



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

STANDING COMMITTEE

on

LAW AMENDMENTS

42 Elizabeth II

*Chairperson
Mr. Bob Rose
Constituency of Turtle Mountain*



VOL. XLII No. 2 - 7 p.m., THURSDAY, JUNE 24, 1993

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

Members, Constituencies and Political Affiliation

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	Liberal
ASHTON, Steve	Thompson	NDP
BARRETT, Becky	Wellington	NDP
CARSTAIRS, Sharon	River Heights	Liberal
CERILLI, Marianne	Radisson	NDP
CHOMIAK, Dave	Kildonan	NDP
CUMMINGS, Glen, Hon.	Ste. Rose	PC
DACQUAY, Louise	Seine River	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DEWAR, Gregory	Selkirk	NDP
DOER, Gary	Concordia	NDP
DOWNEY, James, Hon.	Arthur-Virden	PC
DRIEDGER, Albert, Hon.	Steinbach	PC
DUCHARME, Gerry, Hon.	Riel	PC
EDWARDS, Paul	St. James	Liberal
ENNS, Harry, Hon.	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Clif	Interlake	NDP
EVANS, Leonard S.	Brandon East	NDP
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen, Hon.	Springfield	PC
FRIESEN, Jean	Wolseley	NDP
GAUDRY, Neil	St. Boniface	Liberal
GILLESHAMMER, Harold, Hon.	Minnedosa	PC
GRAY, Avis	Crescentwood	Liberal
HELWER, Edward R.	Gimli	PC
HICKES, George	Point Douglas	NDP
LAMOUREUX, Kevin	Inkster	Liberal
LATHLIN, Oscar	The Pas	NDP
LAURENDEAU, Marcel	St. Norbert	PC
MALOWAY, Jim	Elmwood	NDP
MANNESS, Clayton, Hon.	Morris	PC
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McALPINE, Gerry	Sturgeon Creek	PC
McCRAE, James, Hon.	Brandon West	PC
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MITCHELSON, Bonnie, Hon.	River East	PC
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PALLISTER, Brian	Portage la Prairie	PC
PENNER, Jack	Emerson	PC
PLOHMAN, John	Dauphin	NDP
PRAZNIK, Darren, Hon.	Lac du Bonnet	PC
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REIMER, Jack	Niakwa	PC
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ROSE, Bob	Turtle Mountain	PC
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Vacant	Rupertsland	
Vacant	The Maples	

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LAW AMENDMENTS

Thursday, June 24, 1993

TIME — 7 p.m.

LOCATION — Winnipeg, Manitoba

CHAIRPERSON — Mr. Bob Rose (Turtle Mountain)

ATTENDANCE - 11 — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Derkach, Downey, Hon. Mrs. McIntosh, Hon. Mr. Stefanson

Mrs. Carstairs, Mrs. Dacquay, Messrs. Clif Evans, Lamoureux, Maloway, Mrs. Render, Mr. Rose

APPEARING:

Conrad Santos, MLA for Broadway

WITNESSES:

Bill 11—The Regional Waste Management Authorities, The Municipal Amendment and Consequential Amendments Act

Mr. Bill Roth, Union of Manitoba Municipalities

Bill 15—The Boxing and Wrestling Commission Act

Mr. Bob Holliday, World Wrestling Federation; West Four Matchmakers

Martin Boroditsky, Can-Am Wrestling

MATTERS UNDER DISCUSSION:

Bill 5—The Northern Affairs Amendment Act

Bill 11—The Regional Waste Management, The Municipal Amendment and Consequential Amendments Act

Bill 13—The Manitoba Employee Ownership Fund Corporation Amendment Act

Bill 15—The Boxing and Wrestling Commission Act

Bill 18—The Corporations Amendment Act

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Clerk of Committees (Ms. Judy White): Good evening. I have before me the resignation of Mr. Penner as Chairperson of the Standing Committee on Law Amendments.

I will now read the letter: I would like to resign as Chairperson for the Standing Committee on Law Amendments, effective June 24, 1993. Signed, Mr. Jack Penner.

The floor is now open for nominations.

Hon. James Downey (Minister of Northern Affairs): I would like to nominate Mr. Bob Rose, the honourable member for Turtle Mountain, as Chair of this committee.

Madam Clerk: Mr. Bob Rose has been nominated. Are there any other nominations? Hearing none, would Mr. Rose please take the Chair.

Mr. Chairperson: Will the Standing Committee on Law Amendments please come to order. This evening the committee will be considering the following five bills: Bill 5, The Northern Affairs Amendment Act; Bill 11, The Regional Waste Management Authorities, The Municipal Amendment and Consequential Amendments Act; Bill 13, The Manitoba Employee Ownership Fund Corporation Amendment Act; Bill 15, The Boxing and Wrestling Commission Act; Bill 18, The Corporations Amendment Act.

For the committee's information, copies of the bills are available on the table behind me.

It is our custom to hear presentations from the public before the detailed considerations of the bills. At this time I have before me two lists indicating that we have one person registered to speak to Bill 11, three people to speak to Bill 15.

At this time I would like to canvass the audience and ask if there are any other persons present who would like to make a presentation to any of the bills that are before the committee this evening, and if so, would you please let the Committee Clerk on my right know, and she will add your name to the list.

Does the committee wish to put a time limit on the presentations? Hearing none, we will consider no time limit on the presentations to this committee. It has been our practice to hear from out-of-town presenters first, and I believe we do have one

no time limit on the presentations to this committee. It has been our practice to hear from out-of-town presenters first, and I believe we do have one presenter this evening from out of town. Is it the will of the committee to hear that presenter first? [agreed]

Mr. Bill Roth, are you here this evening? I would like now to call upon Bill Roth to come forward to give his presentation to the committee. Forgive me, Mr. Roth, you will have to tell me which bill—

Mr. Bill Roth (Union of Manitoba Municipalities): Bill 11.

Mr. Chairperson: Carry on.

BILL 11—The Regional Waste Management Authorities, The Municipal Amendment and Consequential Amendments Act

Mr. Bill Roth (Union of Manitoba Municipalities): Thank you and good evening. First of all, it is regrettable that our president, Jim Knight, or our vice-president, Jack Nicol, cannot be in attendance tonight to present this bill, but our June district meetings are in process and they are involved in the June district meeting.

The Union of Manitoba Municipalities is pleased to make a presentation before the Standing Committee on Law Amendments considering Bill 11, The Regional Waste Management Authorities, The Municipal Amendment and Consequential Amendments Act. The UMM represents 162 of the 202 municipalities in Manitoba, including all of the 106 rural municipalities, 13 government districts, 23 villages, 17 towns and three cities.

The mandate of our organization is to assist member municipalities in their endeavour to achieve strong, effective local government. To accomplish this goal our organization acts on behalf of the members to bring about changes, whether through legislation or otherwise, that will enhance the strength and effectiveness of the municipalities.

Bill 11 will give municipalities the option of providing waste management services and facilities on a regional basis by allowing the establishment of regional waste management authorities. This type of legislation was requested by the UMM membership in a resolution passed at our 1992 convention.

Another section of this bill allows municipalities to charge for our waste management services on an individual user-fee basis rather than through the traditional property tax levies. This provision was also requested in a 1991 UMM resolution. In addition, Bill 11 contains explicit provisions for municipalities to become involved in recycling programs, a recognition that many municipalities are undertaking more activities in this area.

Because this legislation has been recommended by our membership, the UMM appreciates the introduction of Bill 11, and we were pleased that the province has responded positively to these particular requests. However, despite this legislation, the UMM remains very concerned about the province's lack of direction and assistance in the area of waste management. We are appearing before the legislative committee today because this issue is one of the most important and urgent matters currently facing Manitoba municipalities.

Waste management and the need for legislation such as Bill 11 were brought to the forefront of municipal concerns when the province introduced new regulations for operating waste disposal sites in June 1992. These regulations require significant changes to be made to the management waste disposal sites. The Department of Environment's inspection of the sites indicated that almost one-half of the sites would have to be closed or upgraded in order to meet the new requirements.

The most notable of the changes was the ban on burning household garbage. The resulting accumulation of garbage has led to a number of concerns, primarily a lack of sufficient space for the waste and sanitary problems, such as our growing rat population. The regulations also require frequent covering of the waste and greater supervision of the sites. In addition, the closure of sites also means that some municipalities have had to transfer waste over longer distances. These measures have all significantly increased waste disposal costs for municipalities.

The UMM membership has raised many criticisms about the regulations and the fact that they were implemented with little prior consultation. In addition to the two UMM resolutions mentioned earlier, two more resolutions were supported almost unanimously by our members. These resolutions were critical of the waste disposal regulations and expressed the need for provincial funding to assist with upgrading and operation of

new disposal sites by municipalities. These concerns are also being expressed at an ongoing series of June district meetings where at least four resolutions will be presented requesting the provincial government to undertake more initiatives in the area of recycling and waste disposal.

Despite these criticisms, the UMM does appreciate the underlying environmental concerns which led to the regulations. Municipalities across the province are making an effort to co-operate with their regional Manitoba Environment offices and are attempting to adjust to the new regulations. For example, some municipalities are reducing the amount of waste entering disposal sites by becoming more involved in recycling programs. Currently, there are approximately 16 municipalities that are members of eight regional recycling networks across the province.

As is evident by the introduction of Bill 11, municipalities have also been examining the concept of regional sites as an option for addressing the problems of waste disposal in a more efficient manner. Both the province and the municipalities have recognized that some areas of the province may benefit from the closure of numerous small sites and the creation of larger, central sites with a waste transfer system.

To date, approximately 75 municipalities have investigated the regional option. Seven regional waste management associations have been formed and 10 more are in the planning stage. The municipalities involved in the regional waste management associations wished to be able to borrow money and expropriate land for the regional operations and this led to requests for the legislation before us today.

Bill 11 will give municipalities the legal framework to create regional authorities, but the viability of regional sites is still in doubt because of the costs of establishing and maintaining the sites. Feasibility studies have indicated that many municipalities will require more than double or triple their annual expenditures on waste management. For instance, municipalities which have traditionally spent \$5 to \$10 per capita on waste disposal will now be required to pay \$15 to \$25 per capita.

* (1910)

In addition, estimates of the initial capital costs of the regional sites range from \$500,000 to \$1 million. Costs involved in the creation of regional

sites include the purchase of land, landfill site testing and design, the construction and upgrading of roads and the construction of transfer sites. Considering the limited revenues which are available to local governments, these costs represent significant increases in the expenditures of municipalities.

While the Department of Environment did not cost-share funding available for municipalities to undertake feasibility studies, we believe the province should play a much greater role in the area of waste management. The municipalities feel they have made an effort to comply with the regulations and now require assistance from the province in terms of financing the sites. Waste disposal impacts on many facets of the environment and is an issue which affects all Manitobans. The costs involved in changing and upgrading waste disposal facilities across the province should not be borne solely by the limited property tax base of municipalities.

The Department of Environment itself acknowledged the need for provincial funding in their 1991 State of the Environment report, which said that government incentives such as grants or interest-free loans may be necessary for regional disposal facilities to become a reality. To look at another province for comparison purposes, when regional waste disposal sites were introduced in Alberta, the provincial government paid the capital costs of the sites.

In conclusion, the UMM does appreciate the introduction of The Regional Waste Management Authorities Act. However, we urge the province to provide financial assistance to make regional waste management facilities a feasible option for municipalities.

Mr. Chairperson: Thank you, Mr. Roth. Are you prepared to answer questions or enter into a dialogue with the committee?

Mr. Roth: Yes.

Mr. Chairperson: Do any committee members have a question or comment for Mr. Roth?

Hon. Leonard Derkach (Minister of Rural Development): Mr. Roth, in your presentation you indicated that it was the municipal association and the municipalities across the province that have encouraged government to introduce regulations and legislation to deal with waste management in the province. Is that correct?

Mr. Roth: Yes.

Mr. Derkach: In their encouragement or discussions I would assume that the association did, for a number of years, I think three to be exact, discuss waste management regulations and the need for changing regulations with regard to waste disposal with the Minister of Environment (Mr. Cummings)?

Mr. Roth: We did receive, many municipalities received proposed regulations which were going to be implemented by the provincial government. We had, in those regulations, if we are to look at them, for example, the purchase of 80 acres, which in some areas is a very significant capital expenditure, because the regulations that were established and the guidelines that were established under those, of the 80 acres you would have had approximately 40 acres that would be available for a waste disposal site.

There are many other aspects of those guidelines which also became dominant. One of those was the issue of burying. Many municipal people and many people do have a problem with burying, for example, some household garbage. That is still up to debate. It is even up for debate with experts.

You get documentaries on TV where you have experts that have indicated real concern about what will happen to, let us say, underground water years down the road. There is no doubt that municipalities were receptive to many of the proposals because, let us face facts, we are all concerned about the environment.

There are many municipalities that were not too impressed with the way—the citizens were not too impressed with the image of the disposal sites and how they were operated.

So we are receptive to some change and we are receptive to some of the guidelines, but as far as a significant amount of consultation, there was not a tremendous amount of consultation with us or discussion of these areas. We did have some concerns. I think we expressed to the minister.

Mr. Derkach: I understand that in working with municipalities that once the regulations were introduced, they were, of course, not a surprise to municipalities, but they were a bit of a surprise to some of the citizens within municipalities in the way that they were implemented and, I guess, citizens were not aware that all of a sudden there would be

a new regulation with regard to how we were going to be dealing with waste in the municipalities.

Is it fair to say that municipalities were aware that these regulations were going to be implemented and that there would be a period of time in which they would be monitored and that amendments and changes would be made as we matured in the whole process of disposing of waste.

Mr. Roth: Yes, it is fair to say that many municipalities—all municipalities, I believe, had an opportunity to review the guidelines established. I guess what becomes a real concern to many municipalities is the time factor involved. We just cannot change these things overnight.

The other thing is, the financial burden that would be incurred by the municipalities, and let us face the fact that our own sole source of taxes is the property tax owner. We question that. We actually feel that to help implement and address the issue of the waste disposal sites that there should have been a greater responsibility, in particular financial responsibility, accepted by the provincial government.

It does not matter where you get the money from. It all comes—whether you take it out of this pocket or this pocket, it still has to be paid for. It is the impression of many municipalities that the source of revenue of the provincial government is far greater than the source of revenue which, in the case of municipalities, is just the property taxes.

So we are quite concerned. We did some research into what happened in Alberta. We know that Alberta incurred a significant amount of capital costs. So as a consequence, that concern was eliminated by many municipalities in Alberta. I believe in Alberta they even pay as much \$45-50 per capita in some instances.

I believe the waste disposal site southwest of Calgary, the costs are up in that range.

Mr. Derkach: Mr. Roth, are you familiar with the maxi-grind system that has been used as a demonstration for composting waste around the province?

Mr. Roth: I have seen a diagram of that machine. I have not had an opportunity yet to view it in operation, but it is something that we are very, very receptive to looking at, investigating the possibility. I think the costs are a little bit prohibitive for maybe each site to look at purchasing this, but if we could

take a look at what is going on with ACRE, maybe we could look at that.

In that case there, we have machines which travel across the province and shred all plastic containers. The farmers have been very receptive to collecting these, triple rinsing these pesticide and herbicide containers, and as a consequence, we are eliminating that problem and eliminating those from our waste disposal sites.

I say to you that municipalities are receptive to eliminating any of the problems which we have had in the past, but there are limitations about sources of money. I guess the other thing is the time span in which we are expected to put these in place.

We tried to establish a waste disposal site in our area approximately three years ago. The cost would have been quite stiff and would have had a tremendous impact upon our budget. We were not in a position to really borrow. We faced many obstacles there and of course it is not easy to establish one. Many ratepayers become very concerned.

So I think we all have a role to make the public aware of what the new waste disposal sites will look like. They are not going to look like what they did at one time.

I think there has to be more co-operation and consultation so that we make the public aware of what is going on, not just only the municipal people. I know that may present some difficulties but I think that is achievable, and I think that is what we have to do.

If we are going to establish these sites and make them more receptive to the public, I think that is another area we could be looking at.

* (1920)

Mr. Derkach: The reason I posed the question with regard to the grinder was that in the present round of district meetings I noticed that the two entrepreneurs were following the district meetings with this system and were doing some demonstrations at the various sites.

I was wondering whether or not UMM has taken a position with regard to the acceptance or whether they have done a cost comparison between using the grinder system and reducing the volume of waste by eight times compared to just burying it and then creating these regional waste disposal

sites. I am wondering whether there has been any analysis done by UMM or any organization.

Mr. Roth: No, there has not been any analysis made because we were actually just made aware of this machine, this grinder, I believe at our June meeting. We are certainly interested in anything that is going to reduce the volume of garbage within our waste disposal sites because, at the present time, just to secure dirt and to bury the wastes that are going into these sites is a tremendous cost and sometimes it has to be trucked considerable distances, but we have not done any cost analysis.

Mr. Chairperson: Thank you. Have any of the committee members a question?

Mr. Conrad Santos (Broadway): Mr. Roth, other than the regional waste disposal systems being created, what would be any other viable alternative?

Mr. Roth: Well, in some instances, I think that the regional system may be the only option, but I do think there should be some flexibility because in certain instances, it may not be the only option. I mean, it may be the option due to soils and types of soils that you may have the option of, you know, not large centres being established.

Personally, I think you could have transfer stations or transfer depots and maybe even transfer some to larger waste disposal sites. So I envision that your larger centres may be, you know, receiving waste that could be transferred. I do not think we have to have the regional sites all over the province. At least I would say that if that is the goal, and it may be appropriate for a large percentage of the province, large areas, then once again there is tremendous costs incurred, and I think once again we have to work together to solve this problem.

We are not asking the provincial government to be saddled with the total burden of these costs. We are willing to put up a fair number of dollars too, and I do not think there is any municipality that has a problem with it. We are all equally concerned with the elimination of waste from our disposal sites.

We are very interested in recycling. There are many municipalities that have, and want—that they have just said, all right, or towns have said, well, all right, we will provide you with two garbage bags on a certain period; anything over that you are going to pay. So I think it is resulting in the public becoming more aware that we are not going to receive all of

the garbage which they would like to get rid of. There is going to have to be some sorting and selection in that, and it is going to have to go in certain areas.

Right now, we have got pesticide containers, herbicide containers eliminated. We have got many municipalities that are sorting all steel; it is being removed. Trees are put in a certain place. They are not being buried. We feel that, you know, maybe there should be, and I believe there has been, some initiative there to permit burning more frequently, because if you take a look at the storm here last week, we got a thousand trees in the towns that have just been blowing over in the last week or so, and they have to be eliminated.

A large waste disposal site in some areas may prove to be just a little bit too costly.

Mr. Chairperson: Mr. Santos, could you bring your microphone a little closer, please?

Mr. Santos: Mr. Chairperson, it follows that the more centralized the waste management system is and the less number of regional waste disposal facilities there are, the greater will be the expense of transporting that garbage, is it not?

Mr. Roth: We have not done a detailed analysis. We have got information from Alberta, but we have not done a detailed analysis. If we just sit back and think of the costs of hauling all these materials and so on, it is quite conceivable, if you take in too large an area, that is going to be maybe far more costly than having two or three sites established.

Mr. Santos: Do you think a dual system of waste disposal would be preferable, distinguishing between hazardous waste and those that can be composted locally so that there will not be much volume that will be transferred to the central facilities?

Mr. Roth: I did not quite understand your question, but I think that right now municipalities are receptive to eliminating all wastes. You have composting; you have units for recycling and that. What happened is, this is being sorted out within the waste disposal sites.

Mr. Santos: I was just thinking that if a municipality can gather two types of waste, those that can be composted and those cannot. Those that cannot are the only ones that will go to the central regional facilities, and those that are left behind will, of course, be used as fertilizer later on. Would that be preferable, less expensive?

Mr. Roth: I am sorry, I could not answer that.

Mr. Cliff Evans (Interlake): Mr. Roth, you were mentioning the fact of time and cost. Would you say that you have requested of the government, even though they have implemented Bill 11, to be able to provide you with the opening to go into regional waste management?

What time limit or time element are you looking at to be able to deal with waste management regional sites? The problem too of—and we are seeing it even now—that there are people who are opposing proposed sites within certain areas of municipalities whether they be an individual municipality or two or three combining to put a site in a specific spot.

Do you feel that municipalities are going to be running into an even bigger problem down the road when it comes to approving sites, where they are going to be, who is going to pose them? Then what do you do?

Mr. Roth: I believe it was three years ago we tried to establish a site within our own locale, the town of Carman, the R.M. of Dufferin. One of the reasons we were receptive to having a site, we would have been able to purchase land, but we would not have had to expropriate. That is the first thing.

Number 2 is we do not have large reserves. We were looking at 120 acres between the two of us working together. We could have established that site, but we ran into a formidable amount of opposition to establishing that site, and this is characteristic of establishing any regional site.

So as a consequence, I actually feel that there is a tremendous amount of information that we could distribute and should be presented to the public to show them that there is going to be significant change with the establishment of a new site. Certainly, the amount of burning that went on in the past was regrettable because there are many people that were very concerned about that and some of the items that maybe were being burned. But now there is a significant change, and I think we had a job here to educate the public of what new sites would happen there.

There would be sorting of materials. There would only be certain time frames in which they would be able to burn. Some would be buried. We would be encouraged in recycling and all these things that you are mentioning.

Right now the Town of Carman went and purchased a compactor because, you know, the

volumes were coming so the volume that was being hauled in there, they simply purchased a compactor to reduce the amount of area that would be required in the foreseeable future. So I think that one of the problems in establishing them is that many people have a bad image of the waste disposal sites in the past, and we have to change that.

We have to indicate municipalities have a responsibility to indicate there is going to be significant change along with the provincial government here.

In that key instance there we were allied with anyone that is receptive to becoming involved in educating the public.

* (1930)

Mr. Cliff Evans: So even though Bill 11 is opening the doors, as I mentioned earlier, to be able to provide a legislative way of combining municipalities, would you not think that perhaps the Environment department should be involved in this a little bit more in setting the direction, because you are saying now that the pressure is being put on by the Department of Environment for these sites. On the other hand, Bill 11 is opening the doors to do something about it. Do you feel that you are being cut in the time limit as far as what you can do by providing information for people and doing proper studies?

Mr. Roth: I want to just mention that regarding Bill 11, first of all, it does allow the establishment of regional waste management authorities. That is positive. No. 2, it does allow municipalities to levy a fee. That is also a positive thing because many, many of us feel that it should not be solely a burden of the property tax owner. In this bill also, you have explicit provisions which encourage or allow municipalities to become involved in recycling. I think those are three positive things.

I think that, by doing this, this bill does make it possible, and maybe it will help many municipalities, to establish a regional site much sooner than it would have in the past. We did not have the means in the past to establish some of these regional sites because they are quite prohibitive, the costs that would be involved. When you are talking about \$1 million, for two or three municipalities to raise a million dollars is a lot of money, and to establish in a very short time frame is another problem, especially when the public do

not know what we are going to do. They do not realize you are going to have berms. There is going to be a limit—the restrictions regarding burning.

They are going to be manned, which is another cost we are incurring. So I would say in that respect—and also the legal framework here to create regional authorities is another positive thing.

There are many parts of this that we find very acceptable, but we do want to be involved in the future. We have received information from the department that we will be consulted in the future on a closer basis. That is very appreciated. Let us make sure it is a reality. We want to know what is going to happen; not tomorrow, we want to know in much more advance. We have received information that this is a desirous goal of people of the department to meet with us on a much more frequent basis, and we have also received some assurances. As I have expressed, we have a real concern about the education aspect, that there will be greater involvement and consultation in the future when it comes to education. On the same token, I have to say to you, we have a problem financing these, and you cannot establish these things overnight.

Mr. Cliff Evans: One last question. In meeting with the MAUM directors today, two of the words that they used you have used here in your presentation, or three or so: lack of direction and support. They used "support" and you used "assistance." What direction would you like to see this government go and what assistance really? Where do you want the government to go with this in direction and support?

Mr. Roth: I think, first of all, in regarding location. That is something that does require the services of consultants and engineers and is a cost which is presently, I believe, borne by the municipalities.

I do believe that we can just go down to the Norquay Building here and get all kinds of soil maps that indicate exactly the types of soils and what we are dealing with. I believe that is something that would certainly—I think that what we require here, when I say there is a lack of direction, we require some technical advice. We simply require some expertise.

You talk about clay. You want it on a clay base. Well, with many municipalities, we could receive some assistance in determining exactly where that

location is without going through hiring a consultant or engineering and finding out that the area is not appropriate for a waste disposal site. That is just one little area.

I do feel that consultation is very important, and I do believe that there are people out there that could provide it, joint with the government. But technical advice? I am thinking in terms just of that one example right now.

Hon. James Downey (Minister of Northern Affairs): Mr. Chairperson, I will just be brief. Mr. Roth, I understand recently all municipalities and jurisdictions received an unconditional grant from the province from the VLT money which was paid out. Is that correct?

Mr. Roth: That is correct.

Mr. Downey: I understand it was unconditional. You have asked for money. Would the municipalities be able to use this money for such things as regional waste management areas?

Mr. Roth: I actually think that what we were requested to do was we were also requested to be accountable for this money. I think we were requested to be accountable in this. When I say accountable, I think what I interpret that to mean, personally, is that there are many local organizations that have been making significant contributions and many organizations which have many volunteers involved that have provided assistance to the communities to make them a better place to live in terms of recreation and many other areas, assistance to elderly people and so on.

Now, the VLT monies, to my mind, are, maybe, for that purpose and also for economic development. We have not discussed that, but as far as I can see, the environment is a separate department. I can certainly present that to the executive and see if they concur with that.

We are supposed to be accountable for that money, I believe, and we have to indicate that. There is no doubt about it. If we have waste disposal sites that are much improved, it is going to make it a better community to live in.

But that is not, to many municipal people's minds, for what this VLT money, the purpose of it was for.

Mr. Downey: Mr. Chairperson, last question. I understand that a lot of the municipalities were

asking for some of the return of the VLT for infrastructure. Would you not consider this as infrastructure?

Mr. Roth: Well, I suppose it depends how you want to look at the infrastructure. When we think of the infrastructure, we are thinking mainly in terms of towns, sewer lines, water lines and so on. I guess there are many municipalities that require assistance for infrastructure, because of the significant changes we have made when it comes just to plumbing. The costs have tripled in some instances in a matter of a very few years because of the environmental regulations when it comes to what is used for materials in plumbing now.

I think the City of Portage la Prairie faced a tremendous problem here when environmental changes were made and guidelines established as to what was appropriate to put in place and what was not.

I believe that many municipal organizations had set aside reserves, but they did not ever foresee the tremendous or tripling of costs of the materials that would be required for use for sewage lines or water lines and so on.

Mr. Cliff Evans: The Minister of Northern Affairs (Mr. Downey) made a comment about the VLT money and using that money that the municipalities have received. In your presentation, Mr. Roth, you are indicating here that the costs per capita will, perhaps, go up \$15 to \$25 per capita and that initial capital costs could range anywhere up to a million dollars.

Do you think the VLT money that the municipalities receive at \$5,000 initial and \$5.70 per capita would even touch a portion of the costs that you will incur with this?

* (1940)

Mr. Roth: Sure, any monies, if we were to use to them, certainly it would help, but at the same time—I think we are talking about capital costs. We are talking basically about capital costs. There should be involvement, and I have difficulty with capital costs being financed by VLTs. I think we have a responsibility to all society to establish—if regional provincial sites are the way to go, then I think all of society, and I am thinking in terms of provincial government here, has the responsibility of assisting municipalities to make these waste disposal sites a reality. To do that, I think they

should incur some of the capital costs, at least the capital costs.

These \$25 costs we are referring to—we are just simply talking about operation costs here. In Alberta, I know the operation costs—we are being very, very conservative here in these costs. In Alberta, we can get information where they are significantly higher, but I think, if you really want to establish waste disposal sites in a short time frame, there has to be some initiative from the provincial government to allocate more monies toward the waste disposal sites, particularly capital costs.

Mr. Cliff Evans: Yes, I just wanted to say, thank you, Mr. Roth, for your presentation. I look forward to dealing with the UMM further on this, and we will be in touch. Thank you.

Mr. Chairperson: Are there any other questions or comments? If not, I would like to thank Mr. Roth for his participation this evening. Thank you very much.

BILL 15—The Boxing and Wrestling Commission Act

Mr. Chairperson: We have three presenters for Bill 15: Mr. Bob Holliday of the World Wrestling Federation; a presentation from the West Four Matchmakers—I understand Mr. Holliday will be making that presentation as well; Mr. Martin Boroditsky for the Can-Am Wrestling.

Is Mr. Holliday here this evening? Mr. Holliday?

Mr. Bob Holliday (World Wrestling Federation): I am Bob Holliday.

Mr. Chairperson: Thank you. You may proceed.

Mr. Holliday: For the past nine years, the World Wrestling Federation has attempted to be a community-conscious corporate citizen of Manitoba. We are known throughout the world as a leader in sports entertainment. The World Wrestling Federation has striven to give the paying public the biggest bang for its hard-earned buck. Locally, the WWF is an acknowledged leader in aiding community organizations through the donation of merchandise and tickets for fundraising events, and as well, the WWF is a leader in the donation of tickets to underprivileged children in order they may enjoy seeing their heroes of the ring.

Over the past three events, more than 2,000 children from the inner city have attended our events at the Winnipeg Arena, and there is nobody

in this town that has given that many tickets to underprivileged kids.

I have mixed reaction to the proposed legislation concerning boxing and wrestling, particularly wrestling in Manitoba. As a promoter for the World Wrestling Federation, I see no need for Bill 15, since the WWF has a stringent set of guidelines concerning conduct in and outside of the ring. The WWF also enforces one of the most strictest substance-abuse policies in the world.

As a resident of the province, I see a need for the act in order to protect the public from unscrupulous people who cannot spell "promoter" one day and are one the next.

If there has to be an act, then this hearing is long overdue. The old act was a toothless tiger which many people in the province flaunted and then dared the Manitoba Boxing and Wrestling Commission to prosecute them. As a main contributor, through the 3 percent levy on our gates, the WWF has attempted to live up to the intent of the law.

To say the least, it was difficult to sit idle and watch people flaunt the law and not be prosecuted. Meanwhile, when I attempted to get some action by withholding our 3 percent, pressure was placed upon myself to pay, which I did rather than jeopardize two days of television taping last September in Winnipeg and one day later in Brandon, where 300 visitors spent money in Manitoba for three days.

The pressure was put upon me to pay because the commission had exhausted its resources defending itself against the people flaunting the rules, while most claimed only suckers like Holliday and promoter Tony Condello followed the rules. These people continued to promote so-called wrestling matches with no fear of prosecution.

I generally agree with Bill 15. I again must request the commission's levy, Section 22.1, against the gate revenue be taken after uncontrollable building costs such as rent, box office charges, police security, et cetera, have been deducted. It has been argued by the commission these figures could be inflated, but how can a computer printout signed by the officials of the Winnipeg Arena or Brandon's Keystone Centre be altered?

The Provincial Auditor's report of February 22, 1990, suggested large wrestling events are

financing a disproportionate share of the commission's operation. I submit the WWF is financing nearly all of the commission's costs of operation, and if fairness is to be brought into the system whereby promoters of small events will be able to pay a flat fee for a permit, then the same fairness must be applied to larger operations such as the WWF.

It is becoming more and more difficult to stage a large event in Winnipeg. Taxes take 20 percent off the top, the commission gets 3 percent, GST 7 percent, amusement tax 10 percent. Then we have 12 percent rental, 5 percent box office charges, the 25-cent-per-seat to expand the arena. We still have the security, ushers and police.

The WWF stages five pay-per-view events each year, and Winnipeg should be the host of one of these events which is seen by millions of people around the world. To quote Miss Anita Scales who works in the legal department of the head office in Stamford, Connecticut, it is a fact we have done our pay-per-view and other television tapings with tax and cost issues swaying the decision.

As you are aware, some of the states have no tax and others have from one to four separate taxing authorities. I believe we pay more tax in Winnipeg than we do in British Columbia or Alberta.

In closing I would like to congratulate Commissioner Buck Matiowski for his efforts in trying to improve the image of boxing and wrestling in this province. I watched as he has been hampered by absentee members and an obsolete piece of legislation. The current commission is attempting to make the best of a bad situation and must be congratulated for its effort. The World Wrestling Federation lived by the intent of the old legislation, and we will abide by the conditions set down by the new legislation. All I ask is that fairness be a part of your ruling.

Thank you.

Mr. Chairperson: Mr. Holliday, are you presenting on behalf of West Four Matchmakers?

Mr. Bob Holliday (West Four Matchmakers): Yes, I just have a short one to read for Tony.

Mr. Chairperson: Will you proceed with that now, please.

Mr. Holliday: As a licensed wrestling promoter since 1972, I agree with the new act. It will finally

give protection to legitimate promoters and make those who do not believe in the system think twice.

The old act was too full of holes to let people do things without being prosecuted, but because Tony Condello and Bob Holliday had bonds, the commission could enforce the rules against them while others did what they wanted to do without anything being done to them.

I have gained a lot of respect for Commissioner Buck Matiowski and the work he has done to clean up wrestling in Manitoba. He tried to do it without any help from the Attorney-General's department, which said nothing could be done without proof, even though I supplied them with evidence.

I would like to have made a normal presentation, but I have a wrestling card in Carman tonight.

Thank you for your time.

Tony Condello.

Mr. Chairperson: Thank you very much, Mr. Holliday. Are you prepared to answer questions or participate in discussion?

Mr. Holliday: Yes, I am.

Mr. Chairperson: Does any committee member wish to comment or pose a question to Mr. Holliday?

Hearing none, I thank you very much for your presentation and your participation and your participation this evening.

* (1950)

Mr. Martin Boroditsky (Can-Am Wrestling): Good evening. What I would like to do, Mr. Chairperson, with your permission, is read my presentation pertaining to boxing and perhaps you could then direct whether questions should be made specifically with regard to that aspect of the legislation, or if I should then continue with my presentation about professional wrestling.

Mr. Chairperson: Okay, thank you, proceed.

Mr. Boroditsky: With regard to professional boxing and the aspects of Bill 15, on March 8, 1993, a boxing fan named Mike Marko wrote a guest column for the Winnipeg Free Press. Though a fight fan, he called for professional boxing to be banned.

Marko wrote: Boxing needs to protect fighters, not from the sport, but from themselves and the lasting physical injury they can suffer. Tragically, no one seems to realize the next blow can lead to

irreparable harm to mind and body. The ravages of boxing-related brain damage are irreversible. Brain cells do not regenerate. Ask Muhammad Ali.

Marko's observations are well founded and reflect what may be defined as representing a segment of the public interest in the issue of government regulation of boxing. However, Marko has not had the opportunity, as I have, to study such regulation as a journalist and as an unwilling victim of the entire boxing and wrestling commissions system. Based on my experience, I would like to elaborate on Marko's contention.

Boxers need to be protected, not only from injury, but from the very government sanctioning agencies that are supposed to protect them.

Muhammad Ali was himself a victim of the greed and blood lust of the very boxing commission system which our Manitoba commission proudly associates with and has modelled their own behavior after. They are asking you to sanction this framework. I suggest that the Legislature consider the opposite and ban professional boxing entirely.

A look at the career of Ali and other boxers may help you assess whether the proposed act will truly protect the boxers and the public, or if it is geared instead to the continued empire building of the Manitoba commission.

Howard Cosell, who was a lawyer before becoming the first television sports journalist, described boxing commissions in Thomas Hauser's book on Muhammad Ali—His Life and Times.

Cosell said: You know the truth about boxing commissions. They are nothing but a bunch of politically appointed hacks. Almost without exception, they are men of such meagre talent that the only time you hear anything about them at all is when they are party to a mismatch that results in a fighter being maimed or killed. Ali was stripped of his title and forbidden to fight by all fifty states, and that piece of scum, Don King, has not been barred by one. What does that tell you about government, boxing and the last 25 years?

In Ali's case, the Nevada State Athletic Commission, being one of the busiest commissions, presumably would have a clue about right and wrong, allowed Ali to fight on October 2, 1980, against Larry Holmes. A Nevada commission member, Duke Durden, convinced Ali not to

release his Mayo Clinic medical report to a leading fight journalist, Alex Wallau, who was concerned about Ali's fitness to fight.

Hauser assessed that medical report. Quote, did Nevada authorities really believe it was proper for Ali to fight when, quote, he does not quite hop with the agility that one might anticipate and on finger-to-nose testing there is a slight degree of missing the target? Were they not bothered by the occasional tingling of his hands in the morning, or the small cavum septum pellucidum in Ali's brain?—a hole in the membrane separating the ventricles that can be enlarged by concussive blows to the head. All the commission had to do was requisition tapes to hear how his voice had changed. Perhaps then it would have been more concerned about his mild ataxic dysarthria—difficulty in co-ordinating the muscles used in speaking. The Mayo Clinic report was billed as clearing Ali to fight, when in fact it raised far more questions than it answered.

In noting that the Nevada commission had a copy of the Mayo Clinic report and was supposed to have administered its own physical, Hauser wondered why, quote, the Nevada commission, whose first mission is to protect fighters within its jurisdiction, let the fight go on.

Why? Money. The fight grossed \$5.7 million. The Nevada commission collected their fees, hobnobbed with all the important officials and fans, and allowed Ali to get beaten senseless.

Ali's own physician, Dr. Ferdie Pacheco said, quote, Ali is lucky he lived through the Holmes fight.

Commissions across North America are motivated by greed and blood lust, not by the doctrines and principles necessary to protect the public or the boxers.

An associate of Ali, Harold Conrad, told Hauser that when Ali finally returned to the ring in Atlanta in 1970, it was because of a state senator named Leroy Johnson, quote, who controlled a pile of black votes, so the mayor went along with it. All it took was politics and money.

Before Atlanta, California had been willing to grant Ali a licence, but the governor, Ronald Reagan, said, quote, that draft dodger will never fight in my state, period. Conrad said, quote, in Nevada, the governor was with us, but the mob killed the fight through its political connections. In

Montana, I was told they would sanction the fight if we put \$100,000 in the right pockets.

Politics and money. In boxing, it is acceptable to fine boxers for losing. In the July 1993, *Boxing Illustrated*, John Scheinman reported on a Washington, D.C. bout where Frank July was knocked out at 42 seconds of the first round of his first fight.

"If D.C. Boxing Commissioner Jeffrey Gildenhorn had been on the ball, he never would have allowed this fight to take place, but instead, incredibly, he not only permitted the massacre, but docked July his purse after the bout."

"The only thing I am giving him is his travelling expenses. The man did not put up a professional fight."

After being dropped by a savage left hook, taking an eight count and getting knocked cold by a right, Scheinman wrote, "July should have been paid double."

In Winnipeg, on February 24, 1990, Karel Skripel was hurt and unable to fight. He was arbitrarily suspended—no hearing, no appeal, no due process. His sin was no fight, which made the commission look bad. After I wrote about Skripel and the fact that he had been licensed without undergoing the required medicals, Mike Beauregard of MTN prepared a documentary in which he found two more boxers who had not been examined properly, yet were allowed to risk their lives in the ring.

I have a video tape of that which I am willing to share with the committee for their viewing at a future date. It is a three-part documentary, and I highly recommend that you view it to examine how the commission has handled questions from the media in the past about their conduct in relation to protecting boxers in the public interest.

Even if, and "if" is a very big word, given the evidence, if the Manitoba Commission were an honest and trustworthy body, the standards by which boxers are deemed fit are inadequate. Passing a neurological test does not mean that a boxer can avoid or withstand a beating.

Dr. Ferdie Pacheco from the Thomas Hauser book: *Athletes get old early*. John McEnroe today is like an over-the-hill fighter. But there is a major difference between boxing and tennis, because when McEnroe takes a beating, it is not in the form of concussive blows to the head. The legs go, his

reflexes are not what they used to be, he cuts more easily, the injuries accelerate and the older you get, the less your recuperative powers are. Ali at age 23 could have shaken it off, but at age 33, it was another story. If you block 95 out of 100 punches, the other five are getting in.

Section 25(1)(b) of the proposed act would allow the commission the power to "order part of a contest or exhibition stopped." In relation to boxing, they have a similar provision in New Jersey. It is dangerous. Hauser wrote of it in the February '93 issue of *Boxing Illustrated*.

He said: It seems like every time I watch a fight from Atlantic City, the same guy jumps out of the crowd, leaps onto the ring apron and stops it. His name is Larry Hazzard. He appoints the referees in New Jersey, but apparently does not have much faith in them because he will not let them do their job. Some day, a fighter will be seriously hurt in New Jersey. It will happen because, instead of using his own discretion when a fighter is in trouble, the referee will be waiting for Larry Hazzard to stop it.

Bill 15 is proposing to open the door to such a tragedy. Really, the fact that someone has not been killed under Buck Matiowski's reign is a miracle. Politically, morally and socially, the potential cost of Bill 15 cannot be justified unless major changes to the way things are looked at and done is enforced.

Commissioners should not behave like fans who want to see a fight and punish boxers who cannot compete. Commissioners should not make decisions on the basis of whether it costs them their fees and prestige if the show does not go on. Commissioners should be honest people who tell the truth, speak with knowledge and adhere to simple principles like due process.

If the Legislature cannot make them do so, it should ban boxing. A single brainstem injury can cost the health care system far more than what the commission can generate in revenue in 10 years. Even if boxing is maintained, new rules must be developed to deal with older boxers who, like Ali, are more prone to serious damage—perhaps an age cut-off, like 35; supplementary assessment procedures, because it is in everybody's interest to save lives. We cannot afford, at any level, another Stewart Gray.

As Mike Beauregard said in the documentary, they are not managing a hardware store or a chip wagon. Do not rush through a bill without understanding these issues, and if they cannot be resolved, then I must sadly join with Mike Marko and call for professional boxing to be banned in the province of Manitoba.

That concludes my presentation with regard to the provisions in professional boxing.

Mr. Chairperson: Thank you. I think it would be the will of the committee to—Mrs. Carstairs—is it the will of the committee to finish the presentation and then move to questions?

Mr. Boroditsky: Okay, I would firstly like to provide to the Clerk, I guess, a copy of the video tape documentary in question.

Mr. Chairperson: Okay, thank you. Shall we proceed with the presentation and then go to questions afterwards or does the committee wish to question this portion of the presentation?

Floor Comment: Hear the presentations, and then questions after.

Mr. Chairperson: Hear the presentation? Then you may proceed, Mr. Boroditsky.

Mr. Boroditsky: In regard to professional wrestling, it is a far more complicated problem than what I just described with boxing.

The fact is that this committee is here tonight in large part because of my own activities. Firstly, my concern with Bill 15 is in reading it. It is very clear to me that whoever wrote it does not understand what professional wrestling is and that is a tragedy. It is a very complicated industry.

I had 48 hours notice for this and I have a box full of stacks of information, which I doubt that anybody in this Legislature even realized would be available.

I will deal with it firstly on a political basis. The fact is that even if there is agreement that there is a requirement for regulation of professional wrestling—and I am not saying that there is not—I personally believe it can better done through departments like Consumer and Corporate Affairs. The fact is that professional wrestling by its very nature and by the admission of the WWF is more geared to regulation through the Department of Culture and Heritage than it is through the Ministry for Sport.

* (2000)

Mr. Chairperson: Excuse me, Mr. Boroditsky. I am having trouble with the documents in front of me. Which one are you on? Am I the only one—

Mr. Boroditsky: I was going to lead in. Do you want me to read directly from them?

Mr. Chairperson: Oh, you are winging it. Okay. Sorry. Continue.

Mr. Boroditsky: Somewhat, Sir. I prepared some documentation based on the commission's own figures. The fact is that they lived for years off of a surplus that was somewhere \$94,000 and it descended at the end of 1992 to somewhere around the \$10,000 mark. The issue of the surplus I will discuss in a few moments.

With regard to their revenues, their revenues in 1985 were at the \$30,000 mark and have dipped down in 1991. I believe this dip in '91 was attributable to fees not being paid by the WWF, which would have then shown up as accounts receivable on the third chart which suddenly went from about a thousand dollars to \$12,000.

It think it is more appropriate for members of the Legislature to ask why the Boxing and Wrestling Commission was financing the activities of the WWF, because the experience of other promoters has been, when they have violated even the simplest rule, they were suddenly threatened with all sorts of sanctions, but the WWF felt they had a point and perhaps the commission felt they had some sort of interest in carrying this account until the matter was resolved.

It is however a fact of the way the industry is regulated that even the WWF felt threatened by the commission. The WWF can pay, the fact is that the industry has changed and somebody is trying to sell this Legislature a bill of goods. The expenditures of the commission are \$35,000 a year, maybe down to \$30,000 some years. The revenues are under \$20,000. Are you going to requisition \$10,000 or \$15,000 a year to fund this? And boxing does not pay its own way. It was the wrestling surplus, \$40,000 of which came from Brinco Sports [phonetic] through the early '80s, through the heyday of the American Wrestling Association, that the commission lived off of.

The days of arena wrestling, which is the premise upon which a commission is supported, are over. The WWF works off of television revenues and pay-per-views and good for them, that is their game. Traditionally, this system was

built on the idea that a major outfit would come to the Winnipeg Arena and before that the Winnipeg Auditorium and put on about 12 shows a year and so there would be, you know, so much money per month coming into the commission, but it was a different game back then and those days will not return.

The WWF will not come to Winnipeg 12 times a year. They had a TV taping, which hypothetically would be a big event because they had all their big stars there, and they only drew about 9,000 people—regular wrestling cards used to draw 12,000. The popularity of the sport has changed because it is too easily available on TV and what is going on in the industry mirrors what happened in the 1950s.

Accordingly, you cannot regulate the industry in Manitoba for what is good for the WWF or major established outfits. The WWF and other outfits need a farm system and for a farm system to develop you have to give small promoters the leeway. The WWF can afford the \$10,000 fines that are proposed in the act, a small promoter cannot.

There are plenty of talented Manitobans—and this is how I personally got drawn into the industry—who have travelled all over the world wrestling. They come home and they have nothing. They cannot work. For years, for whatever business reasons he had, Mr. Condello was favoured using American interests and importing Americans and the WWF has a set program. They do not use a lot of Canadians and certainly have not given trials to Winnipeggers. What is a guy from Winnipeg or from Manitoba supposed to do, spend his life in Mexico or Texas or Oregon? Americans can come up here to work, but the opportunities for Canadians in the United States and around the world in wrestling are limited.

A bill that proposes to have such onerous requirements is simply not in the interest of maintaining it at a community club level. The WWF will not go to Altona. They will not go to Morden. They will not go to Poplar River, where I have promoted, and the reason is very simply, they cannot afford it.

But you cannot have conditions that are suitable for the big guys. You know, I have an answer, actually, for something that Mr. Holliday

complained about, about the disproportionate share. Of course, the WWF funds a disproportionate share, and I am not saying they do, but they are in a position to damage the public interest in a disproportionate amount.

In February, they built their whole promotion for the February 27 card on a character named Razor Ramone. On February 20, in an afternoon show in Maryland, the wrestler involved blew his knee out. They ran their advertising all week long, and thousands of people showed up at the arena on the 27th, the following Saturday, wanting to see Razor Ramone. They did not build their promotion around their world champion or around any of their so-called good guys or bad guys, or whatever. They built it around the one character, and he had been hurt. For whatever reasons, they could not change their television, could not change their advertising, but there were a lot of people mad. I know because I know people at the newspapers who got a lot of angry phone calls because they ran the advertising.

So, though I understand how a large outfit can feel it is unfair, it is unfortunate. The fact is the industry operates in the following manner. If you have a commission with the power to stop and start bouts in relation to wrestling, I will tell you what happens in Mexico when they do that. Forty-eight thousand people at plaza de toros in Mexico City on the 30th of April, the first big card of an outlaw promotion, the fifth match, the end of the match, the referee awarded the title to the challenger. Somebody forgot to tell the commission what was going on because the box eluchia [phonetic], the boxing wrestling commissioner, saw the champion, the former champion because he had lost his title, complain, and made a fuss and ordered the match restarted because he said that the champion had had his shoulder up.

You have a proposal in this act that the commission can appoint referees? I do not know how to break this to you, but if we do not have referees that we know, you are not going to have professional wrestling, period, because the WWF are the last people that are going to allow people who are not in it to referee. Where did that provision come from?

The provision that a match can be stopped and that referees can be appointed is great for boxing, but regulating boxing and wrestling together is clearly like regulating basketball and volleyball

because they are played on hardwood floors. They are not the same. Somebody may have had very good intentions, but I believe somebody did not understand what the hell they were doing.

The business is full of an odd tradition, and this is part of the problem. Government says, well, why do we not get the information? Going back to the turn of this century, people did not want to admit what the wrestling business was like. It is now quite common, biggest hero in the business, Hulk Hogan, goes on the Nashville network, and he talks quite openly. Sheri Martell [phonetic]—that is an easy one—this was in the Winnipeg Free Press recently—tremendous athlete, a tremendous performer in the ring: Wrestling is entertainment; I do not try to insult anyone's intelligence.

You are all elected MLAs. Can you tell me why the Minister for Sport is regulating entertainment? I do not understand it. Hogan, Nashville network, I found it. This is from the January 15 Wrestling Observer: I am not going to insult anyone's intelligence; it is a controlled situation. It is an exhibition; it is acting, charisma and good athletes. It is a show. A lot of the wrestler's are friends. If you want to call it exposing the business, call it whatever you want. I call it good business.

In the 1950s when Dory Funk's [phonetic] father was wrestling in Texas: Danny McShane [phonetic], who was a very popular wrestler in Texas, went on television and said he was going to break my father's back. My grandmother and grandfather watching it on TV said, Oh, my God!

In the old days, they would not even explain what was going on to their own parents.

Well, the business has changed. It changed sometime around the turn of the century when Carl Gotch [phonetic] and George Hackenschmit [phonetic]—I am sorry, it was not Carl Gotch, he was subsequent to that. It was a different Gotch—engaged in a series of matches from 1904 to 1908. After wrestling to, like, five-hour draws, they realized maybe this was easier if this was done to draw a crowd and not to break each other's legs.

The problem with commissions is that the WWF and large outfits like to try to curry favour with government agencies. For instance, Reverend Jackson, Jesse Jackson himself, has appeared lately with the WWF in a series of promotional appearances on their television with regard to Somali relief efforts and the WWF—and this has

not arisen out of Winnipeg, but they have had some problems with regard to their public image in the States relating to whether they really do have stringent standards and codes. It is not an easy situation. Wrestlers are hard people to deal with.

But if you want to talk about public interest in wrestling, here is Reverend Jackson appearing on TV with the WWF at the same time as he trying to knock Marge Schott out as owner of the Reds for alleged racist remarks.

This is a letter from Kurt Schneider [phonetic] who is involved in the wrestling industry in Michigan. Is Reverend Jackson aware the only black man in a power position in the WWF mysteriously disappeared in the wake of scandal? Is he aware that for a long time the only hero who was a black wrestler was portrayed as a manservant to a rich white man and assisted in skits to humiliate, among others, a small black child? Is he aware the only other blacks featured by the WWF are a voodoo man, a Ugandan cannibal and somebody frequently called Buckwheat?

Well, you know if you are going to regulate this according to the public interest, to define the public interest in wrestling is difficult because you have to define whether people are involved in the complete, total, willful suspension of disbelief, where they will just buy anything that is put in front of them, and where you let things be done that in the outside world would be insulting, or if you are going to draw the line. I do not think a commission, with the best intentions, can function on a regulation on that basis. At what point can you say, well, that was a tasteless sketch and we will not let that guy wrestle here? It is not the wrestler's fault.

There is a position in the wrestling industry called the booker. A lot of people think the promoter is behind everything. The booker establishes the story lines. There are no provisions in the act to punish bookers, and half the time the promoter leaves it up to the booker to give him guidance on who should do what. That is a mistake because a lot of times things go wrong, things are tasteless, guys get out of hand; it is not the promoter's fault, but the promoter ends up carrying the baggage.

Commissions are used by the WWF. They are used by all major outfits. In 1988 there was a pay-per-view from a competing promotion in Illinois. This is from the March 1, 1993, Wrestling

Observer and it deals with the unfortunate life and death of Kerry Von Eric [phonetic]. At the pay-per-view event in Illinois, the WWF, who got involved before the Jerry Lawler-Von Eric pay-per-view match, they went to the Illinois commission and tried to get Von Eric banned from wrestling because of an ancient statute in the books about boxers and wrestlers with amputated limbs being unable to perform. Von Eric had an amputated foot, which was a well-kept secret until his death. The commission avoided the issue by scheduling a hearing for Von Eric after the match day.

Well, how can you have a government commission manipulated by businesses, and you have got one of those same businesses coming here saying what a wonderful thing commissions are. Come on!

As a matter of fact, the New York State, despite all the unfortunate scandal that the WWF has met, Phil Muchniak [phonetic] in the New York Post ran an item on—I believe, it would have been April 6 of 1992, that the New York City Athletic Commission has not, despite urging and ample evidence, investigated any of the charges against the company and new charges surface virtually everyday. They have not urged the state attorney general to investigate either. Why does the WWF get a pass from New York State? Money. The commission gets 5.5 percent of their receipts, and unless Commissioner Randy Gordon who is also a boxing commissioner explains, that is the reason.

* (2010)

Wrestling in terms of its popularity is on the downswing. From 1991 and '92, industry estimates in March of that year, the WWF's gates were down 35 percent and their attendance down 39 percent. Approximately the same time period a year later, their attendance was down another 40 percent. It is not easy and if you are going to depend on live attendance to draw crowds, then the government here has missed the boat by 20 years. In 1972 a promotion in Georgia had a 76 share on their live TV. That means 76 out of 100 people were watching the TV at that moment. Those days are long gone.

With regard to regulating the industry for other aspects, safety, injuries are a part of the game, and wrestling is getting more dangerous. I know. I have been in the ring. I started out doing play by play, and it turned into something different.

The AWA, in its day, invented a rule the wrestlers could not come off the top rope, after a wrestler was unfortunately killed in the ring in Omaha. Curiously enough, when the promoter in Omaha, Joe Dusak [phonetic] tried to capitalize on that as a promotional angle by having the late wrestler's brother come in to avenge his brother's death, it ended up killing the territory for him. People got turned off. He lost his TV. So in the end, the marketplace somewhat self-regulates the wrestling industry. In places like Oregon, where there has been a very strong commission with very stringent regulations, it has ended up killing the local promotions.

The notion, locally, to go back to the other matters about what went on, I want to explain, because I am putting up with a lot of garbage on a personal level for a long time. All I ever wanted to do was try to develop a promotion that would take care of the local Winnipeg guys. I proceeded to try to do so.

Somewhere along the line, the Boxing and Wrestling Commission here developed the premise that though I had been licensed in 1989 and 1990, I would need a line of credit for \$10,000. This put me in a situation where I had to cancel my plans, and there had been a great deal of, not only financial investment, but there is a lot of effort that goes into planning things, that goes into thinking out who is going to have what role and who is going to be in the opener and who on the main event.

The next day my agent received a letter saying that it was not required for a wrestling promoter's license. It was applicable to joint license for promoting boxing and wrestling. Joint license did not exist. Then I got with it a document, the original of which I have given a copy of to the caucus representatives, I believe, Mrs. Carstairs, Mr. Evans, and I think I left one for Mr. Helwer. It showed that the bond was \$1,000. I was also given a document called Regulation 26, that the commission could ask me for character references, none of which had applied the year before. Then when I checked, I found that they had used white-out to change it from \$1,000 to \$500.

What did I do wrong? Well, it did not matter, because my reputation in this province was shot. I sent a letter to the honourable minister's predecessor, Mr. Ernst, who ignored it. I sent supporting documentation, took the Boxing and Wrestling through Small Claims Court to try to get

more information and discovered some interesting ideas. I think we have had an explanation for their ballooning account receivable, but the legal and audit bills went up. One of the years of Mr. Matiowski's reign, the travel budget went from \$5,000 to \$16,000. I sent an Access to Information request that was intercepted by Mr. Matiowski who, perhaps unbeknownst to him, should not have been responding. I got a further response contradicting some of his indications that certain documents did not exist, was told by the appropriate departmental representative they did.

Subsequently I went to Kansas City, and all I heard on the grapevine was that I was a jerk, that I got caught doing something wrong. Well, you know what I tried to do? I tried to compete with the established promotions that stood here tonight and kissed the Commission's butt. That is all I tried to do, was compete.

Now, at the time, neither of those promotions were using made-in-Manitoba talent, because the guys that were available to work did not want to get paid \$25 to get killed in an opener by some American. I was willing to pay them an appropriate amount of money and promote them in an appropriate way, and I only took the role of promoter because somebody had to do it. It was not something I had been born to, but somebody had to put all these guys that are sitting around all winter together and try to do something productive with them. I convinced another promoter to go through with his plans, and he sent in \$500. He was denied a permit; he appealed. Mr. Ernst sent a letter on November 30, 1990, saying the regulation had been amended, and \$1,000 is the required amount.

Then there is Tony Condello complaining to the Winnipeg Sun about it. Then the promoter on December 7, 1990, got a letter saying, we regret to advise you that we intend to lay charges, because they would not accept his bond.

Yet, subsequently, by the time it all came out in the wash, I proved that on October 4, 1988, the commissioner himself had signed the regulations and knew the bond was \$500.

Now, look who you are taking advice from on boxing and wrestling. I have got better things to do with my time than blow three years of my life out, have two relationships go down the drain and have everybody in this place that I used to deal with as a

reporter look at me cockeyed because I am trying to do something that is right.

People can make mistakes whether they are bureaucrats or legislators or MLAs or ministers, but how many mistakes are tolerable, and how many mistakes can be unexplained?

Mr. Ernst was dragged into it by the Winnipeg Sun, and the counsel for the commission wrote that he believed that the present commission did not know on October '88 what the regulations were, yet I found they were signed on October 4.

Then it goes back and forth and people cry when Walter Shefchyk—who by the way, people can say a lot of things about Walter Shefchyk, a lot, and a lot of them are not good, as a local promoter, but he did nothing wrong. He offered the \$500, they refused to take it. He ran shows, and the established promoters that feel that they are owed something because they have been paying without question for years, without having read the regulations for years, they thought they were out something.

So they start to hold up the commission. This is a farce. This whole thing has been a farce from beginning to end. If you want to regulate wrestling in the province of Manitoba, do it in a way that is logical. The commission is losing money. I do not think the public—with hospital beds closing, with daycares being underfunded and with all the other problems of government, how can the government justify a system? If the commission hikes the fees, there will never be another Roddy Piper from Manitoba; there will never be another Carrie Brown; there will never be another Moose Moroski from the old days. It will not happen.

Wrestlers have to be able to work and work frequently to be able to compete. The kids in community centres, the working class that formed the traditional backbone of wrestling fans deserve the opportunity to have shows presented to them, and the WWF cannot fill that bill. So you cannot have onerous requirements.

As for the behaviour of the commission in the past, I sent letters to Premier Filmon, I sent letter to Mr. McCrae, and I have one note. Jim McCrae's staff wrote back and said that they would not take any action because it is not against the law to threaten to charge somebody and not follow through.

Although I do not have any intention of coming here to defend anyone in particular, Walter Shefchyk was not breaking the law. When word got around that he was being threatened with a charge and all the rest, wrestlers would not wrestle for him, halls would not book him, and it was a very difficult situation. It was not fair, because he did nothing wrong. The commissioner wrote the letter. Bill Crook knew he was not breaking the law.

If the legislature wants to put their faith in a body like this, that is great. You will end up with the demise of local club wrestling under the proposals. Surely to God—and I do not think that in all honestly I blame the commission for this, I did not realize how inadequate the neurological tests were until I studied the issue—you will end up with no boxing either.

If you think it is important enough to regulate, regulate it in a manner that is sensible. I would suggest with boxing, the matter should be withdrawn and studied, because I do not think the Canadian Boxing Federation regulations are adequate. I do not think they adequately protect boxers. That is not Buck Matiowski's fault or anybody else's.

I do not think people have studied it. The fact is, commissions, as I have proven, throughout the United States, these are the groups that the Manitoba Commission—which is not a very busy commission—has to model themselves after, they have to model their legislation after. These are corrupt bodies, because they want those payoffs, they want those free tickets, they want to be able to meet Hulk Hogan, meet Muhammad Ali and meet Larry Holmes. They behave like fans.

I believe wrestling should be put in the hands of the department of Linda McIntosh with regard to issues of whether guys show up and are billed and people feel they are ripped off. I am not convinced that there is a need to licence. As a matter, with regard to licensing, just two days ago some wrestlers went to the commission offices and were shown a list of the licensed wrestlers. The WWF has paid their \$5 per guy, and River City Wrestling, which could not attend tonight, which is being run by my former agent, their guys are all paid up, but Tony Condello has not bought a licence this year for any of his wrestlers.

Now, it is of little deal, you know, it is five bucks. Meanwhile, you have got a commission that has

got no money. Why is it the rules keep changing for everybody? Why were the rules so different for me when I wanted to compete and provide employment for Manitobans?

This is not a good foundation to build an act on. I think you could do a lot worse than declaring a moratorium on wrestling for a year. If the minister wants to follow up on past concerns that have been raised, then by all means. You know, I am out of the business. I cannot get a licence according to any promoter, as long as Buck Matiowski is the chairman, because they feel he will be vindictive if I am involved.

I would not blame him. I have taken up a lot of Buck's time; he has taken up a lot of mine. But it is not a very fair situation overall. I think you would do a lot worse. If you are going to regulate it, somebody has to answer one intrinsic question: If wrestling is a sport, why do you not appoint a commissioner for the CFL? Why do you not appoint a commissioner for the NHL or for the NBA, which plays exhibition games here, or anybody else?

* (2020)

But if wrestling is a sport, why do you not appoint a commissioner for the CFL, why do you not appoint a commissioner for the NHL or for the NBA, which plays exhibition games here, or anybody else? But if wrestling is a sport, why can I not appoint or vote in a process where we have our own commissioner and set our own rules and self-regulate? If we are not a sport, why is the Minister for Sport wasting his time on something that cannot possibly break even, because the days of big-time arena wrestling in Winnipeg are dead and gone, and they will never come back.

So if you want to drain the public purse for 10 or 15 grand a year and kid yourselves, go ahead. If you want to see talent develop in Manitoba, I think that there are plenty of ways it can be done in a manner that accommodates everybody.

Lastly, there is a comment that was made by Scott Taylor with regard to this when he studied this for the Free Press. The basic synopsis is, because I really do not feel like pulling out the clip, he felt—he wrote this about a year or two years ago—that what you need for wrestling is a vendor selling permit. You do not need a commission. If you need a commission for wrestling, you need one

for the Harlem Globetrotters, you need one for the Ice Capades.

Twenty, thirty years ago nobody would have stood before a group of elected officials and told them the truth. I always told the truth, and in my case, I have been penalized for it every step of the way in this deal, because when I went to people in government, they go, ah, it is no big deal, just a bunch of wrestlers.

I am a Manitoban. I am a taxpayer. Myself and all the wrestlers and all the promoters too have a right to be intrinsically treated in a manner that is representative of the way government treats people, and I do not think Mr. Derkach or Mrs. McIntosh or any other minister, Mr. Stefanson, in normal circumstances, would have tolerated white-out being used to alter regulations, people saying they were not aware of regulations after they signed, any of that garbage. It would not have been tolerated.

This is a \$30,000-a-year industry, tops—\$300,000 revenue, \$30,000 in the pockets of the commission. The cab industry is \$31 million a year, and you propose less sanctions and controls over it in Bill 24 than you do for these industries in Bill 15.

You have better things to do, and I do not think boxing or wrestling forms a substantive part of any party's political agenda. I suggest that maybe the matter should be withdrawn and should be re-examined, because I honestly believe that this bill has been drafted by people who have never been inside a ring, who have never wrestled, boxed, promoted, refereed, sold popcorn. How can they draft a law that you can accept?

Anyway, it has taken me three years to get here, and I appreciate your having listened to this. I hope I have been able to educate you a bit on what it is you think you are doing here. I am sorry perhaps that it has taken so long, but I think that the points in boxing, which I did not come to realize until the last couple of months, are very serious. Somebody will get killed—and a brainstem injury, if you are lucky, the boxer will die, because if he lives it is going to cost a half a million dollars a year—for an outfit that only draws \$30,000 a year in revenue.

Winnipeg cannot draw a big enough boxing card to substantiate the potential cost. I wish it could, because I am a fight fan. I really am, but I think the day has come where, for this province, we cannot

afford professional boxing unless we come up with some really stringent standards, and I do not think, personally, that boxing fans would be happy watching professional boxers wear headgear and the other requirements or 16-ounce gloves. I think we may have to kiss professional boxing good-bye, and I do not think that professional wrestling should be part of a legislative agenda. It just does not make any sense. It used to in the only days, when government did not know whether wrestling was sport or entertainment. You now know, and I think you should make a better informed and more educated choice.

Thank you, Mr. Chairperson.

Mr. Chairperson: Thank you very much, Mr. Boroditsky. Would you be prepared to answer questions or participate in discussions?

Mr. Boroditsky: I would have hoped I would have answered them all by now, but for sure.

Mrs. Sharon Carstairs (River Heights): I have to say, Mr. Boroditsky, I am a little confused about some of what you are saying, because on the one hand, I see you saying you want more regulation; on the other hand, I see you saying you want less regulation.

Mr. Boroditsky: I am sorry, ma'am. More regulation with regard to what?

Mrs. Carstairs: Well, I hear you saying you want more regulation with regard to safety.

Mr. Boroditsky: Safety of boxers?

Mrs. Carstairs: Yes.

Mr. Boroditsky: Okay, the issue of safety of boxers, Mrs. Carstairs, is simple. Again, as I said, I do not blame the current commissioner for this. I think it is a matter that has not been adequately studied by his cohorts at the Canadian Boxing Federation, other commissions after whom he patterns his behavior and his regulations.

When you read the available literature, what becomes apparent is this: Boxing commissions are indeed politically appointed hacks. There are very few boxing commissions that have ex-boxers on them, and unfortunately, the ex-boxers get so caught up in being government people that they start doing goofy things like collecting a 5.5 percent or whatever and not regulating properly.

You cannot have a situation where you rely on the current standards that are in the act that I am pretty certain are the ones that are approved by the

Canadian Boxing Federation. They are not adequate anymore.

Just because I can do this and touch my finger to my nose, okay, that is passing one of the tests, or that I can hop, my study has indicated that that is not an adequate test. You see, when a boxer gets, even my age—I am 33 now. I started in the wrestling game, got in the ring very late. I was 28; I was too old to get in—but at 33 you do not have the reflexes or the recuperative powers, so just because you pass a neurological test does not mean you can slip a punch. The boxers today are bigger and stronger and faster; they are all monsters. In the old days, a guy like Floyd Patterson, who was a glorified light-heavyweight, could be the heavyweight champion of the world.

Nowadays, these guys are all beasts, the way they are in all sports. It has become more dangerous. Hockey—look at how many more injuries there are in hockey now, serious ones, because of the increased impact.

So just because somebody can pass a neurological test does not mean they have the ability to get hit with successive, concussive blows. They can kill; they can maim. The problem you have is, if the commission here relies on the fact that last month Joe Blow, Joe Palooka passed a medical test in Edmonton or Las Vegas, those guys are allowing fighters to get into the ring because they want their 5 percent or their 3 percent and their free tickets and the ability to meet the champion.

They are not regulating according to any public interest. That is why you have the guy in D.C., who is a respected figure in boxing, fighting somebody because he got his brains knocked out. So if you are going to have boxing, we have to develop, Manitoba has to lead and not follow. I do not know if it is worth the cost, because we are not a boxing mecca. I do not know if the health care system wants to take the chance on a brain stem injury that is going to cost half a million bucks when you are not going to draw off the commission. In its best years, it is not going to draw more than fifty grand a year.

If there was an explosion of interest in wrestling and boxing, and wrestling has to carry boxing because there are going to be five wrestling cards a week, there can only be one boxing card every three or four weeks, because they are not allowed to box. If you are knocked out you cannot box for

30 days. If I am knocked out in the ring, I am back up in the main event. I am in the tag match, so you need wrestling to sustain boxing, and I do not think that the cost is there. I am a boxing fan. I do not like having to say this, but this is a lot more serious, I think, now than people have realized.

Mrs. Carstairs: I do not disagree with anything you are saying, and I am on the public record for saying that I would ban the sport of boxing. That is not the point. I have a piece of legislation that is before me and before all the other legislators of this Chamber. Is it better off regulated, since it is not going to be banned? I might want that, but it is not going to be banned. The reality is, it is going to exist. Is it better off having it regulated or not having it regulated?

Mr. Boroditsky: Well, boxing has to be regulated, ma'am, because promoters are completely unscrupulous. Boxing promoters are—I do not know this from personal experience, I only know this from having studied as a journalist, but in the United States, through the 1940s and '50s, there were characters like Blinky Polermo that would hang around the industry, and James Norris had a syndicate that has been mob controlled off and on for years. The problem is that commissions have been prone—I am not saying specifically the commission here at all—but commissions have been traditionally prone, unfortunately, to falling under the sway of these mob influences.

It is the way it is. So it has to be regulated. It is a strange game. I love it. I have helped set up the ring. I suppose I would ref. I would never actually want to work in it for a living. It has to be regulated if it is going to exist, but there have got to be two areas of regulation. One is the circumstances under which a card takes place to make sure people are not false billed, but the other is, if you continue with the current regulations and again, I will repeat it, it is not Buck's fault. The current safety regulations are not enough. They really are not, but you have to study this to understand it.

You know, passing a neurological test does not mean some guy—Terry Jessiman is 37, 38 years old and he can pretty much still get a licence in this province because he can pass the standard test, but he has taken a lot of punishment over the years and there is a point when you have got to tell a boxer, no.

The problem is, there are still states they can run to. I think North Dakota does not have a commission. They can still box in places, but it has to be more stringently regulated with regard to the health and safety aspects. The tests that are in place are not enough. I wish they were. I am a fight fan, but they are not. Somebody is going to get hurt.

* (2030)

Mrs. Carstairs: My final question: I have a bill in front of me that is not going to be withdrawn. It is not going to be amended in any significant way. Do I vote for it, knowing that by voting for it there is some regulation, or do I vote against it in your opinion?

Mr. Boroditsky: Madam, I would suggest that if the government side—and I do not really think it is, as I said, this is not really part of a substantive political agenda of any party. Neither aspect of this bill should be.

I believe they should withdraw the bill and reconsider how to straighten up certain aspects of that boxing end. Otherwise there is going to be a brouhaha in the House in Question Period one day and everybody is going to be pointing fingers, somewhat unfairly, at the commission itself, who are not being given the proper guidance by the political leadership.

I mean, you have to follow your conscience. I am telling you that if you believe, any MLA believes that the current regulations are sufficient to protect boxers over the age of, say, 30 or 35, if a tragedy occurs, then you have only yourself to blame. The boxers do not know any better and I do not believe that the commissioner really knows any better. It is not their fault they do not know any better, but they do not.

I do not believe the bill in that form is supportable. I think the act has to specify some of those tests because I do not think it would be left up to the regulation process.

Mr. Chairperson: Do you have any further questions or comments?

Mr. Conrad Santos (Broadway): Mr. Boroditsky, are you advocating self-regulation?

Mr. Boroditsky: Of boxing, sir?

Mr. Santos: Whichever, as a general principle.

Mr. Boroditsky: Boxing cannot self-regulate because it has a tendency to attract really

undesirable elements, okay. It has been a habitual resort of racketeers and other such elements for a number of years. As I read from my research, in Nevada, the mob could kill a fight. So you have to be very careful with regard to that.

With regard to wrestling, I think there is some degree of self-regulation that can take place, when the WWF says so-called promoters. You know, the fact is that the WWF shows their house attendance is decreasing because their shows are boring. The guys are burned out because they are on the road so much. They go from town to town and they do not put out. In small-time wrestling, in front of 200 or 300 people, it is a different product, you are energized. You get in front of the people and you get their emotions going.

So in regard to making sure good shows go on, I think Consumer and Corporate Affairs and other government departments that exist are well positioned to be able to assess if a show was a rip-off or not. The fact is though the established promoters may be complaining about other promotions, there may have been some instances where things have been done that were not in the public interest, but I think that can be said for the existing promotions as well that has false-billed guys. Guys who were billed on television did not show.

I think Consumer and Corporate Affairs can handle most of the public interest concerns that a government or opposition parties would have with regard to wrestling. You are not regulating wrestling with regard to injuries or any of the other aspects anyway.

It is like regulating stunt men, sir. There is no regulation for stunt men in this province, is there? It is like regulating stunt men, in effect, to perform in an improvisational manner in front of a crowd. I do not think that is suitable for a Minister for Sport (Mr. Stefanson) or even for Bonnie Mitchelson's department for that matter.

It is not as easy as it sounds. I do not think that wrestling should form part of this bill unless you can clearly define in that act what it is, because there is no way that a commissioner of any stripe should have the power to appoint a referee in one of my matches.

I can tell you one other thing. If a commissioner ever tried to stop a wrestling match in this province, he would get knocked cold. The rule in the

wrestling game is, if someone you do not know gets up on the apron, you drop them to protect yourself, because wrestlers in the past, unfortunately, have been attacked by people whose emotions have been whipped up..

It is not as easy as it sounds when you are on the outside. When you are on the inside you see there are a lot of potential problems to the nature of the regulation. In any event, Mr. Santos, it loses money and it is not going to make more money if there is less competition in the wrestling game. There would have been more competition in the wrestling game three years ago if the commission had played by the rules that were in existence instead of inventing rules that did not exist.

Mr. Santos: To say that self-regulation is risky in one case because mobs will be attracted, he is simply saying that groups are like flies, money is like sugar, and they are there wherever there is something to be gained. The question is, if it is a system of self-regulation, how do you defend that system from allegations of veiled promotion of self-interest?

Mr. Boroditsky: Again, Mr. Santos, you have to separate boxing from wrestling. This is a bill that is regulating two different things that are not related, except they take place on the same playing field. They are not the same things. You people, the Legislature and the commission, have to get it out of your heads. These are not the same things.

The commission proposes to have a rule where they can go in the dressing room and inspect everything. Would they go into Steve Schipper's dressing room at the Manitoba Theatre Centre and do that? Then why would they think it is necessary to do it in a wrestling game?

In the boxing game, yes, because if a guy gets doped up and he cannot defend himself he can get killed. That does not happen in the wrestling game, and so they are two different things. Boxing, as I have said, cannot be self-regulated. There have to be stringent regulations, better regulations, the commission has taken part in before, as you will see in the video tape, to make sure boxers do not get hurt. But with regard to wrestling, wrestling and boxing, they are not the same things.

This act does not even define wrestling. They refuse to define it. I find that really curious, unless it is because they know that a court will laugh it straight out. You are regulating something that is

essentially a play, and if the commission does not like it, they are going to jump in the ring and change the finish? They are going to say, we do not like the looks of this guy, he should not be able to wrestle?

I can get in the ring and not move a muscle for eight minutes—and I am not very good at it by the way—and get people booing and yelling and screaming. That is the name of the game in wrestling. If you want us to find out who are the best wrestlers please go back to Barcelona, you will find Bruce Baumgartner's [phonetic] picture where he won the gold medal. The best wrestler in the professional game is who can stir the emotions best and put people in the seats. It is not something for the Minister responsible for Sport (Mr. Stefanson) and it is not—even if the commission were experts on boxing, that does not make them experts on wrestling just because it is in a ring with four posts and three ropes. That is absurd.

If I were to import a production of Trafert Tansy [phonetic]—it is a play that was done in Ottawa at the National Arts Centre and in Victoria; it is a play about wrestling—would the commission have jurisdiction on that because it is a portrayal of wrestling with the same ending every night? What if I change the ending? What if Trafert Tansy does not win every night, are they going to stick their nose in?

What about the Palomino Club that has something called sumo wrestling? They put people in fatman suits and they try to buck each other. I mean nobody is going to get seriously hurt at it, okay. They have prizes there. I have wrestled for free at the Palomino Club in something that resembles prizefighting. Nobody is trying to hurt each other but there is a prize. Why is the commission not regulating that?

If you want to worry about the public interests, there was somebody who got in the ring in Grand Marais who was not trained as a wrestler and got split open from ear to ear by a wrestler who has a very perverse sense of humour. The commission did not stop it. I do not know if they had the power to or not but they were made aware of it. The fact is that it is two different games.

In boxing, the need for protection is far greater than in wrestling. Wrestling self-regulates in this manner, Mr. Santos. Somebody learns in a big

hurry if they do not belong in the ring because they get embarrassed in front of a crowd, they get humiliated, you know, their friends laugh at them and the guy's first match is often his last. It is like getting on stage in improv theatre or in comedy and getting laughed off the stage. It happens. I have been lucky, it never happened to me, thank God. Anytime they have laughed at me is because I wanted them to laugh, I think.

Mr. Chairperson: Thank you. Are there any other questions or comments? If not, thank you ever so much Mr. Boroditsky for your presentation, a very interesting presentation this evening. Thank you very much.

* * *

Mr. Chairperson: That completes the public presentations. We will now proceed to consideration of the bills. We have a request to consider Bill 5 and then Bill 18 first. Is that agreeable with the committee? We will proceed then to consider Bill 5 first and then Bill 18 and the rest in numerical order, if that is agreeable? Is that agreeable?

Hon. James Downey (Minister of Northern Affairs): Mr. Chairperson, to accommodate the Minister responsible for Sport (Mr. Stefanson)—I think he has an engagement later on—we can do his bills first.

Mr. Chairperson: Is it the will of the committee to consider Bill 15?

Floor Comment: Bill by bill. Page by page.

Mr. Chairperson: Bill 13 and Bill 15?

An Honourable Member: Yes.

Mr. Chairperson: Does the committee agree to consider Bill 13? [agreed]

BILL 13—The Manitoba Employee Ownership Fund Corporation Amendment Act

Mr. Chairperson: We will then proceed to consider Bill 13. As the committee is aware, the bill is considered first, and the title and preamble are postponed until after all clauses have been considered in the proper order. What is the will of the committee?

Some Honourable Members: Page by page.

Mr. Chairperson: Page by page? Is that agreed? [agreed]

I understand that we have an amendment on Clause 2, so perhaps we will proceed clause by clause to begin with.

An Honourable Member: Okay, then page by page.

Mr. Chairperson: Clause 1—pass; Clause 2.

Bill 13, we are considering Clause 2.

Hon. Eric Stefanson (Minister of Industry, Trade and Tourism): I move

THAT section 2 of the Bill be renumbered as section 4 and the following be added as sections 2 and 3:

2 Subsection 4(3) is repealed and the following is substituted:

Rights of Class "G" Special Shares

4(3) Where an agreement entered into between the Fund and the Government of Manitoba requires amendments to the rights attaching to the Class "G" Special Shares, the directors shall, by filing articles of amendment under The Corporations Act, make those amendments.

3 Clause 5(1)(c) is amended by adding ", the Minister of Finance in trust for Her Majesty in right of Manitoba or the Minister of Finance (Canada) in trust for Her Majesty in right of Canada" after "corporate investors".

THAT section 3 of the Bill be renumbered as section 5.

THAT section 4 of the Bill be struck out and the following substituted as section 6:

Coming into force

6(1) This Act, except sections 2 and 3, is retroactive and is deemed to have come into force on March 21, 1992.

Coming into force: sections 2 and 3

6(2) Sections 2 and 3 come into force on the day this Act receives royal assent.

[French version]

Il est proposé que l'article 2 du projet de loi devienne l'article 4 et que les articles suivants soient ajoutés après l'article 1:

2 Le paragraphe 4(3) est remplacé par ce qui suit:

Droits rattachés aux actions spéciales de catégorie "G"

4(3) Les administrateurs apportent, en déposant des clauses modificatrices en conformité avec la Loi sur les corporations, les modifications qu'une

convention conclue entre le Fonds et le gouvernement du Manitoba prévoit relativement aux droits rattachés aux actions spéciales de catégorie "G".

3 L'alinéa 5(1)c) est modifié par adjonction, après "institutionnels", de ", qu'au ministre des Finances en fiducie pour Sa Majesté du chef du Manitoba ou qu'au ministre des Finances (Canada) en fiducie pour Sa Majesté du chef du Canada".

Il est proposé que l'article 3 du projet de loi devienne l'article 5.

Il est proposé que l'article 4 du projet de loi soit supprimé et que les dispositions suivantes soient ajoutées après l'article 5:

Entrée en vigueur

6(1) La présente loi, à l'exception des articles 2 et 3, s'applique à compter du 21 mars 1992.

Entrée en vigueur: articles 2 et 3

6(2) Les articles 2 et 3 entrent en vigueur le jour de la sanction de la présente loi.

Quite simply, Mr. Chairperson, what this does is, as outlined in the first portion that I read, Section 4(3), that the agreement between the fund and the government as it relates to the class "G" special shares, can be amended by the directors filing articles of amendment, that is, the directors of the Manitoba Employee Ownership Fund Corporation.

Motion presented.

* (2040)

Mrs. Sharon Carstairs (River Heights): I have a question for the minister. Prior to this amendment, would it have been necessary before class "G" shares had been acted upon, there would have had to have been a change to the legislation?

Mr. Stefanson: I wonder if the member for River Heights could please repeat that question?

Mrs. Carstairs: Well, what you have done in this particular amendment is to change the rights of class "G" special shares. Prior to this amendment, would it have been necessary, in order to have that change, because now you are saying it can be done by the directors, to come back to the Legislature prior to this?

Mr. Stefanson: The answer is yes, Mr. Chairperson.

Mrs. Carstairs: Why was it decided by the department that they wanted greater flexibility for Class "G" Special Shares?

Mr. Stefanson: Mr. Chairperson, the original bill, Bill 13, allows for some flexibility in terms of the Class "G" Shares which are being subscribed for, for a total of \$2 million, whereby \$1 million can be utilized in terms of the start-up costs of the fund.

I think most members are aware that during the first subscription season this year, in 1993, the fund raised approximately \$3.2 million. What this provision now allows is, as we head into the next RRSP season, the flexibility to deal with any further adjustments that might be required expeditiously without having to come back to the legislative process in terms of the timing and the ability to deal with the RRSP season and the raising of capital for this particular fund.

Mrs. Carstairs: That seems reasonable, but what effect does it have on the liquidation provisions with regard to Class "G" shares?

Mr. Stefanson: Mr. Chairperson, it is not this provision that necessarily creates the situation, but what could be done is, through agreement between the government and the fund, there could be adjustments made to the redemption value of those Class "G" Shares, so it would be the agreement between the government and the fund, but the fund through this amendment would have the flexibility to make that amendment without having to come back into the legislative process.

Mrs. Carstairs: The only concern I have is the protection for the owner of the share. If in fact directors and the government can make decisions without recourse to the Legislature, then this particular shareholder has no recourse to the Legislature either.

Mr. Stefanson: Mr. Chairperson, this amendment is only talking about the "G" Shares, which is us, the government of Manitoba.

Mr. Chairperson: Amendment—pass.

Mr. Stefanson: I am told, as part of that amendment, that I need to move that Legislative Council be authorized to change all section numbers and internal references necessary to carry out the amendments adopted by this committee.

Mr. Chairperson: Clause 2, as amended—pass; Clause 3—pass; Clause 4—pass; Title and Preamble—pass. Bill as amended be reported.

That completes consideration of Bill 13.

BILL 15—The Boxing and Wrestling Commission Act

Mr. Chairperson: We now move to Bill 15. Again the Title and Preamble will be left until the balance of the bill is considered.

Clause 1 to Clause 9, inclusive—pass.

* * *

Mrs. Sharon Carstairs (River Heights): Mr. Chairperson, I do not want to be difficult on this. We passed as far as Section 4, but in fact, with the amendments, there are now Section 5 and Section 6. I would not want us to have passed only four sections.

Mr. Chairperson: Are you referring to the previous bill, Mrs. Carstairs? Is that the previous bill you are referring to?

Mrs. Carstairs: Yes, I am talking about Bill 13.

Mr. Chairperson: Yes, we did an amendment allowing Legislative Counsel to renumber according to the changes that were made by the amendment. That was a proposed amendment that was agreed to. Hopefully, it is correct. Thank you for pointing that out.

Mrs. Carstairs: I hope so too.

* * *

Mr. Chairperson: Coming back then to Bill 15. Shall Clauses 1 to 8 inclusive pass? [agreed]

Shall Clause 9 pass?

Hon. Eric Stefanson (Minister responsible and charged with the administration of The Boxing and Wrestling Commission Act): Mr. Chairperson, I have an amendment for Clause 9, that is Section 9 of the bill:

THAT section 9 of the Bill be amended by striking out subsection 9(3).

[French version]

Il est proposé que l'article 9 du projet de loi soit amendé par suppression du paragraphe 9(3).

There will then be an amendment that I will table when we get to Section 28(1). But it might be appropriate to read it now, so that it is in context with the amendment that is being proposed. It is,

THAT the following be added as subsection 28.1:

Delegation

28.1 The commission may delegate to one of its

members any power conferred on the commission under this Act except

- (a) the power to hold a hearing under section 18 or make an order under section 20; and
- (b) the power to make regulations.

[French version]

Il est proposé d'ajouter, après l'article 28 du projet de loi, ce qui suit:

Délégation

28.1 La Commission peut déléguer à l'un de ses commissaires les pouvoirs qui lui sont conférés en vertu de la présente loi, à l'exclusion:

- (a) du pouvoir de tenir l'enquête prévue à l'article 18 ou de rendre l'une des ordonnances prévues à l'article 20;
- b) du pouvoir de prendre des règlements.

So what those changes are, Section 9 delegated the power to potentially one commission member to deal with all aspects of this change is made now that any changes to the regulations and holding of any hearings would have to be the commission.

The member for Interlake (Mr. Clif Evans) brought this to my attention. Certainly, from our perspective, I think it is a responsible amendment, because in those two particular situations I think it would be more worthwhile to have the commission in its totality than to have one individual member dealing with the regulations which get into the whole range of some of the concerns put before us today in terms of issues.

Mrs. Carstairs: Maybe I missed something, but I thought it was normal when we began a bill to ask if there are opening statements and to ask if anybody has any questions around this table? We seem to have gone into passing this bill without anything.

Mr. Chairperson: Did you wish to make an opening statement?

Mrs. Carstairs: Well, I actually have some questions I would like to ask of the minister, if that is permissible at this table tonight.

Mr. Chairperson: Certainly. We have currently an amendment before us. But did you wish to ask a general question in terms of the bill? That is fine with the committee, I am sure, Mrs. Carstairs.

Mrs. Carstairs: Mr. Chairperson, with the greatest respect, the Chair did not ask if there were opening statements. The Chair did not ask if there are any

questions. You immediately launched into passage of the bill. I would like to just go back a little bit and ask the minister some questions.

Mr. Chairperson: That is agreed? Does the committee agree?

An Honourable Member: Agreed.

* (2050)

Mrs. Carstairs: On the basis of the presentation by Mr. Boroditsky, can the minister tell my why, in fact, we are regulating boxing and wrestling together?

Mr. Stefanson: Mr. Chairperson, even though it was dealt with under one act, there are separate regulations that deal with boxing. There are separate regulations that deal with wrestling. Clearly from what you have heard tonight, and the position of both of those industries and the information we have, is boxing is regulated much more strictly in many respects than wrestling.

Mrs. Carstairs: Well, is it the opinion of the government then that both of these activities at the professional level, because that is all we are regulating here, are sports?

Mr. Stefanson: Mr. Chairperson, it is a recognition that there is a form of sport to both of them. In the area of wrestling, a great deal has been said about it being entertainment or sport entertainment. As part of the changes that are before us, there was extensive consultation with the industry, with certainly the majority of people in the industry, and we found that within both industries, boxing and wrestling, there was a desire to have regulation.

I think even more importantly, the wrestling has a provision that if we see movement into other more combative areas within wrestling, again we have the ability to regulate and protect the participants in that as well as the public at large. Examples would be getting into kick boxing or kick wrestling and some of these kinds of other much more physical activities. So we feel for those reasons, particularly what direction it can have in the future, the industry itself is suggesting that there are reasons that they want it regulated. They want licensing and permits; they want enforcement and so on.

Mrs. Carstairs: Can the minister tell the committee tonight if it is the intention of the boxing commission, through the minister, to come up with tighter regulations which they are given within this act? Is there any rewriting of regulations per se

going on at the present time? I am particularly referring to boxing here.

Mr. Stefanson: As I did indicate, there are separate regulations and as part of this whole legislative change, yes, we are reviewing the regulations for both with a view in some areas, in boxing in particular, to making them more protective and stringent, examples being in the whole field of medical examinations, use of medication and those types of areas.

Mrs. Carstairs: Okay. Thank you.

Mr. Chairperson: Before we continue, I would like to apologize to Mrs. Carstairs. There is in the script before me an opportunity for the minister to make an opening statement and the critics for the two opposition parties for an opening statement, and I apologize for missing that in our procedures this evening. Certainly, every committee member has every opportunity to speak in general every time I speak to any specific clause.

Mr. Conrad Santos (Broadway): One question. It seems to me hockey is as risky a thing as boxing. Is there a review of it, hockey?

Mr. Stefanson: Mr. Chairperson, there are regulations but hockey, like other professional sports, is self-regulated.

Mr. Chairperson: The amendment before the committee, moved by the honourable minister THAT section 9 of the Bill be amended by striking out subsection 9(3)—pass.

[French version]

Il est proposé que l'article 9 du projet de loi soit amendé par suppression du paragraphe 9(3).

Clause 9, as amended—pass.

Clauses 10 to 13 inclusive—pass; Clauses 14 to 18 inclusive—pass; Clauses 19 to 21—pass; Clauses 22 to 27 inclusive—pass. Shall Clause 28 pass?

Mr. Stefanson: As mentioned, I have an amendment for Clause 28 and I would move THAT the following be added to subsection 28.1:

Delegation

28.1 The commission may delegate to one of its members any power conferred on the commission under this act except

- (a) the power to hold a hearing under Section 18 or make an order under Section 20; and
- (b) the power to make regulations.

I believe I have already explained the rationale for that.

[French version]

Il est proposé d'ajouter, après l'article 28 du projet de loi, ce qui suit:

Délégation

28.1 La Commission peut déléguer à l'un de ses commissaires les pouvoirs qui lui sont conférés en vertu de la présente loi, à l'exclusion:

- a) du pouvoir de tenir l'enquête prévue à l'article 18 ou de rendre l'une des ordonnances prévues à l'article 20;
- b) du pouvoir de prendre des règlements.

Mr. Chairperson: Are there any questions or comments on the proposed amendment?

It has been moved by the honourable minister that Clause 28 be amended. Does the committee wish me to read that?

Motion presented.

Mr. Chairperson: The amendment—pass; Clause 28 as amended—pass; Clause 29 to 33 inclusive—pass.

Mr. Stefanson: Mr. Chairperson, I would move

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 modifier les numéros d'article et les renvois internes de façon à donner effet aux amendements adoptés le Comité.

Mr. Chairperson: Is that agreed? Pass.

Title—pass; Preamble—pass. Bill as amended be reported.

That completes consideration of Bill 15.

* * *

Mr. Chairperson: Is it the will of the committee that we now consider the bills in numerical order? Is it the will of the committee to do Bill 18? [agreed]

BILL 18—The Corporations Amendment Act

Mr. Chairperson: We will now consider Bill 18, The Corporations Amendment Act. Does the

minister responsible for the bill have an opening statement?

Hon. Linda McIntosh (Minister of Consumer and Corporate Affairs): No, I do not, Mr. Chairperson.

Mr. Chairperson: Does the critic for the official opposition have an opening statement?

An Honourable Member: No.

Mr. Chairperson: Does the critic for the second opposition party have an opening statement?

An Honourable Member: No.

Mr. Chairperson: As usual we will leave the consideration of the Preamble and the Title until all the clauses have been considered. Clauses 1 to 8 inclusive—pass; Clause 9.

Mrs. McIntosh: Mr. Chairperson, I have an amendment for that clause. I move

THAT the following be added as Section 9.1 of the bill:

9.1 Subsection 349(1) is amended by adding "or duly qualified agent" after "member of his staff".

[French version]

Il est proposé d'ajouter l'article qui suit à titre d'article 9.1 du projet de loi:

9.1 Le paragraphe 349(1) est modifié par substitution, à "dûment autorisé de son personnel", de "dûment qualifié de son personnel ou par un mandataire dûment qualifié".

Mr. Chairperson: We will consider the amendment to that Clause 9. Proposed amendment—pass; Clause 9 as amended—pass; Clause 10—pass; Clause 11.

* (2100)

Mrs. McIntosh: I have an amendment as well, Mr. Chairperson:

THAT section 11 of the Bill be struck out and the following substituted:

11 Section 360 is amended

(a) by striking out "Superintendent of Insurance of Canada" wherever it appears and substituting "relevant authority for Canada";

(b) in subsection (1), by adding "or to perform such duties imposed on the superintendent under this Part as are specified in the appointment" after "as the superintendent"; and

(c) in subsection (2), by adding "some or all of" after "shall perform".

[French version]

11 L'article 360 est modifié:

- a) par substitution, à chaque occurrence de "le surintendant des assurances pour le Canada", de "l'autorité compétente du Canada";
- b) dans le paragraphe (1), par adjonction, après "surintendant", de "ou pour remplir celles des fonctions imposées au surintendant en vertu de la présente partie que l'acte de nomination précise";
- c) dans le paragraphe (2), par substitution, à "les fonctions", de "tout ou partie des fonctions".

Mr. Chairperson: Thank you. Shall the amendment pass?—pass.

Clause 11, as amended—pass; Clauses 12 to 15 inclusive—pass.

Mrs. McIntosh: Mr. Chairperson, I move that Legislative Counsel be authorized to change all section numbers and internal references necessary to carry out the amendments adopted by this committee.

Mr. Chairperson: Thank you, is that agreeable to the committee?

An Honourable Member: Agreed.

Mr. Chairperson: Shall the bill and the preamble pass?—pass.

Shall the title pass?—pass.

Shall the bill as amended be reported?—pass.

Is it the will of the committee that I report the bill as amended? [agreed]

That completes consideration of Bill 18.

Bill 5—The Northern Affairs Amendment Act

Mr. Chairperson: Is it the will of the committee to consider Bill 5, (The Northern Affairs Amendment Act; Loi modifiant la Loi sur les affaires du Nord)? [agreed]

Does the honourable minister have an opening statement?

Hon. James Downey (Minister of Northern Affairs): No.

Mr. Chairperson: The critic for the first opposition? No. The critic for the second opposition? No.

An Honourable Member: Page by page.

Mr. Chairperson: Again, the preamble and title will be postponed until consideration of all clauses has been made. Clauses 1 to 9 inclusive—pass; Shall the preamble pass?—pass; Shall the title pass?—pass.

Shall the bill be reported? [agreed] Is it the will of the committee that I report the bill? [agreed]

That completes consideration of Bill 5.

Bill 11—The Regional Waste Management Authorities, The Municipal Amendment and Consequential Amendments Act

Mr. Chairperson: The final bill to be considered this evening by the committee, Bill 11, The Regional Waste Management Authorities, The Municipal Amendment and Consequential Amendments Act; (Loi concernant les offices régionaux de gestion des déchets, modifiant la Loi sur les municipalités et apportant des modifications corrélatives à d'autres lois).

Does the honourable minister have an opening statement?

Hon. Leonard Derkach (Minister of Rural Development): No.

Mr. Chairperson: Thank you. Does the critic for the first opposition have an opening statement? No. Does the critic for the second opposition have an opening statement? Thank you.

As usual, we will postpone the consideration of the preamble and title until all clauses have been considered.

Clauses 1 to 16 inclusive—pass; Clause 17.

Mr. Derkach: I have an amendment that I would like to propose for this section of the bill.

Mr. Chairperson: Carry on.

Mr. Derkach: I would like to move

THAT subsection 17(2) be struck out and the following substituted:

Qualifications of auditors

17(2) A person who is entitled to practise as an accountant under The Chartered Accountants Act, The Certified General Accountants Act or The Society of Management Accountants of Manitoba

Incorporation Act, is qualified to be appointed under this section as the auditor of an authority.

[French version]

Il est proposé que le paragraphe 17(2) du projet de loi soit remplacé par ce qui suit:

Qualité de vérificateur

17(2) Toute personne ayant droit de pratiquer comme comptable, en vertu de la Loi sur les comptables agréés, de la Loi sur les comptables généraux licenciés ou de la Loi constituant en corporation la "Society of Management Accountants of Manitoba" peut être nommée en vertu du présent article à titre de vérificateur d'un office.

Mr. Chairperson: Is it the will of the committee to adopt the amendment?

An Honourable Member: Agreed.

Mr. Chairperson: Has everyone got a copy of the amendment? Is it the will of the committee to adopt the amendment? [agreed]

Clause 17 as amended—pass; Clause 18 to 26 inclusive—pass; Preamble—pass; Title—pass. Bill as amended be reported.

That completes consideration of Bill 11.

I thank you all very much for your agreeable participation this evening. The hour being 9:09 p.m., committee rise.

COMMITTEE ROSE AT: 9:09 p.m.