clause passing and debate of this bill, especially since the minister and the committee in its wisdom last week decided to allow some time for members of the committee to have a look at the 46 amendments that were put forward by the minister.

In general, we support the bill. The bill was a long time in coming. We had a gentleman make a public presentation the other day who said it actually had

been 60 years since there had been an overhaul of the act. It is a highly technical bill and, because of the technical nature, it is necessary for members of the committee, in order to do a responsible job, to consult those who have to live with the legislation every day and indeed, year by year, and in the case of this bill, for some 60 years before it had been substantially amended.

* (1010)

It really does put members of the Legislature in an awkward position when they are asked to analyze and pass judgment on technical amendments, on the fly as it were, especially in groups as large as 46. I think the committee did a very important thing the other night, and perhaps it can even be considered a matter of precedent for other committees of this House. That is, that when large blocks of amendments are proposed, either by the government or the opposition, it is not only a matter of courtesy but it is also a matter of good law for members of the committee to have some chance to study them themselves and to consult with whatever experts who can shed light on the nature of the amendments.

The bill is one in which there are literally hundreds of Manitobans who will have to be living with the consequences of this bill for years and decades to come. I do not know why it took 60 years for governments to come to terms with it, but let us congratulate this government for the job that it has done.

I know that it has been in consultation with members of the mining association and others who are directly affected by the consequences of these legislative changes for a number of years. I think the minister actually has said publicly that this bill was in drafting stage for a number of years, two at least. So what we see here is the culmination of a great deal of work that has been undertaken by the minister and his staff, the director of Mines, the deputy minister and others.

There are structural changes about advisory groups and mining boards and the role of the director of Mines himself which are in this bill. We look forward to a bill that is going to encourage a healthy mining industry that is not inconsistent with the principles of sustainable development which are embodied in this legislation.

We will have some questions to ask of the minister and even several possible amendments to the

sustainable development section. We share with our colleagues from the New Democratic Party a concern about the watershed of Shoal Lake, and that will come up under discussion as we get closer to that section of the bill.

Again, in general, the Liberal Party supports the thrust of the legislation. We are glad that the process of reviewing amendments has taken the course it has. We think that it offers a good precedent for other legislators after us. Let us get on with a review of the amendments and, after that, clause-by-clause review of the bill.

Mr. Chairman: If it is the will of the committee then, I would suggest that we leave the Title and the definitions for consideration toward the end. Should there be any amendments that would affect the definitions, we could then make those adjustments later on in the bill. If that is the will of the committee? Agreed.

Can we proceed then with the amendments, and I would suggest we start on page 16 of the bill, but we would then deal in order that the amendments have been presented to me. If it would be the will of the committee, we could deal with each of the amendments as they deal with the various sections and then later on propose that we adopt the bill as amended, if that meets with the will of the committee. Are you agreed to that? Agreed.

Then we will proceed in that manner, and I would propose that we start with the first amendment.

Mr. Neufeld: Excuse me, Mr. Chairman, is it the will of the committee then to deal with the government's amendments first and then deal with the amendments of the opposition parties?

Mr. Chairman: Agreed to that? Okay.

Mr. Carr: Two or three of our amendments deal with Section 2 on sustainable development and we are passing over that now and we will come back to it after the government amendments have been dealt with. Is that understood?

Mr. Chairman: Yes, that is correct.

Mr. Carr: Good, let us go.

Mr. Chairman: We will proceed then with Section 4 and the motion moved by the honourable minister THAT section 4 be struck out and the following substituted:

Definition

4.(1) In this section, "disposition" means disposition as defined in The Crown Lands Act.

Reservation of minerals

4(2) Unless a contrary intention is expressed in an instrument, there is reserved to the Crown out of every disposition of Crown land, the minerals on, in or under the land, together with mineral access rights for the purpose of exercising mineral rights in respect of the land.

Disposition of rights

4(3) Mineral rights in respect of minerals in which the Crown has an interest, including mineral access rights in respect of Crown mineral land, may be disposed of only in accordance with this Act.

(French version)

Il est proposé que l'article 4 soit remplacé par ce qui suit:

Définition

4(1) Pour l'application de présent article, "aliénation" s'entend au sens de la Loi sur les terres domaniales.

Réserve

4(2) Sauf indication contraire dans un instrument, les aliénations de biens-fonds domaniaux comportent une réserve en faveur de la Couronne relativement aux minéraux et aux droits d'accès aux minéraux servant à l'exercice des droits miniers.

Alliégation de droits

4(3) Les droits miniers relatifs aux minéraux visés par un intérêt de la Couronne, y compris les droits d'accès aux minéraux des biens fonds de minéraux domaniaux, ne peuvent être alinés que conformément à la présente loi.

* (1015)

Are we agreed to the amendment? Agreed and so ordered.

Second amendment, moved by the honourable minister

THAT subsection 11(5) be amended

- (a) by adding", with the approval of the director or the chief mining engineer," after "may"; and
- (b) by striking out, in the French version "immédiat" and substituting "immédiat".

(French version)

Il est proposé que le paragraphe 11/5 soit amendé:

- a) par adjonction, après "des travaux", de "et sous réserve de l'approbation du directeur ou de l'ingénieur en chef des mines";
- b) par substitution, à "immédiat" dans la version française, de "immédiat".

Are we agreed to passing—and I should indicate that we will pass all these in both French and English as we go along, that we do not have to mention that every time, if that is agreed by the committee.

Agreed? So ordered.

Third one, moved by the honourable minister

THAT section 20 be amended

- (a) by adding "and" after subclause (c)(vi), and
- (b) by adding the following after clause (c):
- (d) land that is designated as a heritage site under The Heritage Resources Act.

(French version)

Il est proposé que l'article 20 soit amendé:

- a) par adjonction, après la version anglaise du sous alinéa c)(vi), de "and";
- b) par adjonction, après l'alinéa c), de ce qui suit:
- d) les biens-fonds désignés à titre de site du patrimoine en vertu de la Loi sur les richesses du patrimoine.

Agreed? Agreed and so ordered.

Fourth one, moved by the honourable minister

THAT clause 21(3)(a) be amended by adding "or lease" after "mineral disposition".

(French version)

Il est proposé que l'alinéa 21 (3)a soit amendé par adjonction, après "de céder les", de "baux et les".

Agreed? Agreed and so ordered.

Moved by the honourable minister

THAT section 22 be amended by adding the following after subsection 22(2):

Experts and professionals

22(3) A person referred to in clause 11(2)(f) who accompanies and assists an inspector and an expert referred to in subsection 38(1) are, in respect of confidential information obtained in the discharge of their powers or duties under this Act, deemed to have acquired the confidential information in the course of performing official duties or exercising official powers under or for the purposes of this Act.

(French version)**Experts et professionnels**

22(3) Les renseignements confidentiels que les experts visés au paragraphe 38(1) et que les personnes visées à l'alinéa 11(2)f) qui accompagnent ou qui aident un inspecteur ont

obtenus en vertu de la présente loi sont réputés avoir été obtenus dans l'exercice de leurs pouvoirs et de leurs fonctions officiels en vertu de la présente loi.

Agreed?

Some Honourable Members: Agreed.

Mr. Neufeld: Mr. Chairman, this is a clause that Mr. Hickes had some difficulty with and if he wanted to make some changes now, or does he intend to bring an amendment forward later?

Mr. Hickes: Mr. Chairman, I do not have an amendment, but I would like maybe to discuss the possibility of having a 30-day grace period for individuals who are in remote communities or in the bush, like I mentioned earlier, and have for some reason forgotten their licence or what have you. Instead of having to pack up and the expense of having to fly back into town to get their licence and returning back into the remote communities, if there is, as I say, a 30-day grace where they could finish their staking or claiming or whatever they were doing and then showing their licence.

Mr. Neufeld: You are aware, Mr. Hickes, that this refers only to the licensed prospector, not to the helpers he takes on for the purpose of prospecting in a particular area. I think that if they are members of a northern community that are working with a prospector they need not have licences, they do not have to be licensed, only the prospector must be licensed.

Mr. Hickes: I will wait until we get to the proper clause where it deals with prospectors, because that is who I was directly targeting my remarks to, not the helpers.

* (1020)

Mr. Chairman: Thank you, Mr. Hickes. Could we agree to pass then the motion as put by the minister? Agreed and so ordered.

Moved by the honourable minister

THAT subsection 45(3) be amended by adding ", operate a drill or geophysical equipment" after "affix tags".

(French version)

Il est proposé que le paragraphe 45(3) soit amendé par adjonction, après "de poser des étiquettes,", de "de faire fonctionner une foreuse ou de l'équipement géophysique."

Are we agreed?

Mr. Carr: Mr. Chairman, I have a question for the minister on this amendment. It seems to be a rather extensive list of what unlicensed helpers would be allowed to perform: operate a drill, or presumably any geophysical equipment. Does that mean that really unlicensed helpers will be able to do exactly the same kind of work that the licensees will be able to do, or what then becomes the distinction in what is performed between those who are licences and those who are unlicensed?

Mr. Neufeld: Mr. Chairman, these are labouring acts and I do believe these are labouring acts that the helpers are entitled to do. The prospector himself will be responsible for all the work that is done and whatever, I guess, he asks his helpers to do, they will do.

Mr. Hickes: I would just like to also get clarification on this. Say, for instance, you have Midwest Diamond Drilling and they have a licensed prospector, what have you, under their licence, you are talking about the drillers that go in and drill the boreholes and stuff like that, is that what we are referring to?

Mr. Neufeld: Yes.

Mr. Hickes: Okay then, I do not have a problem.

Mr. Chairman: Are we agreed then to passing this? Agreed and so ordered.

Moved by the honourable minister

THAT subsection 45(4) be amended by striking out everything following "Crown," and by substituting "stakes out and records a claim."

(French version)

Il est proposé que le paragraphe 45(4) soit amendé par substitution, à "fait de l'exploitation de minéraux sur des terres domaniales ou dans celles-ci, qui fait du jalonnement, qui tient des registres ou qui acquiert ou détient un claim ou un intérêt dans un claim pour le compte de la Couronne", de "jalonne et enregistre un claim pour le compte de la Couronne".

Are we agreed? Agreed and so ordered.

Moved by the honourable minister

THAT subsection 46(1) be amended by adding "a person or" after "subject to subsection (3)."

(French version)

Il est proposé que le paragraphe 46(1) soit amendé par adjonction, après "à un particulier", de "ou à une personne".

Are we agreed? Agreed and so ordered.

Moved by the honourable minister

THAT subsection 53(2) be amended by striking out "in respect of exploration permits" and substituting "in respect of the exploration permit".

(French version)

Il est proposé que la version anglaise du paragraphe 53(2) soit amendée par substitution, à "in respect of exploration permits", de "in respect of the exploration permit".

Are we agreed? Agreed and so ordered.

Moved by the honourable minister

THAT the heading to subsection 53(5) be amended by striking out "Forefieture" and substituting "Forfeiture".

(French version)

Il est proposé que la version anglaise du titre du paragraphe 53(5) soit amendée par substitution, à "Forefieture", de "Forfeiture".

Are we agreed? Agreed and so ordered.

Moved by the honourable minister

THAT subsection 58(1) be amended by adding ", other than a holder of a mineral disposition operating over the area of that mineral disposition," after "person".

(French version)

Il est proposé que le paragraphe 58(1) soit amendé par adjonction, après "à moins", de "d'être titulaire d'une aliénation minière et d'exploiter activement l'aliénation en question et".

Are we agreed? Agreed and so ordered.

Moved by the honourable minister

THAT subsection 59(2) be amended by striking out "third" and substituting "fifth".

(French version)

Il est proposé que le paragraphe 59(2) soit amendé par substitution, à "trois", de "cinq".

Are we agreed? Agreed and so ordered. Sorry.

Mr. Carr: Mr. Chairman, can I just ask the minister for an explanation of that change.

Mr. Neufeld: This amendment makes it consistent with other sections of the act where it is the fifth year, and not the third year, that it becomes effective, for consistency within the act.

Mr. Chairman: Agreed?

Some Honourable Members: Agreed.

Mr. Chairman: Moved by the honourable minister that subsection 59(2) be amended by striking out "third" and substituting "fifth" is passed.

Moved by the honourable minister

THAT subsection 60(1) be amended by striking out "for a period not exceeding 5 years" and substitution "for such period as the director considers appropriate in the circumstances".

(French version)

Il est proposé que le paragraphe 60(1) soit amendé par substitution, à "une période maximale de cinq ans", de "la période qu'il juge raisonnable".

Agreed? Agreed and so ordered.

Moved by the honourable minister

THAT subsection 64(3) be struck out.

(French version)

Il est proposé que le paragraphe 64(3) soit supprimé.

Are we agreed? Agreed and so ordered.

Moved by the honourable minister

THAT section 70 be amended by striking out "discovers" and by substituting "makes an original discovery of".

(French version)

Il est proposé que la version anglaise de l'article 70 soit amendé par substitution, à "discovers", de "makes an original discovery of"

* (1025)

Are we agreed? Agreed, so ordered.

Moved by the honourable minister

THAT section 74 be amended by adding the following after subsection (4):

Duty of Director

74(5) The director shall with due diligence review a closure plan filed under subsection (2) or (4) and communicate the results of the review to the holder.

(French version)

Il est proposé que l'article 74 soit amendé par adjonction, après le paragraphe (4), de ce qui suit:

Devoir du directeur

74(5) Le directeur étudie attentivement les plans de fermeture déposés conformément au paragraphe (2) ou (4) et communique les résultats de son étude au titulaire.

Are we agreed? Agreed so ordered.

Moved by the minister

THAT subsection 82(1) be struck out and the following substituted

Boundary lines and claim posts to be maintained

82(1) A holder of a claim shall maintain the boundary lines and claim posts of the claim to ensure that they are visible and recognizable as the boundary lines and claims posts of the claim.

(French version)

Il est proposé que le paragraphe 82(1) soit remplacé par ce qui suit:

Entretien des limites et des bornes

82(1) Le titulaire d'un claim maintient les limites et les bornes du claim de façon à ce qu'ils soient visible et reconnaissable.

Are we agreed? Agreed, so ordered. I am sorry, Mr. Hickes.

Mr. Hickes: I just have one question. According to my understanding, we have three mines inspectors, and if we are going to be enforcing this law, or what will be a law, will there be additional need for inspectors, or will the three try and maintain a supervision of all the claims that are filed?

Mr. Neufeld: We have at this time, Mr. Chairman, no plans to increase the numbers of inspectors in the fields.

Mr. Hickes: How will we ensure that this, if this becomes law, will be enforced?

Mr. Neufeld: The onus will be on the prospector to ensure that his claims are maintained in the order prescribed by the act. It will be only in times of dispute, I suppose, that this will come into play.

Mr. Hickes: This is for the insurance thing there.

Mr. Neufeld: At one time we had a time limit in which they must ensure that their claims are properly marked, and we took that out. The industry thought that putting a time limit on when they must ensure that their claims are properly marked was unfair, and we put this in as a substitute to a time limit.

Mr. Chairman: Agreed? So ordered. Passed.

Moved by the honourable minister

THAT section 83 be amended

(a) in subsection (1) by striking out everything following "the holder may" and substituting ", in

any succeeding year, apply the excess value toward satisfaction of required work applicable in respect of the claim or a lease held by the holder.";

(b) by striking out subsection (2); and

(c) by renumbering subsection 83(3) as subsection 82(2).

(French version)

Il est proposé que l'article 83 soit amendé:

a) au paragraphe (1), par substitution, à "relativement à un claim ou à un de ses baux";

b) par suppression du paragraphe (2);

c) par substitution, à l'actuel numero de paragraphe 83(3), du numéro de paragraphe 83(2).

Agreed? Agreed. So ordered.

Moved by the honourable minister

THAT subsection 84(1) be amended

(a) by adding "and" after clause (a);

(b) by striking out clauses (b) and (c);

(c) by renumbering clause (d) as clause (b); and

(d) by striking out "notwithstanding the failure of the applicant to perform the required work".

(French version)

Il est proposé que le paragraphe 84(1) soit amendé:

a) par adjonction, après l'alinéa a) de la version anglaise, de "and";

b) par suppression des alinéas b) et c);

c) par substitution, à la désignation d'alinéa d), de la désignation b);

d) par suppression de ", même si le demandeur n'a pas exécuté les travaux obligatoires,"

Are we agreed? Agreed, so ordered.

Moved by the honourable minister

THAT section 89 be amended

(a) by adding "or" after clause (b)

(b) by striking out clause (c);

(c) by renumbering clause (d) as clause (c);

(d) by numbering the section as subsection 89(1); and

(e) by adding the following subsection:

I will finish reading the amendment and then I will ask for a time out.

Misrepresentation, holder insolvent, bankrupt

89(2) The minister may, without prior notice to the holder of the claim, cancel a claim where the minister is satisfied

(a) that the claim was recorded as a result of a material misrepresentation in the application of the licensee under subsection 64(1) to record the claim; or

(b) that the holder is insolvent, is a declared bankrupt or has committed an act of bankruptcy.

(French version)

Il est proposé que l'article 89 soit amendé:

a) par adjonction, après l'alinéa b) de la version anglaise, de "or";

b) par suppression de l'alinéa c);

c) par substitution, à l'actuel numéro d'alinéa d), du numéro d'alinéa c);

d) par substitution, à l'actuel numéro d'article 89, du numéro de paragraphe 89(1);

e) par adjonction, après le paragraphe 89(1), de ce qui suit:

Fausse déclaration, insolvabilité, faillite

89(2) Le ministre peut annuler un claim sans en avvertir le titulaire s'il juge:

a) que le claim a été enregistré sur la foi de fausses représentations de faits importants dans la demande que le titulaire du permis a déposée aux termes du paragraphe 64(1);

b) que le titulaire de permis est insolvable, a déclaré faillite ou a commis un acte de faillite.

* (1030)

Mr. Neufeld: We are just checking with the French, Mr. Chairman, but we had a representation from the Bankers Association on Friday and they are not in favour of us leaving part (b) of 89(2) in the act. Part (b) reads: "that the holder is insolvent, is a declared bankrupt or has committed an act of bankruptcy".

We have that on leases, but they do not want it in claims. We see no objection to withdrawing that from this act, and it is our recommendation that we delete part (b) of 89(2).

Mr. Chairman: What we would need, as requested by the minister, to withdraw this amendment would be unanimous consent to withdraw by the committee, and then we would ask them to put forward a new amendment which this would, of

course, be. And if it is the will of the committee that we have unanimous consent, I would entertain that.

Mr. Hlckes: I would just like to get some clarification why the bank would ask for that, to give me a better understanding.

Mr. Neufeld: I can assume only that the bankers would ask for that to be deleted because it is their security in a lot of instances, and the ability to make loans without security is not what the bankers normally do. I should think that is their purpose for it; I know that is the purpose for it. They feel that they must have security if they are going to advance monies on claims.

Mr. Chairman: Are we agreed then that we withdraw this one and that we have unanimous consent for withdrawal?

Some Honourable Members: Agreed.

Mr. Chairman: I am going to ask then that staff retype this and bring it forward after we have finished dealing with the amendments. Could we get them to retype that and bring it forward later?

So we will leave that. I consider that then withdrawn and we will bring forward a new one later.

Moved by the honourable minister

THAT section 89 be amended (a) by adding "or" after clause (b); (b) by striking out clause (c); (c) by renumbering clause (d) as clause (c); (d) by numbering the section as subsection 89(1); and (e) by adding the following subsection. We had deleted that one, be it noted.

Moved by the honourable minister

THAT section 94 be amended by striking out "properly".

(French version)

Il est proposé que la version anglaise de l'article 94 soit amendée par suppression de "properly".

Are we agreed? Agreed and so ordered.

Moved by the honourable minister

THAT subsection 100(1) be amended by striking out "for a period not exceeding five years" and substituting "for such period as the director considers appropriate in the circumstances".

(French version)

Il est proposé que le paragraphe 100(1) soit amendé par substitution, à "une période maximale de cinq ans", de "la période qu'il juge raisonnable".

Mr. Chairman: Are we agreed? Agreed and so ordered.

Mr. Carr: Mr. Chairman, this gives more flexibility to the director. Presumably, that is the reason for the amendment?

Mr. Neufeld: In all probability the licence issued will only have a term of one year, so to leave in "for a period not exceeding five years" would be in contradiction to the licence.

Mr. Chairman: Agreed then? Pass to order.

Moved by the honourable minister

THAT subsection 103(1) be amended by striking out "may" and substituting "shall".

(French version)

Il est proposé que le paragraphe 103(1) soit amendé par substitution, à "peut, aux conditions qu'il juge indiquées, délivrer", de "délivre, aux conditions qu'il juge indiquées,".

Agreed?

Mr. Carr: Does this amendment in any way change the relative authority of the minister and the director?

Mr. Neufeld: We think not, but if we take a look at Section 104, it mentions "shall" and this is to bring it into uniformity with that section.

Mr. Carr: It has no bearing at all on the relative powers of the minister and the director?

Mr. Neufeld: No.

Mr. Carr: Okay.

Mr. Chairman: Are we agreed that section shall pass? Agreed?

We have a slight change in the next amendment to the one that was distributed. We will wait for the distribution of the new wording. Has everybody got the new Section 104 now? Okay.

Moved by the honourable minister

THAT section 104 be amended

(a) by striking out "subsection 103(3)" and by substituting "section 103";

(b) by striking out ", and" at the end of subclause (d)(ii) and substituting a period; and

(c) by striking out subclause (d)(iii).

(French version)

Il est proposé que l'article 104 soit amendé:

a) par substitution, à "du paragraphe 103(3)", de "de l'article 103";

b) par substitution, à la virgule à la fin du sous-alinéa d)(ii), d'un point;

c) par suppression du sous-alinéa d)(iii).

Are we agreed?

Mr. Carr: There is no substantial change as a result of this amendment?

Mr. Neufeld: This is a cross-reference correction and it brings everything under Section 103 in uniformity, to conformity to 104. Section (d)(iii) is a requirement to present a certified plan of survey. It would be impossible to present a plan of survey in time to issue the lease, so we are not holding to that requirement, and it will be in the regulations. It could go up to a year to get a plan of survey so the regulations will cover this part of it.

Mr. Carr: When will the regulations be ready for perusal by the committee?

Mr. Neufeld: We have a draft prepared, but Legislative Counsel will be unable to get at it for some considerable period of time, it is our thought. So it will be after the session finishes, probably before we have the regulation in its final form.

Mr. Carr: Mr. Chairman, I would like to ask the minister then if he is in any way concerned that the act will pass the Legislature, or certainly pass the committee, before the final regulations are known to the committee, since there must be a compatible relationship between the regulations and the statute itself.

Much of this act is really regulation which has now been put into the statute for the first time, and we would want assurances from the minister that he, himself, is satisfied and comfortable that unpublished regulations, which are essential in the interpretation of this act, are not available to members of the committee, and we would seek assurances from the minister that he is not concerned, and we have no right to be concerned.

Mr. Neufeld: Mr. Chairman, regulations are passed with regularity, and indeed we have worked from regulations for the last 40 to 60 years. I am not concerned that the regulations will be in conflict with the act. I am not concerned that there will be in any way regulations passed that are contradictory to the act.

Mr. Chairman: Thank you. Are we agreed then that Section 104 be amended? Passed?

Some Honourable Members: Passed.

Mr. Chairman: Thank you.

Moved by the honourable minister

THAT subsection 111(1) be amended by adding ", in accordance with the regulations," after "the lessee shall".

(French version)

Il est proposé que le paragraphe 111(1) soit amendé par adjonction, après "auprès du directeur", de ", conformément aux règlements".

Are we agreed? Passed.

Moved by the honourable minister

THAT section 111 be amended by adding the following after subsection (4):

Duty of Director

111(5) The director shall with due diligence review the plans and schedules filed under clause (1)(b) and the closure plan filed under clause (1)(c) or (4) and communicate the results of the review to the holder.

(French version)

Il est proposé que l'article 111 soit amendé par adjonction, après le paragraphe (4), de ce qui suit:

Devoir du directeur

111(5) Le directeur étudie attentivement les plans et les échéanciers déposés aux termes de l'alinéa (1)b) et les plans de fermeture déposés aux termes de l'alinéa (1)c) ou du paragraphe (4) et communique les résultats de son étude au titulaire.

Are we agreed? Agreed and so ordered.

* (1040)

Moved by the honourable minister

THAT the heading of section 113 be amended by striking out "required".

(French version)

Il est proposé que le titre de l'article 113 soit amendé par suppression de "obligatoires".

Are we agreed? Agreed and so ordered.

Moved by the honourable minister

THAT subsection 126(3) be amended by striking out "section 121, 122 or 125" and substituting "section 121, 122 or 124".

(French version)

Il est proposé que le paragraphe 126(3) soit amendé par substitution, à "l'article 121, 122 ou 125", de "l'article 121, 122 ou 124".

Agreed? Agreed and so ordered.

Moved by the honourable minister

THAT subsection 126(4) be amended by striking out "section 121, 122 or 125" and substituting "section 121, 122 or 124".

(French version)

Il est proposé que le paragraphe 126(4) soit amendé par substitution, à "l'article 121, 122 ou 125", de "l'article 121, 122 ou 124".

Agreed? Agreed and so ordered.

Moved by the honourable minister

THAT subsection 126(5) be amended by striking out "section 121, 122 or 125" and substituting "section 121, 122 or 124".

(French version)

Il est proposé que le paragraphe 126(5) soit amendé par substitution, à "l'article 121, 122 ou 125", de "l'article 121, 122 ou 124".

Agreed? Agreed.

Moved by the honourable minister

THAT the heading to section 129 be amended by striking out "arrears payable" and substituting "non compliance".

(French version)

Il est proposé que le titre de l'article 129 soit amendé par substitution, à "d'arrérages", de "de non-conformité".

Agreed? Agreed, so ordered.

Moved by the honourable minister

THAT section 147 be amended

(a) in subsection (3) by striking out "subsections (4) and (5)" and by substituting "subsection (4)";

(b) by striking out subsection (4); and

(c) by renumbering subsections 147(5) and 147(6) as 147(4) and 147(5).

(French version)

Il est proposé que l'article 147 soit amendé:

a) au paragraphe (3), par substitution, à "des paragraphes (4) et (5)", de "du paragraphe (4)";

b) par suppression du paragraphe (4);

c) par substitution, aux actuels numéros de paragraphes 147(5) et (6), des numéros de paragraphes 147(4) et (5).

Agreed? Agreed, so ordered.

Moved by the honourable minister

THAT subsection 150(8) be amended by striking out "subsection (10)" and substituting "subsection (7)".

(French version)

Il est proposé que le paragraphe 150(8) soit amendé par substitution, à "paragraphe (10)", de "paragraphe (7)".

Agreed? Agreed, so ordered.

Moved by the honourable minister

THAT subsection 155(1) be amended by striking out "privately owned".

(French version)

Il est proposé que la version anglaise du paragraphe 155(1) soit amendée par suppression de "privately owned".

Agreed?

Mr. Carr: Why?

Mr. Neufeld: It is a clerical error. It refers to privately owned Crown mineral land, which is impossible.

Mr. Chairman: Agreed? Agreed, so ordered.

Moved by the honourable minister

THAT clause 161(c) be amended by striking out ", switching yards or rights of way by a railway" and substituting "or switching yards".

(French version)

Il est proposé que l'alinéa 161(c) soit amendé par substitution, à ", de gare de triage ou d'emprise de chemin de fer", de "ou de gare de triage".

Agreed? Agreed, so ordered.

Moved by the honourable minister

THAT subsection 185(2) be amended

(a) by striking out "person" and substituting "holder of a mineral disposition or a lease who", and

(b) by striking out "the exploration expenditures of the person" and substituting "his or her exploration expenditures".

(French version)

Il est proposé que le paragraphe 185(2) soit amendé:

a) par substitution, à "personnes", de titulaires d'une aliénation minière ou d'un bail;

b) par substitution, dans la version anglaise, à "the exploration expenditures of the person", de "his or her exploration expenditures".

Agreed? Agreed, so ordered.

Moved by the honourable minister

THAT subsection 200(3) be amended by striking out "a quarry rehabilitation reserve account established under the Consolidated Fund" and substituting "an account, to be known as the "Quarry Rehabilitation Reserve Account", established under the Consolidated Fund".

(French version)

Il est proposé que le paragraphe 200(3) soit amendé par substitution, à "un fonds de réserve créé à cette fin", de "le fonds de réserve de remise en état des carrières".

Agreed?

Mr. Hickes: What is the difference here? Could you maybe give us an explanation on this one?

Mr. Neufeld: This is to give the fund a formal designation. We capitalize the letters of each word in the name.

Mr. Chairman: Agreed? Agreed, so ordered.

Moved by the honourable minister

THAT clause 200(4)(a) be amended by striking out "quarry rehabilitation reserve" and substituting "Quarry Rehabilitation Reserve Account".

(French version)

Il est proposé que la version anglaise de l'alinéa 200(4)a) soit amendée par substitution, à "quarry rehabilitation reserve", de "Quarry Rehabilitation Reserve Account".

Agreed? Agreed, so ordered.

Moved by the honourable minister

THAT subsection 215(1) be amended by adding "Subject to section 116," before "the holder".

(French version)

Il est proposé que le paragraphe 215(1) soit amendé par substitution, à "Le", de "Sous réserve de l'article 116, le".

Agreed? Agreed, so ordered.

Moved by the honourable minister

THAT subclause 216(1)(e)(i) be amended by striking out "section 117" and substituting "section 116".

(French version)

Il est proposé que le sous-alinéa 216(1)e)(i) soit amendé par substitution, à "article 117", de "article 116".

Agreed? Agreed, so ordered.

The next one is Section 230 which again has been amended. We will wait for the distribution of the amendments. I understand they have been distributed.

As moved by the honourable minister

THAT section 230 be amended

- (a) in clause (c) by striking out "used and not"; and
- (b) by striking out clause (j) and substituting the following:
- (j) prescribing rents payable under subsections 109(2), 128(2) and 150(1);

(French version)

Il est proposé que le paragraphe 230 soit amendé:

- a) à l'alinéa c), par suppression de "utilisé et non";
- b) par suppression, à l'alinéa j), de ce qui suit:
- j) prévoir les loyers payables aux termes des paragraphes 109(2), 128(2) et 150(1);

Agreed? Agreed, so ordered.

It has been moved by the Honourable Mr. Neufeld THAT subsection 243(4) be struck out and the following subsection substituted:

Leases grouped by Order In Council

243(4) Upon the coming into force of this Act, a lease that is grouped under Order-in-Council 1746/56, 574/57, 1060/57, 1061/57, 1699/57, 1913/57, 224/59, or 1290/61 continues as a lease under this Act and remains in effect in accordance with its terms and conditions.

(French version)

Il est proposé que l'article 243(4) soit remplacé par ce qui suit:

Regroupement de baux par décrets

243(4) Les baux regroupés aux termes de décret 1746/56, 574/57, 1060/57, 1061/57, 1699/57, 1913/57, 224/59 ou 1290/61 au moment de l'entrée en vigueur de la présente loi sont prorogés à titre de baux aux termes de la présente loi et ont encore effet conformément à leurs conditions.

Agreed? Agreed and so ordered.

It has been moved by the Honourable Mr. Neufeld THAT subsection 243(1) be amended by striking out "The holder of a lease" and substituting "The holder of a lease or a leasehold interest" and, in clause (b), by adding "or leasehold interest" after "lease".

(French version)

Il est proposé que le paragraphe 243(1) soit amendé par adjonction, après "Les titulaires d'un bail", de "ou d'un intérêt dan un bail" et à l'alinéa b), par adjonction, après "le bail", de "ou l'intérêt dan un bail".

Agreed? Agreed and so ordered.

It has been moved by the Honourable Mr. Neufeld

THAT clause 245(1)(a) be amended by adding "effective the date on which the quarry lease is recorded under this Act" after "Act".

(French version)

Il est proposé que l'alinéa 245(1)(a) soit amendé par adjonction, après "loi", de ",lequel bail entre en vigueur le jour de son enregistrement aux termes de la présente loi".

Agreed? Agreed and so ordered.

I believe we had one that we had asked for retyping. Great. I would ask that the retyping be distributed.

Has 89 been distributed?

It has been moved by the Honourable Mr. Neufeld

THAT section 89 be amended

- (a) by adding "or" after clause (b);
- (b) by striking out clause (c);
- (c) by renumbering clause (d) as clause (c);
- (d) by numbering the section as subsection 89(1); and
- (e) by adding the following subsection:

Misrepresentation

89(2) The minister may, without prior notice to the holder of the claim, cancel a claim where the minister is satisfied that the claim was recorded as a result of a material misrepresentation in the application of the licensee under subsection 64(1) to record the claim.

(French version)

Il est proposé que l'article 89 soit amendé:

- a) par adjonction, après l'alinéa b) de la version anglaise, de "or";
- b) par suppression de l'alinéa c);
- c) par substitution, à l'actuel numéro d'alinéa d), du numéro d'alinéa c);
- d) par substitution, à l'actuel numéro d'article 89, du numéro de paragraphe 89(1);

e) par adjonction, après le paragraphe 89(1), de ce qui suit:

Fausse déclaration

89(2) Le ministre peut annuler un claim sans en avertir le titulaire s'il juge que le claim a été enregistré sur la foi de fausses représentations de faits importants dans la demande que le titulaire du permis a déposée aux termes du paragraphe 64(1).

Mr. Carr: Mr. Chairman, a question to the minister on this amendment. Is there any responsibility for the minister to show to the licensee whatever the minister believes to be a material misrepresentation in the application? It seems to be a fair bit of judgment given to the minister here. The wording is: where the minister is satisfied that the claim was recorded as a result of a material misrepresentation.

Is there any onus on the minister to show that misrepresentation to the licensee?

* (1050)

Mr. Neufeld: There is a presumption that the minister has ample evidence that there has been misrepresentation and, secondly, that the minister will act reasonably. I suppose a third would be the recourse that the licensee has to the courts.

Mr. Carr: Is there any other recourse that the licensee has, aside from court action. Is there any appeal process that is embodied elsewhere in the act that would take effect here?

Mr. Neufeld: The appeal action is to the minister and then to the courts. I think we have to understand, though, that the minister is as anxious as the licensee to ensure that prospecting is done and claims are filed in the mining areas.

Mr. Carr: So the licensee then just has to be satisfied that the minister is satisfied. If he or she is not satisfied, then they have to go to court. Have I got that right?

Mr. Neufeld: If the minister, in his wisdom, deems that there has been misrepresentation, then presumably he is satisfied that there has been misrepresentation, and if the licensee cannot convince him that he is wrong, then the licensee has recourse to the courts.

Mr. Chairman: Section 89 then is passed. Are there any further amendments prior to our going to the definitions? Are the opposition going to present any amendments?

Mr. Hickes: We have one.

Mr. Chairman: Excuse me, Mr. Minister. Prior to your commenting, we have one amendment by the official opposition. Are there any other amendments that are going to be forthcoming?

Mr. Carr: Yes.

Mr. Chairman: Yes, there are going to be some from the second opposition as well.

Mr. Neufeld: I know that the Liberal Party, Mr. Carr, has several amendments to the bill, and I guess Mr. Hickes has one as well.

Mr. Chairman: We will now proceed to hear the amendments that deal specifically with the bill, not the definitions. We will leave again the definitions to the last should there be required changes to the definitions.

Mr. Hickes: There are copies available here. We have filed them.

Mr. Chairman: Could we have the copies of the proposed amendment by the second opposition be distributed, please?

Thank you very much. We will commence then. I would ask the committee what is your will? This is a fairly large amendment. It is moved by Mr. Hickes that the bill be amended by adding the following after Section 4, and I would leave the definition or the reference to the definition as we would deal with that later, and then commencing at "intersection of the straight production easterly", and it describes basically the lands in the bill. I would wonder what the wish of the committee is. Do you want to read it, or do we want to table it for later reference? I think we can do that.

So we will table it, if agreed, and I would then pose the question. Okay, Mr. Hickes.

Mr. Hickes: The reason we brought this amendment in is that we feel, our party feel very strongly that Shoal Lake is our only water source area for the city of Winnipeg, and if something happens to our water supply within—well, it might not even be this year—10 years, 20 years, 30 years down the line, what will our children and our grandchildren have for water resources? This is the only one we have that is available to us, and I think that we have to take extreme caution that we protect it at all costs. It is not like there is a big overbody there just waiting for someone to develop.

Even if that was the case, I do not think it is a matter of dollars or cents. If we get into the problems that they are facing in the States with

water shortages, even if there was a very rich gold find in that area, it would never ever pay for what we would have to put out in order to find alternative water sources. This is one area that we have, but I think it is to all of our interest to make sure that Shoal Lake water area is protected and we do our utmost, not just for one party's sake or whatever. It is for all Manitobans and for our children and our grandchildren to come.

* (1100)

We hear that there is very little arsenic in the water and a mine—it has already been protected one kilometre from the shore. We are all very aware, and we all know the whole trickle-down effect. If you have a mine, even if it is 10 miles in, if you have oil spillage, gas spillage and you have heavy rains and stuff, all the water that is coming through the soil is going to lead to Shoal Lake. It has to. We do not know for sure that it will be filtered properly through the ground by the time it reaches Shoal Lake. I think, just for the greed of the almighty dollar, I think we should put that aside for this to make sure that we do protect our only source of water that we have.

Anyone can say one mile gives you enough protection, but I have to disagree with that because we do not know the whole mining process, how it is going to develop 40 years, 50 years from now, and if you use more arsenic or you use some sort of a poison to draw the ore out—or the effects of blastings—we do not know what could happen. I think to protect all of us is in the best interests of this committee, to support this amendment to the bill, to make sure that we do. We are concerned about our only water supply source. You even hear of the United States looking at piping in water from Alaska, and that has got to be at a great, great cost.

We have a beautiful water supply now. Let us look after it, let us protect it. It is to all of our own interests and for generations to come. Thank you.

Mr. Chairman: Thank you, Mr. Hickes. Just for clarification, prior to entering into further debate, I think I should read into the record something that I had tabled for further reference a little while ago, and that is the amendment that was moved by Mr. Hickes:

THAT the Bill be amended by adding the following after section 4:

Definition

4.1(1) In this section, "watershed area of the

Shoal Lake" means the area contained within the following limits:

Commencing at the intersection of the straight production Easterly of the North limit of the Northeast 1/4 Section 24 Township 5 Range 17 EPM with the Manitoba/Ontario border; thence Westerly in a straight line to the Northeast corner of Sec 23 Tp 5 Rge 17 EPM; thence Southerly in a straight line to the Northeast corner of Sec 14 Tp 5 Rge 17 EPM; thence Westerly in a straight line to the Northeast corner of Sec 18 Tp 5 Rge 17 EPM; thence Southerly in a straight line to the Northeast corner of Sec 7 Tp 5 Rge 17 EPM; thence Westerly in a straight line to the Northeast corner of Sec 11 Tp 5 Rge 16 EPM; thence Southerly in a straight line to the Northeast corner of Sec 2 Tp 5 Rge 16 EPM; thence Westerly in a straight line to the Northeast corner of Sec 3 Tp 5 Rge 16 EPM; thence Southerly in a straight line to the Northeast corner of Sec 34 Tp 4 Rge 16 EPM; thence Westerly in a straight line to the Northeast corner of Sec 33 Tp 4 Rge 16 EPM; thence Southerly in a straight line to the Northeast corner of Sec 28 Tp 4 Rge 16 EPM; thence Westerly in a straight line to the Northeast corner of Sec 25 Tp 4 Rge 15 EPM; thence Northerly in a straight line to the Northeast corner of Sec 24 Tp 5 Rge 15 EPM; thence Westerly in a straight line to the Northeast corner of Sec 23 Tp 5 Rge 15 EPM; thence Northerly in a straight line to the Northeast corner of Sec 35 Tp 5 Rge 15 EPM; thence Easterly in a straight line to the Northeast corner of Sec 36 Tp 5 Rge 15 EPM; thence Northerly in a straight line to the Northeast corner of Sec 1 Tp 6 Rge 15 EPM; thence Easterly in a straight line to the Northeast corner of Sec 6 Tp 6 Rge 16 EPM; thence Northerly in a straight line to the Northeast corner of Sec 7 Tp 6 Rge 16 EPM; thence Easterly in a straight line to the Northeast corner of Sec 8 Tp 6 Rge 16 EPM; thence Northerly in a straight line to the Northeast corner of Sec 17 Tp 6 Rge 16 EPM; thence Easterly in a straight line to the Northeast corner of Sec 16 Tp 6 Rge 16 EPM; thence Northerly in a straight line to the Northeast corner of Sec 21 Tp 6 Rge 16 EPM; thence Easterly in a straight line to the Northeast corner of Sec 22 Tp 6 Rge 16 EPM; thence Northerly in a straight line to the Northeast corner of Sec 27 Tp 6 Rge 16 EPM; thence Easterly in a straight line to the Northeast corner of Sec 26 Tp 6 Rge 16 EPM; thence Northerly in a straight line to the Northeast corner of Sec 3 Tp 7 Rge 16 EPM; thence Easterly in a straight line to the Northeast corner of Sec 2 Tp 7 Rge 16 EPM; thence Northerly in a straight line to the Northeast

corner of Sec 11 Tp 7 Rge 16 EPM; thence Easterly in a straight line to the Northeast corner of Sec 12 Tp 7 Rge 16 EPM; thence Northerly in a straight line to the Northeast corner of Sec 25 Tp 7 Rge 16 EPM; thence Westerly in a straight line to the Northeast corner of Sec 26 Tp 7 Rge 16 EPM; thence Northerly in a straight line to the Northeast corner of Sec 35 Tp 7 Rge 16 EPM; thence Westerly in a straight line to the Northeast corner of Sec 34 Tp 7 Rge 16 EPM; thence Northerly in a straight line to the Northeast corner of Sec 3 Tp 8 Rge 16 EPM; thence Westerly in a straight line to the Northeast corner of Sec 5 Tp 8 Rge 16 EPM; thence Northerly in a straight line to the Northeast corner of Sec 8 Tp 8 Rge 16 EPM; thence Westerly in a straight line to the Northeast corner of Sec 7 Tp 8 Rge 16 EPM; thence Northerly in a straight line to the Northeast corner of Sec 18 Tp 8 Rge 16 EPM; thence Westerly in a straight line to the Northeast corner of Sec 13 Tp 8 Rge 15 EPM; thence Northerly in a straight line to the Northeast corner of Sec 25 Tp 8 Rge 15 EPM; thence Westerly in a straight line to the Northeast corner of Sec 26 Tp 8 Rge 15 EPM; thence Northerly in a straight line to the Northeast corner of Sec 2 Tp 9 Rge 5 EPM; thence Easterly in a straight line to the Northeast corner of Sec 1 Tp 9 Rge 15 EPM; thence Northerly in a straight line to the Northeast corner of Sec 12 Tp 9 Rge 15 EPM; thence Easterly in a straight line to the Northeast corner of Sec 7 Tp 9 Rge 16 EPM; thence Northerly in a straight line to the Northeast corner of Sec 18 Tp 9 Rge 16 EPM; thence Easterly in a straight line to the Northeast corner of Sec 15 Tp 9 Rge 16 EPM; thence Northerly in a straight line to the Northeast corner of Sec 22 Tp 9 Rge 16 EPM; thence Easterly in a straight line to the Northeast corner of Sec 19 Tp 9 Rge 17 EPM; thence Southerly in a straight line to the Northeast corner of Sec 18 Tp 9 Rge 17 EPM; thence Easterly in a straight line to the Northeast corner of Sec 16 Tp 9 Rge 17 EPM; thence Southerly in a straight line to the Northeast corner of Sec 9 Tp 9 Rge 17 EPM; thence Easterly in a straight line to the Northeast corner of Sec 11 Tp 9 Rge 17 EPM; to its intersection with the Manitoba/Ontario border, thence Southerly along the said Manitoba/Ontario border to the point of commencement. Excepting thereout all of those portions of the above described land taken for Indian Reserve Nos. 37A, 39 and 40.

Prohibition

4.1(2) No person shall carry on any mining, exploration or development, or any other related mining activity, including processing ore and the

staking of mining claims, in the watershed area of the Shoal Lake.

(French version)

Il est proposé que le projet de loi soit amendé par adjonction, après l'article 4, de ce qui suit:

Définition

4.1(1) Pour application du présent article, "bassin versant du lac Shoal" s'entend de la zone comprise dans les limites suivantes:

A partir de l'intersection du prolongement vers l'est de la limite nord du quart nord-est de la section 24, township 5 rang 17 E.M.P. et de la frontière Manitoba-Ontario; de là vers l'ouest jusqu'à l'angle nord-est de la section 23, township 5, rang 17 E.M.P.; de là vers le sud jusqu'à l'angle nord-est de la section 14, township 5, rang 17 E.M.P.; de là vers l'ouest jusqu'à l'angle nord-est de la section 18, township 5, rang 17 E.M.P.; de là vers le sud jusqu'à l'angle nord-est de la section 7, township 5, rang 17 E.M.P.; de là vers l'ouest jusqu'à l'angle nord-est de la section 11, township 5, rang 16 E.M.P.; de là vers le sud jusqu'à l'angle nord-est de la section 2, township 5, rang 16 E.M.P.; de là vers l'ouest jusqu'à l'angle nord-est de la section 3, township 5, rang 16 E.M.P.; de là vers le sud jusqu'à l'angle nord-est de la section 34, township 4, rang 16 E.M.P.; de là vers l'ouest jusqu'à l'angle nord-est de la section 33, township 4, rang 16 E.M.P.; de là vers le sud jusqu'à l'angle nord-est de la section 28, township 4, rang 16 E.M.P.; de là vers l'ouest jusqu'à l'angle nord-est de la section 25, township 4, rang 15 E.M.P.; de là vers le nord jusqu'à l'angle nord-est de la section 24, township 5, rang 15 E.M.P.; de là vers l'ouest jusqu'à l'angle nord-est de la section 23, township 5, rang 15 E.M.P.; de là vers le nord jusqu'à l'angle nord-est de la section 35, township 5, rang 15 E.M.P.; de là vers l'est jusqu'à l'angle nord-est de la section 36, township 5, rang 15 E.M.P.; de là vers le nord jusqu'à l'angle nord-est de la section 1, township 6, rang 15 E.M.P. de là vers l'est jusqu'à l'angle nord-est de la section 6, township 6, rang 16 E.M.P.; de là vers le nord jusqu'à l'angle nord-est de la section 7, township 6, rang 16 E.M.P.; de là vers l'est jusqu'à l'angle nord-est de la section 8, township 6, rang 16 E.M.P.; de là vers le nord jusqu'à l'angle nord-est de la section 17, township 6, rang 16 E.M.P.; de là vers l'est jusqu'à l'angle nord-est de la section 16, township 6, rang 16 E.M.P.; de là vers le nord jusqu'à l'angle nord-est de la section 21, township 6, rang 16 E.M.P.; de là vers l'est jusqu'à l'angle

nord-est de la section 22, township 6, rang 16 E.M.P.; de là vers le nord jusqu'à l'angle nord-est de la section 27, township 6, rang 16 E.M.P.; de là vers l'est jusqu'à l'angle nord-est de la section 26, township 6, rang 16 E.M.P.; de là vers le nord jusqu'à l'angle nord-est de la section 3, township 7, rang 16 E.M.P.; de là vers l'est jusqu'à l'angle nord-est de la section 2, township 7, rang 16 E.M.P.; de là vers le nord jusqu'à l'angle nord-est de la section 11, township 7, rang 16 E.M.P.; de là vers l'est jusqu'à l'angle nord-est de la section 12, township 7, rang 16 E.M.P. de là vers le nord jusqu'à l'angle nord-est de la section 25, township 7, rang 16 E.M.P.; de là vers l'ouest jusqu'à l'angle nord-est de la section 26, township 7, rang 16 E.M.P.; de là vers le nord jusqu'à l'angle nord-est de la section 35, township 7, rang 16 E.M.P.; de là vers l'ouest jusqu'à l'angle nord-est de la section 34, township 7, rang 16 E.M.P.; de là vers le nord jusqu'à l'angle nord-est de la section 3, township 8, rang 16 E.M.P.; de là vers l'ouest jusqu'à l'angle nord-est de la section 5, township 8, rang 16 E.M.P.; de là vers le nord jusqu'à l'angle nord-est de la section 8, township 8, rang 16 E.M.P.; de là vers l'ouest jusqu'à l'angle nord-est de la section 7, township 8, rang 16 E.M.P.; de là vers le nord jusqu'à l'angle nord-est, de la section 18, township 8, rang 16 E.M.P.; de là vers l'ouest jusqu'à l'angle nord-est de la section 13, township 8, rang 15 E.M.P.; de là vers le nord jusqu'à l'angle nord-est de la section 25, township 8, rang 15 E.M.P.; de là vers l'ouest jusqu'à l'angle nord-est de la section 26, township 8, rang 15 E.M.P.; de là vers le nord jusqu'à l'angle nord-est de la section 2, township 9, rang 5 E.M.P.; de là vers l'est jusqu'à l'angle nord-est de la section 1, township 9, rang 15 E.M.P.; de là vers l'est jusqu'à l'angle nord-est de la section 12, township 9, rang 15 E.M.P.; de là vers l'est jusqu'à l'angle nord-est de la section 7, township 9, rang 16 E.M.P.; de là vers le nord jusqu'à l'angle nord-est de la section 18, township 9, rang 16 E.M.P.; de là vers l'est jusqu'à l'angle nord-est de la section 15, township 9, rang 16 E.M.P.; de là vers le nord jusqu'à l'angle nord-est de la section 22, township 9, rang 16 E.M.P.; de là vers l'est jusqu'à l'angle nord-est de la section 19, township 9, rang 17 E.M.P.; de là vers le sud jusqu'à l'angle nord-est de la section 18, township 9, rang 17 E.M.P.; de là vers l'est jusqu'à l'angle nord-est de la section 16, township 9, rang 17 E.M.P.; de là vers le sud jusqu'à l'angle nord-est de la section 9, township 9, rang 17 E.M.P.; de là vers l'est jusqu'à l'angle nord-est de la section 11,

township 9, rang 17 E.M.P.; de là jusqu'à son intersection avec la frontière Manitoba-Ontario; de là vers le sud le long de la frontière jusqu'au point de départ. Sont exclus de la présente description cadastrale les biens-fonds pris pour les réserves indiennes nos 37A, 39 et 40.

Interdiction

4.(2) Il est interdit de faire de l'exploitation, de l'exploration, de la préparation ou toute activité minière connexe, notamment du jalonnement de claims miniers ou le traitement de minéraux, dans le bassin versant du lac Shoal.

I think that spells it out more clearly and I think we will then have on the record the part of the section that we are debating.

Mr. Paul Edwards (St. James): Mr. Chairperson, I notice the minister wanted to speak as well. If he wants to speak to this amendment, I would be happy to defer to him and speak after he has.

Mr. Neufeld: Thank you, Mr. Edwards. Mr. Chairman, I think we have to recognize that development prohibition should come from the Department of Environment. Indeed, the Department of Environment right now has regulations that prohibit development in certain areas around the Shoal Lake intake.

The area, as defined as Area 1, had some leases outstanding at one time, but all claims have expired and there are no mining leases in Area 1 at this point in time. The Department of Mines has no intention of issuing leases in that area.

There is one quarry lease in that particular area and the gravel out of that quarry is used only for maintenance purposes.

Anyone who would come to the government for a development plan would have to satisfy not only the Department of Mines but also the Department of Environment that the development would not interfere with environmental safety, and indeed would probably have to go through extensive hearings. I am talking now of those areas outside of Area 1 that are included in the definition by Mr. Hickey's motion.

I do believe that definition probably includes in the area of some 700 square kilometres of land. What that does to the quarries that are in that particular area now, I am not quite sure. It may indeed cause those quarries to close up or to stop mining.

We do believe that we have all the safety procedures in effect through the Department of Environment and through public input into any hearings that might be held. We believe that the amendment is not necessary and that both the Department of Environment and our regulations will cover off any possibility of harmful effects to the environment by any future development or proposed development.

Mr. Edwards: Mr. Chairperson, I have listened with some interest to both the comments of the proponent of this amendment, as well as the minister's comments. I think it is a very important issue that we deal with, and I want to go through some of the reasons that we will support this amendment and would ask all committee members to do the same.

First of all, it has been a commitment of this government through the Minister of Environment as early as two years ago to ban mining on Shoal Lake and in the watershed area. He stated two years ago that that was an ideal, that was something to shoot for. It has been the position of all parties that we needed to make a strong statement in order to go with clean hands, as it were, and a strong position to the Ontario government.

Now, in the past, that was the Ontario Liberal government. In recent times, of course, it is now an NDP government. If there is any more compelling reason not to leave this issue in the hands of government authorities—and the minister asks for that. He says, we, the government will deal with these in a serious fashion; we will protect the watershed area, not in law, but in and of our own concern for the watershed area. If there is any more compelling reason not to do that, it would be the recent reversal of the Ontario New Democratic Party on the Shoal Lake issue.

One need look no further than the press release issued through their Minister of Mines some months, two or three months I believe it was, after their election, which put forward the idea that mining in the Consolidated Professor mining site could go ahead. Mr. Chairperson, they believe, and apparently this government believes that we can entertain mining, development and processing in the watershed area. We can deal with it without posing a risk to the people of Winnipeg, some 600,000, who get their drinking water from that supply. I really hope that they are correct. I think we all do.

If the chemicals which are used in the mining process ever get into the watershed, the ground water, ever leak into the lake, leach or make their way to the lake, we are all going to be in deep trouble. We do not see and will not smell or be able to identify that water as it comes through our taps. We will just drink it. Mr. Chairperson, I, unfortunately, cannot ascribe to this minister and this government, the Minister of Environment included, that level of confidence. I would like to, but others tell us that there is indeed a risk. There is indeed the possibility, and I do not say the probability, but I say the possibility that deadly chemicals involved in the mining process will indeed make their way over time to the Shoal Lake water supply.

Mr. Chairperson, what I ask committee members to do is to today commit themselves to not even entertaining that possibility. Surely we cannot afford, both in terms of human health and safety which is the primary concern, but also in terms of the financial cost of trying to replace that water supply if we ever could, and I do not think we could. Surely those risks, even the possibility of those risks coming to fruition would mean that we must do everything possible at this point to cover those off. We have recent evidence that even the Minister of Environment of this government will not do as he says when it comes to the Shoal Lake area and protecting it.

* (1110)

He said, again, two years ago when it came forward, that a mine drainage pond, a waste pond, some 40 metres from Bag Bay, from the lake, was seriously polluted with cyanide and that he would clean it up. There would be a team involving City of Winnipeg, Province of Manitoba, and Province of Ontario officials that would visit the site and clean it up.

Mr. Chairperson, on June 15, two, two and a half weeks ago, we learned that the cyanide levels in that pond are still 80 times the acceptable standards. It is still clearly a pond which is as polluted as it was two years ago. So the Minister of Environment did not come through on that commitment. I think that must give us further concern about putting the protection of this water supply in the hands of the elected officials. I must say, after the very disappointing reversal of its position by the Ontario New Democratic Party, I do not paint this government alone with that brush. I say it is time we

put this issue past the temptations of any government, and clearly, that is what this government has done through its regulations under The Environment Act.

It has left the door open, it has prohibited mining—not all mining activities, mine processing—on the area which is one kilometre from the lakeshore. That has nothing to do with the watershed. That is just the lakeshore. That has resulted in a total ban on the Manitoba side of one-half of one square kilometre because, of course, the remaining areas of the lake that get into Manitoba are surrounded by Indian reserves and we do not have the same jurisdiction, nor do we have the same problems because they have been dealt with by the City of Winnipeg.

So what this government has done in its big splash—pardon the pun—to deal with this issue is cover off one-half of one square kilometre. Mr. Chairperson, that is hardly a strong position to go from to the Province of Ontario and say: you ban mining, you deal tough with Consolidated Professor, do not let this water supply be contaminated. That is hardly a position of strength, we having so clearly left the door open to mining activity, and even the potential, as I say, the possibility of very serious and grievous pollution of this water supply.

I believe Ontario will follow our lead, Mr. Chairperson, and our lead should be unequivocal. Our lead should be a ban, a statement based on the principle that no mining activity is acceptable to the people of Winnipeg. No possibility of contamination of our water supply is acceptable. When we take that stand, we can then go to the Ontario government and ask them to take the same stand, and I do not say, no one says, that that may not be without cost to the province of Manitoba because, through the stumbling of our own NDP government here in the past administration, they were unable to secure a commitment from Ontario to the same ban. Now, if we had had that in place, Consolidated Professor may well not have made the investments it has made, which it will seek compensation for if we seek to ban it on the Ontario side. They will seek compensation, I have no doubt.

But the solution, while it may at this point, as I say, through the failings of prior administrations and indeed this administration in not hitting this issue back in 1988, the failings are going to perhaps cost us a bit but are not insurmountable by any stretch of the imagination and will certainly be worth any effort

in terms of compensating what we may be legally responsible for. That is the same attitude that was taken by the city when they dealt with the Natives in their cottage proposal.

I believe that we have to go to Ontario with this ban in place that is before us now and only with that in place can we ask them for the same commitment. We should agree, I believe, to negotiate with them some kind of agreement whereby they would put that ban in place, defend any possible legal actions—there may be defences available which we do not know—use their best efforts to do that. At the end of the day, we will have to be prepared for the sake of 600,000 of our citizens and their health and safety in this community to compensate for some, if not all, of what ultimately results after a court challenge.

I believe there may be defences available and Ontario would be required to use its best efforts to defend, but, Mr. Chairperson, we cannot continue, and this government cannot continue to say it believes in restricting and covering off any possibility of pollution of this water supply and yet not do it, not put that into law. The whole thrust of this act is to put regulations, as I understand it, into legislation. Yet, we see when it comes to Shoal Lake, when it comes to health and safety issues, the answer is not legislation. It is regulation.

For the minister to say that this a matter for his colleague, the Minister of Environment, is incorrect. The thrust, and by the admission of the Minister of Environment himself, has always been to deal with mining activity, the possibility for mining activity in the area polluting the water supply. If the Minister of Environment does not understand the concept—and he clearly does not—of a watershed, then I hope the Minister of Mines does, because to protect the water supply, you do not just step back from the shore. You look at the geography, the underground details of the area. You have to understand how ground water flows in the area, and you have to understand seepage through the ground to that water table.

Mr. Chairperson, that is probably the scariest evidence so far, that this government has no idea what they are doing on this issue; that is, the minister seems to think that stepping back from the shoreline is the answer. He is absolutely incorrect. Everyone who has taken an interest in this says that. He has to go back and rethink this and put some protection

in place for the watershed area, and he has done none of that.

So, Mr. Chairperson, I ask this to be a nonpartisan issue, because we all want to protect the water supply for Winnipeggers. I see representatives here from the government side who represent constituencies in Winnipeg. I, myself, represent a constituency in Winnipeg. The minister represents a constituency in Winnipeg. We need to satisfy the citizens of this community that we have done everything possible. The only way we can do that is to come forward with this type of a ban on mining activity and then take that to the Province of Ontario and ask them to do the same.

It truly is time, I believe, to set the rhetoric aside on this issue and to do what we all know is necessary, ultimately to be done. Whether this government does it or another government does it, it has got to be done, and it will be done at some point. Some minister, some government has to have the courage of its convictions and put this kind of a ban into place. I call on this minister to do just that. Thank you, Mr. Chairperson.

Mr. Carr: Mr. Chairperson, I do not want to take more time than is necessary, but I want to reiterate two points made by my colleague whose presentation I found to be both thorough and persuasive.

The first is to point out the irony that the act that we are debating this morning, The Mines Act, has as one of its major thrusts, the taking of the whole series of regulations and moving them into statute law. If the minister were to be asked why he has chosen this route, I am sure his answer would be, to give greater certainty, and so that you cannot change some of these very important clauses in the act by simple Order-in-Council, that it ought to be the prerogative of the Legislature to make these changes when changes are deemed to be in the public interest. So you have to ask the question rhetorically: Why would the government consider it important enough to put, from regulation into statute, very important technical amendments that govern mining in the province but not consider it important enough, for greater certainty, to take what currently is a regulation and embody into statute the safety and security of the water supply for 620,000 Winnipeggers?

* (1120)

The second point is: Why would the member of the Legislature for St. Norbert (Mr. Laurendeau) and the member of the Legislature for Fort Garry (Mrs. Vodrey) not want to send a signal to their constituents that every conceivable effort has been taken by the Legislature in order to protect their water supply?

The onus and the burden of proof is not on those who recommend this amendment be adopted and not on those who are arguing as persuasively as we can to go the extra mile to protect that Shoal Lake and its watershed, but the onus and the burden is on those who say we do not need it, especially those who represent the citizens who are dependent for their very lifeline on the quality of that water.

Now we are not being hysterical here, Mr. Chairman. We are not saying that tomorrow there is strong likelihood that a mining operation is going to be given approval by the Manitoba government or by the Ontario government and therefore our water supply is to be threatened, but as my colleague so eloquently pointed out, why are we taking unnecessary risks?

The burden of proof is on those who are not prepared to move into statute the necessary protection, and for the Minister of Mines (Mr. Neufeld) to say either that regulation is sufficient or that it is the responsibility of the Minister of Environment (Mr. Cummings), not himself, to safeguard the quality of drinking water, gives no comfort to those who are looking for the maximum possible security.

The amendment makes sense. I do not hear arguments that it is going to cost the province a great deal of money. Even if it would cost the province money, then the arguments would have to be very persuasive indeed that we could not afford to buy out the claims or the leases for the protection of the city's water supply. So I would encourage, in particular the members of this committee who represent constituencies in the city of Winnipeg, to leave this committee this morning with a clear conscience that as legislators, as men and women who represent the people of Winnipeg, they have done everything in their power to ensure the safety and security of the drinking source for 620,000 Winnipeggers. Thank you, Mr. Chairman.

Mr. Edward Helwer (Gimil): Mr. Chairman, I realize this is a very sensitive area and this amendment is an important amendment, but I

wonder also if the minister could give us more information regarding this. I wonder if we could see a map as to what area this watershed includes and also perhaps what economic effect this would have on the area, on Manitoba and on the mining in Manitoba, also, whether this is a duplication of authority or whether the environment bill covers this as to what effect this amendment would have on both departments, Mines and Environment.

Perhaps we should have a five-minute recess to discuss this properly and come back with some answers.

Mr. Chairman: Before I entertain the suggestion of a recess, I will ask the minister to respond.

Mr. Neufeld: Mr. Chairman, I think we have to remember that we on the government side have the same concerns about the quality of the drinking water that the members of the opposition have so eloquently brought to this committee. However, we have to remember that before any development can take place in any area of Manitoba, the proponents must come forward with a plan that is both acceptable to the Department of Mines and acceptable to the Department of Environment.

I cannot conceive of any proposed development going ahead without an environmental hearing. I cannot conceive of any mining development going ahead without every possible safety precaution having been met. I am certain that the members of the opposition will ensure that happens. I am sure that the people of the Water Protection Group will make sure that happens. I am sure that the City of Winnipeg will make certain that happens, and indeed, before any development can possibly take place, we would ensure, as a government, that all safety precautions have been met.

I have to say that the only persuasive argument brought forward by either Mr. Edwards or by Mr. Carr is that if we bring this into legislation, we can go to Ontario and say we have brought this into legislation, and they will have to follow suit. I do not believe that is necessarily so.

I do not believe that we are putting Winnipeggers at risk by leaving this out of the act. I have to say also that there are a number of claims presently in the area of the areas defined by Section 41(1) that we would have to make certain that we do something with. That is not a reason to leave it out, but it could very well be a very costly thing, a very costly issue.

I have said earlier that before any development can go ahead, they must come forward with a plan that is both acceptable to the Department of Environment and to the Department of Mines. So I cannot accept the danger or the scare tactics that have been brought forward here today. I think that we will make certain that the water supply of the city of Winnipeg is protected as we would protect the water supply of any community.

I would also like to say that somebody has gone out for the map, and we will show you where the watershed area is.

Mr. Bob Rose (Turtle Mountain): Mr. Chairman, I think Mr. Helwer asked some of the questions that I had and perhaps that information is coming with the map. There are a couple of comments. Are we talking about the watershed just on the Manitoba side—is that the map that is coming—or does it show the whole lake?

Mr. Neufeld: We just have jurisdiction on our side.

Mr. Rose: Does anyone know approximately what area this covers—the amendment—you mentioned 700 kilometres, I believe, Mr. Minister? Is that in Manitoba?

An Honourable Member: 740.

Mr. Rose: 740. So if you use the same yardstick in Ontario, Mr. Chairman, how many square kilometres would it cover in Ontario?

Mr. Neufeld: I am not certain of the square area covered by the watershed on the Ontario side of the border. The mover of this bill may give us that information.

Mr. Hickes: I think the whole purpose of this, if I may just take a brief moment—

Mr. Chairman: If you would allow me, Mr. Hickes, I will allow Mr. Rose to finish his questioning and then I will turn to you.

Mr. Rose: Mr. Chairman, I will have to make an assumption then, and following what the minister has said, that the only real argument that has been presented, I think, is that we might be able to go to the Ontario government and say, look what we have done, you better do it too. It seems to me that we would be asking the Ontario government, without having the figures, I cannot say for certain, but we would be asking the Ontario government to cover an enormous area relative to what is in Manitoba, if my sense of the geography is correct.

I would suggest, as the minister has, that they would be very, very reluctant to accede to that kind of an approach. It seems to me that if the argument is that we are going to be able to say, look what we have done in Manitoba with our little bit, should you not do the same thing in Ontario with your great big bit, it loses some of its effectiveness.

The second comment I would like to make, Mr. Chairman, in reference to some of the remarks that Mr. Edwards, is that in my mind, at least, the watershed is a surface area. Surface runoff is what is referred to by a watershed. Is that correct?

Mr. Edwards referred to seepage. Now, my understanding is seepage or underground water flows are substantially different than surface water flows, and I doubt whether we have any information as to the kind of underground water flows where seepage would get into those underground water flows and what effect that would have on the lake. In other words, seepage might come from a substantially different area than is set out in this particular watershed, which again I may be incorrect, but I think is just identifying surface runoff. Conversely, of course, seepage might occur within this area that is identified as a watershed area and end up in—

Mr. Edwards: Let us make it bigger.

Mr. Rose: Well, I think what you are saying, Mr. Edwards, is that we do not really know what we are talking about here. What is laid out here is a watershed area which, in my mind, as I say, is surface runoff.

* (1130)

Mr. Hickes: I would just like to add a few things here. When we talk about that the Department of Environment will look after this problem, I do not think it is the Department of Environment's problem to look after. I think the first person that is responsible for that, if you read 4.1(2) "No person shall carry on any mining, exploration or development, or any other related mining activity," it specifically falls under the jurisdiction of Energy and Mines.

The other thing is when we say that through the environmental assessments and process and everything else that Manitoba's interests will be looked after, I am sure that the individuals that were responsible for Chernobyl and Exxon had the same feeling. They said all precautions are taken; we are guaranteed this is safe.

We never know when an accident will happen. We do not know that. So if we ban all mining activities, then for sure we are looking after our source of water for Winnipeg, and also we would have some clout to pressure the Ontario government to say, well, we have banned mining on our side of the border. Maybe it is time you took a serious look at the effects of it. You would have more clout than just to go begging and say, please, will you stop mining? I think if we had a dialogue on this side it will have much, much more meaning.

Also, when Mr. Rose was talking about runoffs and stuff like that, we know that in almost every lake, river, there are underground streams. If you get an underground stream, and if you have runoff that is seeping into those underground streams, that will carry whatever—if it is diesel fuel or gas or what have you, it will carry it a lot quicker into our water base area. I think that is another thing that we have to watch very carefully over.

I do not think there should be much wrestling with people's consciences because this is the opportunity and the chance to do it now before something happens, instead of waiting 10, 20 years and then something happens and say, well, I was sitting at that meeting and I had a chance to do it, but I did not do it. I think this is our opportunity now to, like Mr. Edwards said, look at it in a nonpartisan way and support this amendment.

Mr. Chairman: Thank you, Mr. Hickes. Before I recognize Mr. Edwards, I want to remind all committee members that the normal procedure in parliamentary debate is that when a mover opens debate and is recognized a second time, he closes debate. I am going to waive that procedure this time, Mr. Hickes, but I want to remind members when they move either motions or amendments, that we can follow that rule. I will waive that this time and I will recognize Mr. Edwards.

Mr. Edwards: Mr. Chairperson, I will be brief. I just want to respond to some comments made by both the minister and Mr. Rose.

I want to make sure that I understand and we all start from the same principle. The principle is that we want to do everything possible to protect the water supply at Shoal Lake. That is a principle which has been articulated by the minister, which has been articulated by both of the opposition parties. So we flow from there. That is the starting point.

The reasons given by the minister for not putting this into place are three, as I understand it. Trust us is the first one. We will do the job—

An Honourable Member: Trust us is the second one and trust us is the third—

Mr. Edwards: Well, trust us is essentially the underlying reason behind all of the three, but on its own it is the first one. As I have indicated, I do not paint this government alone. The Ontario government has, indeed, said the same thing and clearly cannot be trusted because they want mining activity to go ahead. That was the thrust of their press release.

This government, in particular, said two years ago, two things: (a) if a ban on mining is the way to go, that is what we should aim for—they clearly have not done that; (b) they said they will clean up the existing waste pond 40 metres from the lake, and again they have not done that. So we have very little reason to trust this government, less reason even to trust the Ontario NDP government. In my mind, I think it is just perhaps a function of the temptations of government to increase revenues through mining activity. That is clearly in place in this government's regulation, clearly at the forefront of the Ontario government's press release.

Secondly, it would cost us too much is a reason given, and Mr. Rose expands that and says, we do not know what it would cost the Ontario government, so why should we do it? Mr. Chairperson, that begs the question, what would it cost, not just in human terms, if the lake was, in fact, polluted? What would it cost us to replace the Shoal Lake water supply for this city? The answer, according to all of the experts, is you could not replace it. No amount of money would buy another Shoal Lake for this city. So let us put that at the forefront when we are talking about cost, both to ourselves and Ontario and any indemnification which we may have to give to the province of Ontario.

The third reason Mr. Rose brings up, I want to see a map, I want to see how can we make this determination when we do not know what in Ontario is covered. We suffer from the fact that the vast majority of Shoal Lake is in Ontario. That is a problem. That has always been the problem. A little bit is in Manitoba, but most of it is in Ontario. Now I guess we could say, well, on the theory put forward, look, if it is so much for Ontario to do and so little for us, why should we do anything because,

you know, they are going to ask for more. We are asking Ontario ostensibly—I would like us to ask Ontario, the minister said he wants to ask Ontario—for quite a sacrifice over quite a large area of land, and that is clear.

They have the major burden because the major portion of the lake is in their jurisdiction. The only hope we have is to go with the best position we can take which is a ban. That is it. If we do not go with that, we can never expect them to do more than we have. Our best expectation is that they will do the same as we have, and we are not going with the best. We have got a lot less to lose by putting a ban than they do. What are they going to say to us when we come with a half-baked 11 percent protection in the watershed area. They are going to say, gee, you got to 11. That is as high as we are going to get. We may get a little less, but 11 is the maximum. I mean, for heaven's sake, you have not, even with no cost to you, like Consolidated Professor, you have only gone to 11 percent.

The suggestion is made that we do not know what a watershed is, ground water, maybe that is not a watershed. Let me tell you one thing. The watershed and ground water, what we know it is not is one half of one kilometre, square kilometre. What we know it is not is a ban on a 1,000 metres from the lakeshore. I mean, sure, ours may not be big enough. That seems to be the thrust of the member's comments.

I welcome his amendments in that regard because what we know it is not is what we have in place now which is 1,000 metres from the shore line. No one will defend that as protection over watershed, or ground water, or whatever you want to call it. It is not limited to 1,000 metres from the lakeshore. So consider that when we look at this amendment. If we need more, fine, let us talk about that, but what we know is we sure do not need less. Thank you, Mr. Chairperson.

* (1140)

Mr. Neufeld: Mr. Chairman, I will say a few words only and then I will allow you to ask for the vote.

I do not think that being dramatic, as Mr. Edwards has been, is the answer to this. I think we should recognize there never has been any mining on Shoal Lake. The only mining that has taken place in the whole area is the very northern part of the watershed area in around Falcon Lake, and that is for about two or three years some fifty years ago.

Mr. Edwards has acknowledged he does not know where the watershed is so he wants to cover the better part of southeastern Manitoba—

Point of Order

Mr. Edwards: Mr. Chairperson, the minister is intentionally, I believe, misquoting my comments. That is not what I said. What I said is the doubt raised by my colleague, as to what it was. I have no doubt in my mind, but if he has a doubt, what we know is the watershed is not limited to a thousand metres from the lakeshore. That is what we know.

Mr. Chairman: Mr. Edwards, I believe you are disputing the facts and you have no point of order. Proceed, Mr. Minister.

* * *

Mr. Neufeld: The area that has been covered in the amendment gives us no certainty that is a watershed area. There is no certainty that the only real persuasive argument given by the opposition is that Ontario will have to do it. There is no certainty they will, if we do this. There is no certainty at all. There are difficulties with the Ontario side, we think there are.

Nothing has been mentioned about the watershed area in Minnesota. There is a fairly large collection area in Minnesota that flows into Lake of the Woods and then into Lake Winnipeg, and partially into Shoal Lake, so we have a large watershed area. We do not want to bring panic to the residents of Winnipeg because we think there may be something. There has never been any mining on Shoal Lake.

Yes, there has been some exploration work, but before any work can be done on the Manitoba side, they must bring in a plan that is going to be most difficult for them to meet because of the environmental demands that will be placed upon them. I have faith that the Ontario government would put the same demands upon any development plan that comes before their Department of Mines and Department of Environment, but to arbitrarily pick an area that should have no more mining exploration or mining development is, to my mind, being overly protective and we do not need the amendment as is brought forward. I do believe that the government has the ability to restrict the development of mines in the area that concerns us and concerns the people of Winnipeg.

I would ask you, Mr. Chairman, to put this amendment to a vote.

Mr. Chairman: All those in favour of the amendment, say aye.

Point of Order

Mr. Helwer: Mr. Chairman, I wonder if we could have a five-minute recess to discuss this with the minister?

Mr. Chairman: Leave? Is it the will of the committee to recess for five minutes? Agreed.

* * *

The committee took recess at 11:43 a.m.

After Recess

The committee resumed at 11:51 a.m.

Mr. Chairman: Can we come to order, please?

Mr. Helwer: The City of Winnipeg has the concern for water sources north of Winnipeg, and the communities north of Winnipeg have the same concern that we have for the water supply for the city of Winnipeg. I hope that the City of Winnipeg also has the same concern that we have for the communities north of Winnipeg and the communities on Lake Winnipeg, because the effluent that is discharged in the Red River, although it is a different topic completely than this, but I only hope the City of Winnipeg has more concern for that than for the communities north of Winnipeg.

Mrs. Rosemary Vodrey (Fort Garry): I would like to start by saying again the comments that the minister has made, in that I know the members on this side share the concerns for the environment that have been discussed by the other members here today. Speaking on behalf of the people of Fort Garry, I know that they do too, the concern for environmental protection, the concern for sustainable development, the concern for our water source, and I want it to be well known that that concern is widely held on this side.

I have listened to the arguments presented by the opposition, and I have two concerns regarding the issues raised. The first is, I have found the arguments raised to be a great amount of speculation, a great amount of "what if" kinds of questions and statements, and I found that it has been missing in facts and substance. In particular, I look at the issue of the certainty of where the

watershed is. I do not feel that that has been adequately answered and that I do believe when you raise a whole series of "what if" questions, then you do tend to scare the people listening without adding some real answers.

The second concern I have regarding the issues raised by the opposition parties is that it seems to me you feel if we will put this into legislation, somehow that will then force the government of Ontario to also enact similar legislation. I do not believe that that will follow. I do not believe that by enacting legislation on our side we can necessarily influence the Province of Ontario, which has been your main concern, and that there may be other methods and mechanisms that we can take to our negotiations with the Province of Ontario.

Finally, I would like to say that my colleague, the Minister of Energy and Mines (Mr. Neufeld), has also made it clear that for any development a plan has to come to the government, it has to be placed before the Minister of Energy and Mines, and it has to be placed before the Minister of Environment (Mr. Cummings). I think that is one very strong mechanism that is in place that has not been argued very fully here this morning. Thank you very much.

Mr. Marcel Laurendeau (St. Norbert): I just wanted to add a few words to the debate that is happening here today. The honourable members from the opposition and the second opposition party have spoken eloquently on this subject.

I have had concerns over the Shoal Lake mining and other aspects of development for a number of years. When I was on City Council I opposed the development of the mine on the Ontario side. I supported the WPG in their finances at that time, but I had other concerns that were brought forward, and it was the other developments, cottages and other types of development and industry that would occur within the watershed. As the member for Crescentwood, Mr. Carr, had brought forward, we are dealing here with law, and as a last minute amendment, as you called them, Mr. Carr, through you, Mr. Chair, it is hard to understand where all the boundaries are you are coming with. Are we covering not enough? You know, are we going far enough, as far as the rest of the environmental impact studies are concerned for what type of industry, or what else will happen within this watershed, as you want to call it?

I feel that after speaking with the Minister of Environment (Mr. Cummings) on this subject that this limit that Mr. Edwards has brought forward, the one kilometre from watershed—he is stating it is only 11 percent. I believe that we are having a misconception with what Mr. Edwards is putting forward versus what is being put forward in here. I believe the Minister of Environment believes that he is covering enough, and he was stating, in his statements, that if the Province of Ontario were only to go as far as we are going with that percentage, we would have very good protection for Shoal Lake.

Maybe it is not, maybe we do have to debate that further, but I think going against only one aspect of development, and that is mining, I think we are going at the wrong end of the grade now. It should be dealt more with the environmental impact studies and through the two departments amalgamating.

We might very well come up with this type of amendment after studying it fully. This might very well be it, but after the two departments have sat down and studied the issue and found out exactly where the watershed is, and exactly what is happening within that basin, I think that is when we will do it. We will not do it by just having a motion brought forward on a Thursday night and then not studying the full impact of it and ramrodding it through. I believe the honourable member for Crescentwood (Mr. Carr) had brought that forward last week, that we should not just ramrod laws through. By bringing forward this type of legislation and this type of amendment, that is what we would be doing. We would just be ramrodding through a vision of a group of people without having the total impact studied of what the impact of this amendment would be.

I commend them on what they are bringing forward. I say they are doing a good job trying to protect the environment, but let us not just go ramrodding and look at it properly in the long run. Thank you.

Mr. Edwards: Just for a point of information. Both of the prior speakers have mentioned questions as to what the watershed area is and questions of surveying and mapping. I tabled in the House approximately 10 days ago a survey completed by Pollock and Wright land surveyors which defined the watershed area, which defined the area of protection under the existing regulations as 11 percent of that watershed area. That is a matter of public record. I encourage all members to consider

that map. Clearly, it answers all of the questions that have been put forward here today. I have had no response from the government or this minister disputing any of the conclusions of those land surveyors, so I take them as fact at this point. That has been put forward, and that is a matter of public record.

* (1200)

Mr. Chairman: I will then pose the question. All those in favour of the amendment, say aye. All those opposed to the amendment, say nay. I say the Nays have it.

An Honourable Member: Recorded vote.

Mr. Chairman: A recorded vote has been requested.

A COUNTED VOTE was taken, the result being as follows:

Yeas 4, Nays 6.

Mr. Chairman: I declare the Nays have it, and the motion is defeated.

Is there another amendment?

It has been moved by Mr. Carr

THAT clause 2(2)(b) be amended by adding ", and work with local communities," after "province";

(French version)

Il est proposé que l'alinéa 2(2)(b) soit amendé par adjonction, après "doivent", de ", en travaillant de concert avec les communautés locales,".

Mr. Neufeld: Mr. Chairman, we have no objection on this side to the inclusion of that clause in 2(2)(b).

Mr. Chairman: Are you ready for the question? All those in favour, say yea. All those opposed, say nay. I declare the amendment passed.

Moved by Mr. Carr

THAT clause 2(2)(d) be amended

(a) by striking out "and impediments to mineral development"; and

(b) by striking out "environmental programs and".

(French version)

Il est proposé que l'alinéa 2(2)(d) soit amendé:

a) par suppression de "et de créer des obstacles au développement de l'industrie minière";

b) par suppression de "les programmes environnementaux et".

Mr. Neufeld: I would like to read that paragraph with the amendments and see if we agree with that. The paragraph would then read: That hazards to the environment be prevented or, if not prevented, minimized by avoiding mining activities that have significant adverse environmental or economic impact.

We are taking out environmental programs, we are taking out mineral development and, in our view, tips the scales too much on the side of environment, and it should be a balance.

Environment and development should be a balanced scale. They should not be one-sided on one side or the other, and we do believe that this amendment would take away from Principle 4 of Sustainable Development as issued by the round table, and I will read principle 4. The principle requires that we anticipate, prevent or mitigate significant adverse environmental, including human health, and economic impacts of policy, programs and decisions.

Now, that means to me that we do not necessarily rule out development, but it means to me that we take all precautions, but development and the environment can go hand in hand, and there can be a balance. We believe that unless we can be shown otherwise that this takes away from that balance.

Mr. Carr: Mr. Chairman, the clause as read now implies that environmental programs are hazards to the environment. It reads: hazards to the environment and impediments to mineral development be prevented or, if not prevented, minimized by avoiding environmental programs and mining activities that have significant adverse environmental or economic impact.

Environmental programs cannot have adverse effects on the environment, at least as far as I know, or if they do, they are hardly environmental programs, so, the way the clause reads now is a bit nonsensical. Therefore, our amendment sets a little bit of sense into the clause which otherwise does not make much sense.

Mr. Chairman: Are you ready for the question?

Apparently the minister is not ready to deal with 2(2)(d). I think there was some confusion here as to whether there was a (c) amendment or not. There is, I understand from Mr. Carr, an amendment that is being brought forward, and I would suggest to the committee that we deal with 2(2)(c) first while

we are waiting for the minister to come forward with a response to 2(2)(d).

So if it is the wishes of the committee we will revert back to 2(2)(c). 2(2)(c) states, moved by Mr. Carr THAT clause 2(2)(c) be amended by adding ", working with local communities" after "government and industry";

(French version)

Il est proposé que l'alinéa 2(2)c) soit amendé par adjonction, après "industrie minière", de ", de concert avec les communautés locales,"

Mr. Neufeld: That clause (c) would then read: that responsibility for sustaining a sound and healthy environment alongside development of a sound and healthy mining industry is a responsibility that is shared by government and industry, working with local communities.

I have no difficulty working with local communities and we, on this side, have no difficulty with that inclusion.

Mr. Chairman: Is it agreed that the amendment be passed? Agreed and so ordered.

We will revert back to 2(2)(d) then.

* (1210)

Mr. Neufeld: This would read that: hazards to the environment and impediments to mineral development be prevented, or, if not prevented, minimized by avoiding policy, programs and decisions that have significant adverse environmental or economic impact.

Mr. Carr: That sounds better. I would like to see a written copy if we could.

Mr. Neufeld: We are writing it out now.

Mr. Chairman: As soon as the written text comes, then we can deal with that.

Can we deal with the next amendment then, and we will revert back to voting on this one?

Moved by Mr. Carr

THAT clause 2(2)(j) be amended by striking out "and industry" and substituting ", industry and citizens,".

(French version)

Il est proposé que l'alinéa 2(2)j) soit amendé par substitution, à "et de l'industrie", de ", de l'industrie et des citoyens".

Mr. Neufeld: We have, on this side of the table, no objection to the inclusion of that change.

Mr. Chairman: Are you ready for the question? All those in favour?

Some Honourable Members: Aye.

Mr. Chairman: Passed. So ordered.

Would it be the will of the committee that we revert to the Definitions while we are waiting for 2(2)(d) and we can pass those?

Some Honourable Members: Yes.

Mr. Chairman: Moved by the honourable minister THAT clause (c) of the definition of "advanced exploration project" in subsection 1(1) be amended by adding "for purposes of bulk sampling, mine development or mining," after "watercourse".

(French version)

Il est proposé que l'alinéa c) de la définition de "ouvrage d'exploration avancée" de l'alinéa 1(1) soit amendé par adjonction, après "cours d'eau naturel", de "aux fins d'échantillonnage en masse, de préparation de mines et d'exploitation".

Mr. Chairman: Agreed? Agreed and so ordered.

Moved by the honourable minister

THAT subsection 1(1) be amended

(a) in the definition of "borehole", by striking out "phanerozoic" and substituting "Phanerozoic" and by striking out "Precambrian" and substituting "Precambrian";

(b) by striking out the definition of "Crown agency", and

(c) in the definition of "Crown land" by striking out "or a Crown Agency", and

(d) by striking out the definition of "tract" and substituting the following:

"tract" means a mineral location or a parcel of land that contains minerals that are owned by a person other than the Crown and includes part of a mineral location or such parcel of land,

(French version)

Il est proposé que le paragraphe 1(1) soit amendé:

a) par substitution, à "phanerozoic", de "Phanerozoic", et, à "Precambrian", de "Precambrian", dans la définition anglaise de "boreholes";

b) par suppression de la définition de "organisme de la Couronne";

c) par suppression, à la définition de "terre domaniale", de "ou à un organisme de la Couronne";

d) par substitution, à la définition de "parcelle", de ce qui suit:

"parcelle" Tout ou partie d'un emplacement minier ou d'une parcelle de biens-fonds qui contient des minéraux n'appartenant pas à la Couronne. ("tract").

Mr. Chairman: Agreed? Agreed and so ordered.

Moved by the honourable minister

THAT section 4 be struck out and the following substituted:

Definition

4(1) In this section, "disposition" means disposition as defined in The Crown Lands Act.

Reservation of minerals

4(2) Unless a contrary intention is expressed in an instrument, there is reserved to the Crown out of every disposition of Crown land, the minerals on, in or under the land, together with mineral access rights for the purpose of exercising mineral rights in respect of the land.

Disposition of rights

4(3) Mineral rights in respect of minerals in which the Crown has an interest, including mineral access rights in respect of Crown mineral land, may be disposed of only in accordance with this Act.

(French version)

Il est proposé que l'article 4 soit remplacé par ce qui suit:

Définition

4(1) Pour l'application de présent article, "aliénation" s'entend au sens de la Loi sur les terres domaniales.

Réserve

4(2) Sauf indication contraire dans un instrument, les aliénations de biens-fonds domaniaux comportent une réserve en faveur de la Couronne relativement aux minéraux et aux droits d'accès aux minéraux servant à l'exercice des droits miniers.

Aliénation de droits

4(3) Les droits miniers relatifs aux minéraux visés par un intérêt de la Couronne, y compris les droits d'accès aux minéraux des biens fonds de minéraux domaniaux, ne peuvent être aliénés que conformément à la présente loi.

Agreed? Agreed, so ordered.

Moved by the honourable minister

THAT clause 2(2)(d) be amended by striking out "environmental programs and mining activities" and substituting "policies, programs and decisions".

(French version)

Il est proposé que l'alinéa 2(2)d) soit amendé par substitution, à "les programmes environnementaux et les activités minières", de "les politiques, les programmes et les décisions".

Agreed? Agreed and so ordered.

We will now ask for the unanimous consent to withdraw Mr. Carr's amendment which referred to 2(2)(d).

Agreed? (Agreed) Thank you.

This, I understand, is the final amendment.

Moved by the honourable minister

THAT Legislative Counsel be authorized to change all section numbers and internal references necessary to carry out the amendments adopted by this committee.

(French version)

Il est proposé que le conseiller législatif soit autorisé à changer tous les numéros d'articles ainsi que les renvois nécessaires à l'adoption des amendements faits par le présent comité.

Agreed? Agreed.

Now, can we revert back to clause by clause? I will ask that we deal with blocks of clauses, and we will have to refer to the specific sections that have been amended, I understand. That is the advice I have.

The procedure that we are going to use is we are going to pass blocks of clauses and refer to the specific clauses that have been amended and make reference to them for the record. That is going to be the procedure.

* (1220)

We will start with Clause 1(1) of this act, Part 1 of the Definitions.

Clause 1(1)(a) to (d), as amended—(pass); Clause 1(1), in its entirety—(pass); Clause 2(2)(b), as amended—pass; Clause 2(2)(c), as amended—pass; Clause 2(2)(d), as amended—pass; Clause 2(2)(j), as amended—(pass); Clause 2(2) in its entirety—pass; Clauses 3 to 5—pass; Clauses 6 to 11—pass; Clause 11(5), as amended—(pass).

Clause 11 to 20—pass; Clause 20, as amended—pass; Clause 21(3)(a), as

amended—pass; Clause 22(3), as amended—(pass); Clause 21 to 22, in its entirety—(pass); Clause 22 to 45—(pass); Clause 45(3), as amended—pass; Clause 45(4), as amended—(pass); Clause 45—(pass); Clause 46(1), as amended—(pass).

Clauses 46 to 53—(pass); Clause 53(2), as amended—pass; Clause 53(5), as amended—(pass); Clauses 53 to 58—(pass); Clause 58(1), as amended—(pass); Clause 58—(pass); Clause 59(2), as amended—(pass); Clauses 59 to 60—(pass); Clause 61—(pass); Clauses 60 to 64—(pass); Clause 64(3), as amended—pass; Clauses 64 to 70—pass; Clause 70, as amended—pass; Clauses 70 to 74—(pass); Clause 74, as amended—(pass); Clauses 74 to 82—(pass); Clause 82(1), as amended—pass; Clauses 82 to 83—(pass); Clause 83, as amended—pass; Clauses 83 to 84—(pass); Clause 84(1), as amended—(pass).

Clauses 84 to 89—(pass); Clause 89, as amended—pass; Clauses 89 to 94—pass; Clause 94, as amended—(pass); Clauses 94 to 100—(pass); Clause 101, as amended—(pass); Clauses 100 to 103—(pass); Clause 103(1), as amended—(pass); Clauses 103 to 104—(pass); Clause 104, as amended—(pass); Clause 103(3), as amended—pass; Clauses 103 to 111—(pass); Clause 111(1), as amended—pass; Clause 111(4), as amended—(pass); Clause 111(5), as amended—(pass).

Clauses 111 to 113—(pass); Clause 113, as amended—pass; Clauses 113 to 126—(pass); Clause 126(3), as amended—pass; Clauses 123 to 126—(pass); Clause 126, as amended—pass; Clause 126(4), as amended—pass; Clause 126(5), as amended—(pass).

Clauses 126 to 129—(pass); Clause 129, as amended—(pass); Clauses 129 to 147—(pass); Clause 147, as amended—(pass); Clauses 147 to 150—(pass); Clause 150(8)—pass; Clauses 150 to

155—(pass); Clause 155(1), as amended—(pass); Clauses 155 to 161—(pass); Clause 161(c), as amended—(pass); Clauses 161 to 185—(pass); Clause 185(2), as amended—(pass).

Clauses 185 to 200—(pass); Clause 200(3), as amended—(pass); Clause 200(4), as amended—(pass); Clauses 200 to 215—(pass); Clause 215(1), as amended—(pass); Clause 215, in its entirety, as amended—(pass); Clause 216(1), as amended—(pass); Clauses 216 to 230—(pass); Clause 230, as amended—(pass); Clause 230(c), as amended—(pass); Clauses 230 to 243—(pass); Clause 243(4), as amended—(pass); 243(1), as amended—(pass); Clauses 243 to 245—(pass); Clause 245(1)(a), as amended—(pass).

Just in case we did not, we are going to read into the record Section 4, and the Definition of Section 4.

In this section, "disposition" means disposition as defined in The Crown Lands Act. That is 4(1) of the Definition. Shall this pass? Pass.

There seems to be some problem with our advice, but we will, for the second time, read this into the record.

The Mines and Minerals and Consequential Amendments Act, moved by the honourable minister

THAT Legislative Counsel be authorized to change all section numbers and internal references necessary to carry out the amendments adopted by this committee.

Shall the item pass—pass; Title—(pass); Preamble—(pass). Shall the Bill be reported, as amended. Agreed? Agreed.

Is it the will of the committee that I report the Bill, as amended?. Agreed? (Agreed) Thank you very much. Committee adjourned.

Committee rise.

COMMITTEE ROSE AT: 12:34 p.m.