



Second Session - Thirty-Fifth Legislature

of the

Legislative Assembly of Manitoba

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

40 Elizabeth II

*Chairman
Mr. Ben Sveinson
Constituency of La Verendrye*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

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

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ASHTON, Steve	Thompson	ND
BARRETT, Becky	Wellington	ND
CARR, James	Crescentwood	LIB
CARSTAIRS, Sharon	River Heights	LIB
CERILLI, Marianne	Radisson	ND
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CUMMINGS, Glen, Hon.	Ste. Rose	PC
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GILLESHAMMER, Harold, Hon.	Minnedosa	PC
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LATHLIN, Oscar	The Pas	ND
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MANNESS, Clayton, Hon.	Morris	PC
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SANTOS, Conrad	Broadway	ND
STEFANSON, Eric, Hon.	Kirkfield Park	PC
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WOWCHUK, Rosann	Swan River	ND

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

Tuesday, June 25, 1991

TIME — 10 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Ben Sveinson (La Verendrye)

ATTENDANCE - 11 — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Enns, Praznik

Mr. Carr, Ms. Cerilli, Messrs. Edwards, Evans (Interlake), Helwer, Laurendeau, Penner, Reimer, Sveinson

MATTERS UNDER DISCUSSION:

Bill 38—The Wildlife Amendment Act.

* * *

Mr. Chairman: The Standing Committee of Public Utilities and Natural Resources is called to order to resume clause-by-clause consideration on Bill 38, The Wildlife Amendment Act. Does the minister have remaining opening comments?

Hon. Harry Enns (Minister of Natural Resources): No. Thank you, Mr. Chairman. I have made my comments.

Mr. Chairman: Are there any others who would wish to?

Ms. Marianne Cerilli (Radisson): I guess I will start off by saying that this bill and the related issues have certainly been a wonderful learning experience for me. I must say that my initial response to the proposed development at Oak Hammock Marsh Wildlife Management Area was a gut feeling, that it is in conflict with the way that we want to go in terms of environment and environment education, and going from there and seeing the extent that this government has gone to try and push through that project has been a real education, as I said.

Bill 38 takes the cake with respect to the extent that the government is going through to push through this project. The bill is an abuse of power as I see it and as a number of people see it. The idea that we are going to not be developing laws that

are going to protect the environment and protect wildlife areas and put that into legislation, but the concept that we are going to be putting into legislation laws that will protect developers and governments and allow them to develop and expand industry into wildlife management areas is ironic. It would be ironic if it was not so sad.

It is totally in contradiction to the spirit of what wildlife management areas are all about. It is, as I have said a number of times, abusing a majority, abusing ministerial power, abusing democratic procedures and making a mockery of hearings like this where activists in areas of environment protection come forward and are told that they are wasting their time because there can be no amendments that will be considered that are going to do what wildlife management areas are intended to do.

For a government to think that they can fool the public in saying that, oh, this has been done all along and we are really being honest and just putting it into the legislation, I think is insulting. Saying that you can legislate your way out of a situation that the government finds its way in again is an abuse of power.

I guess the other thing is, I have just come from another situation where we have a mines act that is also going to committee, and I think that those of us who are interested in protecting the environment are going to see some very interesting things from this government as they maneuver their way through legislation and, at will, will either put things into legislation or put things into regulation, as we are seeing with regulations to protect Shoal Lake, as it is going to meet their agenda and their political needs and not as it will protect the environment or serve the interests of the public as with the environment regulations to protect Shoal Lake.

* (1010)

I also believe that this government and this minister's anxiousness to proceed with this bill is going to be something that is going to stay with them

and jeopardize their record severely on the environment. I think people are starting to change their attitude towards economic development and industrial development, and they are seeing through the techniques and political manoeuvering that this government is making with respect to the bill. I think that this bill is symbolic of this government's approach to the environment, the whole idea that a wildlife management area is protected until we find something that we like to do with it commercially. When we think that we can use it to meet our political ends or we can use it to make some economic benefit that is going to help one of our constituencies, then we will no longer protect that wildlife management area, but we will develop in that wildlife management area.

I really think that kind of approach is not going to be tolerated by the public very much longer. The public is far and away ahead of a lot of politicians with respect to the environment, and I think that this kind of thing—it may go ahead for a little while longer, but I hope and I believe that times are changing.

There are a number of other things that have come to light through the committee hearings, a number of possible amendments that would strengthen The Wildlife Act that I will be proposing and our party will be proposing, that I hope the minister will consider. One of the things that I find surprising is the poor definition of wildlife that is currently adhered to in the province, that whole concept that wildlife and environment is only something to be respected when it is meeting the needs of our species, of people. We are starting to see how our objectification of the environment and of nature has led to the problems that we have. We objectify nature and that is our notion of progress, industrial expansion. A lot of people are tying that in to the whole notion of free market approach to industrial expansion and to understand how we cannot tolerate an unfettered marketplace.

Certainly, we need to have economic development, but we cannot have it unregulated as it has been in the past. That is what has contributed to the problem we are having with pollution and destruction of fishing industry, a lot of other industry, with problems that we are seeing in the farming industry. We really have to start looking at new ways of dealing with natural resources.

I guess related to that is the whole idea that you cannot buy your way out of the environment crisis.

We are not going to be able to deal with the problems that face us on a profiteering basis. That is the problem that has got us into the environmental crisis that we are in.

* (1015)

One of the other things that has become very clear through the presentations is the frustration of environment activists and organizations and individuals who are spending so much of their blood, sweat and tears and time and effort in trying to wake people up and make them realize the error of our ways. I guess when we look at this bill and we see a government and we see supporters of the bill, from small businesses or small rural chambers of commerce, I am asked the question, who am I going to trust with respect to the environment?

Am I going to trust an economic development group and government, or am I going to trust people who have committed their lives to researching and understanding ecosystems and environment? This bill is saying, trust the minister, trust the government. I really think that is where we again get into the issues of abusive power and the public saying, no we do not trust industry with respect to the environment and we do not trust governments with respect to the environment.

We need to have in legislation, in wildlife legislation even as we are seeing today, procedures or safeguards that are going to ensure that every kind of development is going to have some consideration of the environment and natural habitat. We need to have legislation—be it to do with mining, forestry or even as we see, wildlife—natural resources protection that is going to be subject to some kind of environment assessment or environment consideration. One of the things becoming clear is we cannot have an approach to the environment that is limited to one department, especially if we are going to take a truly ecological approach to the environment. We need to have all legislation, all legislation particularly that deals with areas like Natural Resources, and Energy and Mines, and Agriculture, that will be reviewed with an environmental perspective.

I think that is a wave of the future and I think that is one of the things that is desperately needed and one of the focuses of amendments that we are going to be proposing.

I guess to sum up, I will say that we know that the government has a majority and the bill will go through and perhaps the development at Oak

Hammock Marsh and other projects that the minister might have in mind for other wildlife management areas that are similar could be proposed, but there is, as the minister is aware because he has said that other ministers have allowed development in wildlife management areas and not been challenged—but again, I would point out to the minister that there has been no one else who has wanted to put a corporate building in a wildlife management area. I would say that there is mounting opposition to this kind of approach to wildlife and environment. There is a more aware and educated public out there. There is more sophistication with respect to challenging governments and industry that are not respecting environment, or even respecting laws and legislation that already exist.

To conclude, I would just say that this bill is going to be a symbol of this government's approach to the public and to the environment, and I would say that the public out there is not going to forget. Thank you.

* (1020)

Mr. Paul Edwards (St. James): Mr. Chairperson, I want to respond in my opening comments to the minister's opening comments in large part and in smaller part to my colleague, the New Democrat critic.

First, let me start with her comments, many of which I agree with. However, generally I must comment that the minister has logic and reason on his side when he points the finger at the former New Democratic administration who in 1988, some months prior to the 1988 election, allowed what can only be seen as a shameful and outrageous aberration of a wildlife management area criterion by allowing an oil company to set up in a wildlife management area in southwestern Manitoba. I think we have to start on that footing, that the minister has the better side of logic on that argument.

However, Mr. Chairperson, his comments and my response to them do not end there. There are many good things in this bill. This bill deals with polar bears and other important aspects, needed improvements. The game ranching of certain animal parks it deals with in a progressive way. Those should be supported, and they will be supported by our party.

The Ducks Unlimited, let me say at the outset, in my view, and I have tried to make this clear in my questions and comments during these hearings, is

not the name of this bill. This bill is not the Ducks Unlimited at Oak Hammock Marsh bill. In many respects, given the minister's intransigent support of that project, unequivocal support of that project, I would prefer and agree with Mr. Pannell who spoke to us that they simply have brought in a bill called the Ducks Unlimited at Oak Hammock Marsh bill, because then we could have faced the issue head on, and then we could have just dealt with that project.

Instead he has brought forward a bill which grants unto him and future ministers and future governments what I consider to be an unwarranted and a very dangerous level of ministerial executive authority. I say that, pointing to the comments made on May 15th of this year by the minister when he said, and was quoted as saying, and he has not denied or refuted his comments as quoted in the Winnipeg Free Press, that the bill was designed to thwart a legal challenge of his plans to allow Ducks Unlimited Canada to build an office complex at Oak Hammock Marsh, which has been protected from development as a wildlife management area under The Wildlife Act.

If the entire bill is for that purpose, and I think the minister's comments confirm that, why not just bring in a bill saying let us let Ducks Unlimited go ahead? Why not be willing to face that issue head on, on its own? Why does this minister need to put into legislation an unbelievable, unprecedented level of ministerial authority which puts in his hands, and his hands alone and those of future ministers, I say again, the power to gut and absolutely render redundant the vast majority of The Wildlife Act?

Mr. Chairperson, while on that issue, let me say that, in that much of the discussion has been about the Ducks Unlimited project, I believe that Ducks Unlimited Canada has done many good things for the preservation of the wildlife and environmental areas in this province and in this country. I do not think anyone can seriously, with credibility, dispute that. Their past record, in large part, has been good. Whether or not this project is good is an issue which I do not intend to deal with in this discussion, because I think all it does is take away from what this bill is really doing. This bill leaves a legacy far beyond that project. That project may be here and gone, and this legislation may still be in place.

Mr. Enns: Not to get into debate with honourable members, because I would assume that our business is to get into clause by clause, but I will do

it once more just for the final record. I say this that I believe honourable members, partly because of their newness to this legislation, have a fundamental basic misunderstanding of wildlife management areas.

The wildlife management areas are set up so that our managers can better manage and enhance the wildlife. If, for instance, the City of Winnipeg made a formal request to my department to establish the city of Winnipeg as a wildlife management area, we would consider it under this legislation. It would enable us to better control the fairly abundant deer population in the city, the live wildlife that we have on our riverbanks on the Assiniboine and the Red and other creeks. That would be an appropriate designation of a wildlife management area, the city of Winnipeg with its 600,000 residents, its industry, its office towers and everything else—that is a wildlife management area under the act.

* (1025)

You are confusing a wildlife management area with game bird refuges, with ecological reserves, the various different—and the designations are listed in this very act—animal control areas, game bird refuge, managed hunting areas. We have some areas where we only allot, if we do allow any hunting, a certain number of hunters; there are wildlife management areas where we prohibit all hunting, as in Oak Hammock, for instance. We have wildlife areas for species as specific animals.

"Wildlife management area" has been a term that has not been understood, and I say that genuinely to honourable members of the committee. Of course, if that fundamental error is made, then all kinds of things flow from it. I have put that on the record, and I would ask that we proceed with consideration of Clause 1.

Mr. Edwards: Mr. Chairperson, the minister interrupted me. I was not finished with my opening speech. I want to address the comments the minister has just made. He has used the words "better control," "better use" of the wildlife resource and the wildlife management areas of this province.

The only limitations on the minister's discretion, under the existing legislation, are the criteria that the activities be "for the better management, conservation and enhancement of the wildlife resource of the province." What else does the minister need?

If he believes what he has just said, that is, that he has only the best interest of the wildlife resource of the province at heart, why is he afraid to subject his decisions to that criterion, that very basic, that very fundamental, that very obvious criterion which everyone of the proponents of this project who came before us and whom I asked that question to agreed that it was a fundamental, an obvious, a reasonable criteria on which any activity should be judged? This minister is playing games with this committee, Mr. Chairman, or more likely, to give the minister credit, more likely he does not understand what he is doing in this bill.

What he is doing is eradicating that standard, which is a very minimal standard in my view and in the view of every proponent whom I asked that question to who came before this committee. So, let us be clear that it is not me, through lack of experience in this Chamber, who does not understand a wildlife management area. It is the minister, by his own words, who appears not to understand what he is doing in this bill. If he does understand what he is doing in this bill, Mr. Chairperson, it would be my suggestion that he come clean with the members of this committee and admit what he is doing and live up to it and stand up for what he is doing.

Mr. Chairperson, it is hard to believe that a minister responsible for a wildlife management area would not be willing to subject his decisions to a standard which only calls for the better conservation, management and enhancement of the wildlife resource in the province. He has just said it in his own words. Why is he not willing to defend his actions on that basis? That is a question which remains even as we head into the clause by clause.

Mr. Chairperson, the minister also said, and it is a statement which he has modified in his opening statement, but he said on May 15 that he will not consider amendments. Now, he did not say he would not consider passing amendments. He did not say that. He did not say that he would not commit to passing amendments. He said he will not consider them in and of themselves. Now he has modified that. He said he will not consider them if they attack the principle of the act. The principle of the act, in his own words, and I noted it down because I wanted to refer back to it—the minister says that he needs it in order to head off any challenges under the act because the power he

needed was not in the act proper, it was in the regulations.

* * *

* (1030)

Mr. Chairperson, he says he has a legal opinion, he received them. I would like to see them because, as I read this legislation, Sections 89 and 90, which grant regulation powers to the minister, and when you are looking at a regulation, whether or not it is legitimate, it is within the jurisdiction of the minister, you look at the section in the act that granted it. Sections 89 and 90 are very broad indeed and allow the minister enormous powers of making regulations, and I do not dispute that the minister would need that power to make those regulations on many, many enumerated areas.

Just to illustrate that, I am sure the minister will know, but for all members, the regulation granting powers go up to in the case of Section 90(qq). They go all the way through the alphabet and then up to (qq), enumerated powers which are enormous, specific and substantial for the minister's better enhancement to the wildlife resource.

The only limitation in Section 90 is that, what regulations are made are for the purpose of carrying out the provisions of this act according to their intent. The intent is in Section 2. The intent of this act and wildlife management areas is under Section 2 of this act. The intent is that all actions be for the better management, conservation and enhancement of the wildlife resource of the province. That is the only test.

I do not believe the oil company in Pierson would have survived that test, but it was not challenged. As for haying and grazing, I do not know. This minister and his colleague the member for Rhineland have advocated grazing and haying as good for the wildlife resource of the province. That is what they have said at these committee hearings, Mr. Chairperson.

Point of Order

Mr. Jack Penner (Emerson): Mr. Chairman, the constituency of Rhineland has disappeared and the member has disappeared with it. The member who is now representing that area is the member for Emerson.

Mr. Edwards: My apologies, Mr. Chairperson.

Mr. Chairman: That is not a point of order.

Mr. Edwards: Mr. Chairperson, both of them have talked about grazing and haying and the minister is a cattleman. He should know. The member for Emerson has been the head of an agricultural group, an experienced farmer himself. He should know—and he was the Minister of Natural Resources at one time. He said, this is for the betterment of the province.

We are not here to debate whether or not grazing and haying are for the better management, enhancement and conservation of the wildlife resource. I am not in a position to dispute that. All I can say is, if they believe that, why are they afraid to subject it to the test of the better enhancement, conservation and management of a wildlife area? Why do they not subject it to the test? Why do they say automatically, oh, it will be challenged; it will be thrown out; we will lose millions of dollars.

That begs the question, why do they not stand up and make their arguments and make their case? If they lose their case, if they are wrong, surely they do not want something which is adverse in interest to the better management, conservation and enhancement of a wildlife area to occur on that wildlife management area. Surely that is not what they are saying, but that is the only conclusion one can draw. The only conclusion anyone can draw from this minister's activity, getting rid of that bare minimum standard, is that what he is doing and what he intends to do will not survive that test. The proponents here again of this project whom I asked that question to stated, anything which should happen under this act should survive that test.

So, Mr. Chairperson, it is time this minister came clean with what he is doing, or he should acknowledge that what he is doing, he does not completely understand what he is doing. Getting rid of the bare minimum standard on authority, getting rid of the bare statement of intent that would and should guide any minister if their intentions were truly guided by the best management, conservation and enhancement of the wildlife resource of the province is an extremely authoritarian, totalitarian, backward, environmentally unfriendly move by this minister and this government.

When we look at this minister's opening statement, we suffer from, he says, a lack of clarity. He says, the bill is not clear. Well, what could be clearer than that standard? This is The Wildlife Act. I remind the minister of that. This is The Wildlife Act.

This is not an act specifically to allow the minister to set up cement plants, industrial facilities or anything else. This is The Wildlife Act.

* (1035)

Let me just repeat for all members what the minister is granting to himself. He has granted to himself, first of all under Section 2 of this bill, the ability to be satisfied—his satisfaction is the only criteria, the cabinet satisfaction—"that the wildlife resource would be better managed," and he can set up an area.

Then he says in Section 3 that section, setting that up: does not have anything to do with the uses and activities that may be undertaken in that area; and further: the minister may make such regulations as he considers appropriate. That is it. That is, the test does not apply. It may have applied to the cabinet in the setting up of the area. That I think could be read into this. You might be able to say, look, satisfaction implies some logic. If the cabinet has got to be satisfied of better management, conservation and enhancement, that is some test. It is a lot less than was in the act already, but turn the page. Even that reduced test does not bar the minister from allowing sanctioning any thing, Mr. Chairperson. There was at least a hook of review under the former administration and the regulations they had in place, and for the minister not to admit that he is increasing his powers is blatantly wrong. It is wrong.

He would not be here if he did not need new powers. If he had the existing powers, he would have gone ahead with Ducks Unlimited as it was and he admits that he thought of doing that. Well, why did he not do it? He did not do it because he knew he would not survive that test, or more likely perhaps, he did not have the time to let public review occur. He had to build into this act enough power for himself today to let this go ahead and that will survive this minister.

I know he is in a rush to get into clause by clause. I want him to respond to some of the suggestions I have made because I think they attacked the very principle the minister has said he is relying on totally. He is wrong. Let us see the legal opinion. Let us find out why, if he says it does not increase his powers, he needs it? Why does he not come forward with that, Mr. Chairperson?

In conclusion—and the minister is calling for clause by clause and I am entitled to speak as long as he did and I have not spoken that long yet and I

will—let me suggest again, in good faith to the minister giving him the benefit of the doubt, he misunderstands what he is doing. He just misunderstands it. Let him go back and take another look. That is why we are in committee. Let him take my suggestion and those of many presenters here, even the proponents of the project. Let him take our suggestions. Rethink it. Look again.

I ask him to take the opportunity for sober second thought because the fact is, the very principle he has enunciated, the very reason for this bill, does not stand the test of simply looking at the act, seeing what is there. It just does not make sense unless he is indeed asking for significant new powers and unless he plans to put into place projects which are adverse in interest to the wildlife resource of the province, now and in the future. He says he does not want to do that. I ask him to take the opportunity to make sure that he is doing what he thinks he is doing because it is my view and that of other presenters here, including one who is also legally trained—and I do not say we are infallible, but I do say that two have come forward and said he is doing something other than he says he is doing. Take another look, Mr. Chairperson. Thank you.

Some Honourable Members: Hear, hear.

* (1040)

Mr. Chairman: Order, please. The bill will be considered clause by clause. During the consideration of the bill, the title and the preamble are postponed until all other clauses have been considered in the proper order by the committee. Let us start with clause 1:

C.C.S.M.c W130 amended

1 The Wildlife Act is amended by this Act.

(French version)

Modiflcation du c.W130 de la C.P.L.M.

1 La présente loi modifie la Loi sur la conservation de la faune.

Shall the clause pass?

Mr. Edwards: Mr. Chairperson, I move

THAT the bill be amended by adding the following after Section 1:

Section 1 amended

Mr. Chairman: Order, please.

Point of Order

Ms. Cerilli: Mr. Chairperson, during these committee hearings there have been a number of times when, as I understand it, it is the tradition of this Chamber that the official opposition will be recognized first. Now, I do not want to have to get into any kind of a race. We are here to make amendments. We are here to look at the clause by clause and I think it is understandable that the opposition would have as well, so I encourage you to look—

Mr. Chairman: Order, please. The member does not have a point of order and for the committee's information, I recognize those in fact, and I give ample opportunity for people to raise their hands to be recognized. I did and, in fact, Ms. Cerilli, as she has mentioned, did not raise her hand. Mr. Edwards did, and I recognized him. Mr. Edwards, you have the floor.

Mr. Edwards: Mr. Chairperson, let me start again. I move

THAT the bill be amended by adding the following after section 1:

Section 1 amended

1.1 The definition "wildlife" in section 1—

Mr. Chairman: Order. Mr. Edwards, I am sorry, once more. Could you wait for a second just till it is distributed. Thank you.

Mr. Edwards: I move

THAT the Bill be amended by adding the following after section 1:

Section 1 amended

1.1 The definition "wildlife" in section 1 is repealed and the following is substituted:

"wildlife" means an animal of any species or type that is wild by nature in the province, and includes any living thing that is not human, domesticated or flora; ("faune", "gibier" ou "animaux de la faune")

Mr. Chairperson, if I may speak briefly to this amendment.

We heard numerous environmentalists and ecologists who came before us with substantial experience. As I recall, both those who came forward as critics of the bill and proponents were of the view that the definition of "wildlife" in this act is unduly restrictive. Of course, that act restricts the act to vertebrates. This amendment seeks to broaden the scope of The Wildlife Act. It, I believe,

meets the test of inclusiveness. I do not believe it goes unreasonably beyond what anyone would define as wildlife.

I can tell the minister and those members of the committee that we conducted a search of various definitions put forward by various groups and individuals involved in this area. This was not as broad as some; it was broader than others. This appeared to me to be a reasonable definition of wildlife which would meet with the common view of what wildlife means. Clearly, I think, the community does not believe wildlife to be restricted to vertebrate animals. It is, rather, a definition which includes all living things other than flora or, of course, human life. That is what is intended by this definition.

Let me say that if the minister has suggested alterations to this definition, I will consider them and would look forward to his additions or deletions from this amendment, the point being that we must move beyond the existing definition. This definition, as I have said, is the product of some considerable research and investigation and, in my view, meets with what is the common perception, what is the recommended course of action by those in the community, again, those who came forth both in favour and against this bill.

Mr. Chairperson, I heartily recommend it to all members of the committee for speedy passage as an amendment to this bill.

Ms. Cerilli: This amendment is quite a bit similar to an amendment that I was going to propose. I am sure the critic from the Liberal party was aware of that. I do not think that his amendment is broad enough. I do not think that his amendment goes far enough. It is fairly shortsighted, and I do not think I could support the amendment for that reason. The reason that I say that is because it excludes flora; it excludes plants and the habitat that the animals that we are trying to protect are living in. Logic and any sense of ecology will tell you that if you do not protect the habitat that an animal is living in, then you are forcing it into extinction or certainly creating a lot of problems.

I would say that the intention of this amendment is on the right track. We certainly need to have a broader definition of wildlife for the act, but the Liberal critic has not considered that we also need to include the habitat, and the flora and the plant species and the other wildlife that is also important in those wildlife management areas.

Mr. Enns: Mr. Chairman, while I appreciate the intent of both the official opposition's suggested amendments which may follow after this one, and the one before us put forward by Mr. Edwards, I have to indicate to the committee that accepting this amendment would make The Wildlife Act before us in many instances inoperable. Therefore, I have to reject it.

For the members' information, there are different areas. Natural Resources and accompanying legislation is extensive. Some of the very things that the member refers to and the member for the official opposition refers to are covered under such acts—specific legislation as The Forestry Act where a great deal more of the flora and fauna is listed. Under The Endangered Species Act which we passed—I read you a section of The Endangered Species Act:

Species mean variety, race, breed, individual kind or other taxonomic type of plants or animal life and includes the population of one or more species and the eggs, larvae, other forms of developmental life in the species.

There are specific protections and species named and listed in The Fisheries Act. Fish are not mentioned in The Wildlife Act at all, because there is a separate Fisheries Act. Other protection of particular flora or fauna are listed in The Forestry Act.

* (1050)

I suggest to honourable members of the committee, this is The Wildlife Act that pertains particularly to the manner and way in which wildlife officials within the Department of Natural Resources can manage and establish the various regulatory functions, limits with respect to hunting, no hunting, with respect to the various game regulations that are contained in the act. So, Mr. Chairman, with all due respect, I cannot accept the amendment before us.

Mr. Edwards: Mr. Chairperson, I will be brief, but I do want to respond to the minister's comments. He indicates that The Endangered Species Act covers many of these things which I seek to include in The Wildlife Act.

The thrust and the intent of The Endangered Species Act, as the minister well knows, is different. There may be many species of animals and wildlife which do not warrant, perhaps, the designation of an endangered species and protection under the act, but which may still, and I am sure the minister

will agree, warrant and justify protection as a wildlife resource in the province. So I think that statement that these are somehow covered elsewhere does not hold water, and, in particular, looking to the act that the minister has cited to us.

Secondly, Mr. Chairperson, the minister indicates that the whole thrust of the act is to deal with vertebrates, and I am aware of that. However, it is my view that this would be an appropriate start to redefine wildlife, and if there are further amendments which would require the changing and deletion and perhaps amendment of other sections, it would be my suggestion that that be done in due course.

The point is that the bringing in of the wider definition would at least at the outset give the clear indication that the government was committed to broadening the spectrum of The Wildlife Act and would be an appropriate move at this point.

Mr. Chairperson, the minister's definition, I reiterate again, does not meet with the view of the community, both sophisticated and otherwise, I would suggest, with respect to what wildlife means. This is not the vertebrate act; this is The Wildlife Act, and we should accordingly give it the proper scope and give the minister the proper authority.

Ms. Cerlili: I will just make a very brief response to the minister's comment, and agreeing with the member from the Liberal Party, the intent of what we are trying to do in The Wildlife Act is to protect, unlike The Endangered Species Act, all wildlife in those areas and to see them in relationship to each other and to not think that any of the wildlife in that area should be excluded from protection because, as we know, there is a relationship in an ecosystem or in an area, so that the wildlife is dependent on each other. I would ask the minister to consider that concept as he considers this amendment.

Mr. Chairman: On the proposed motion of Mr. Edwards,

THAT the bill be amended by adding the following after section 1:

Section 1 amended

1.1 The definition "wildlife" in section 1 is repealed and the following is substituted:

"wildlife" means an animal of any species or type that is wild by nature in the province, and includes any living thing that is not human, domesticated or flora; ("faune", "gibier" ou "animal de la faune")

(French version)

Il est proposé que le projet de loi soit amendé par adjonction, après l'article 1, de ce qui suit:

Modification de l'article 1

1.1 L'article 1 est modifié par substitution, à la définition de "faune", "gibier" ou "animal de la faune", de ce qui suit:

"faune", "gibier" ou "animal de la faune"
L'animal appartenant à une espèce ou à un type qui se trouve naturellement à l'état sauvage dans la province, y compris les choses vivantes qui ne sont ni humaines ni apprivoisées ou qui ne font pas partie de la flore. ("wildlife")

With respect to both the English and French texts, shall the motion pass?

Mr. Edwards: Recorded vote, Mr. Chairperson.

Mr. Chairman: A counted vote has been requested on the proposed motion of Mr. Edwards to amend Clause 1, with respect to both the English and French text, shall the motion pass?

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

Yea 2, Nays 5.

Mr. Chairman: I declare the motion defeated.

Ms. Cerilli: I have an amendment to the same section, Section 1 amended 1(1).

Mr. Chairman: Order, please.

Mr. Ed Helwer (Gimli): Mr. Chairman, I believe you have to rule that last amendment out of order or defeated. I did not hear you do that.

Mr. Chairman: I did.

Mr. Helwer: Did you do that?

Mr. Chairman: I declared the motion defeated.

Ms. Cerilli: Mr. Chairperson, amendment to Section 1.

Section 1 amended

1.1 Section 1 is amended by repealing the definition "wildlife" and substituting the following:

"wildlife" means an animal of any species or type that is wild by nature in the province, and includes any species of wild organism; ("faune", "gibier" ou "animal de la faune")

(French version)**Modification de l'article 1**

1.1 L'article 1 est modifié par substitution, à la

définition de "faune", "gibier" ou "animal de la faune", de ce qui suit:

"faune", "gibier" ou "animal de la faune"
L'animal appartenant à une espèce ou à un type qui se trouve naturellement à l'état sauvage dans la province, y compris les espèces d'organismes sauvages. ("wildlife")

I think that we do not have to go much farther. We have heard the reasons behind this amendment, that we would have to start changing our approach to natural resources management, our attitudes to wildlife, our attitudes to nature, and that this is a step towards that, that we stop considering that people are the supreme being and have the right to extract resources at will and to kill things for fun and sport, and that we have to start looking at ways to protect all wildlife and understand that nature is about relationships and that there is an interdependency. This is an approach to put that sense into the legislation, and I encourage all members of the committee to support the amendment.

Mr. Edwards: Mr. Chairperson, maybe I can just—for clarification. Does this definition include animate, inanimate, human life? Can the -(interjection)- Well, I mean, wild by nature, an animal of any species. It is my understanding that human beings are a species of animal. Can the member clarify that? I am not an expert. I would like to know. I mean, potentially this includes—what does it include? Tell us.

Mr. Enns: Did Ms. Cerilli wish to clarify?

Ms. Cerilli: No, I do not wish to clarify.

Mr. Enns: To the presenter of the motion and to members of the committee, I could not agree more with the expressions of concern that have been expressed by members of the committee about a changing of attitude towards our wildlife environment and we are doing so. We in the province have adopted the Canada national policy with respect to wildlife. Presenters to this committee made reference to that fact and the importance of that.

I think one of the most exciting manifestations of this is the agreement that was signed by this government, by this minister, of the North American Waterfowl Management Plan which encompasses a truly ground-breaking approach to not just the enhancement of habitat for particular species but the entire—you know, working in close co-operation with agriculture to bring about structural changes in

agriculture that are more friendly to our wildlife requirements in terms of tillage practices, in terms of acquisition of substantial—that agreement calls for the acquisition of a half a million acres of private land, some of the most fertile lands in the province of Manitoba in the southwest.

So when members of the committee suggest that it is time the government, time this minister, you know, waken up to the growing awareness and needs of more prudently, more responsibly looking after our wildlife in the province of Manitoba, members of committee, just give me half a foot, I will take a mile, because there are great things to be said and great things that are done in that respect, but we are dealing with very specific amendments to the act and, for the same reasons that I gave to the honourable member for St. James (Mr. Edwards), I cannot accept this amendment before us.

* (1100)

Mr. Chairman: On the proposed motion of Ms. Cerilli,

THAT the bill be amended by adding the following after section 1:

Section 1 amended

1.1 Section 1 is amended by repealing the definition "wildlife" and substituting the following:

"wildlife" means an animal of any species or type that is wild by nature in the province, and includes any species of wild organism; ("faune", "gibier" ou "animal de la faune")

(French version)

Il est proposé que le projet de loi soit amendé par adjonction, après l'article 1, de ce qui suit:

Modification de l'article 1

1.1 L'article 1 est modifié par substitution, à la définition de "faune", "gibier" ou "animal de la faune", de ce qui suit:

"faune", "givier" ou "animal de la faune" L'animal appartenant à une espèce ou à un type qui se trouve naturellement à l'état sauvage dans la province, y compris les espèces d'organismes sauvages. ("wildlife")

With respect to both English and French text, shall the motion pass? All those in favour please say yea.

Some Honourable Members: Yea.

Mr. Chairman: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairman: In my opinion, the Nays have it.

Ms. Cerilli: Can we have a recorded vote?

Mr. Chairman: A count-out vote has been requested.

A COUNTED VOTE was taken, the result being as follows: Nays 6, Yeas 2.

Mr. Chairman: I declare the motion defeated.

Sections 2 to 5 repealed and substituted to Sections 2 to 5 are repealed and the following is substituted:

Shall the clause pass?

Mr. Edwards: Mr. Chairperson, we are at Clause 2 at this point?

Mr. Chairman: That is right.

Mr. Edwards: I have an amendment to section 2. I move

THAT section 2 of the Bill be amended

(a) by striking out "Sections 2 to 5" and substituting "Sections 2, 4 and 5"; and—

Mr. Chairman: Mr. Edwards, we are just passing out the—

Mr. Edwards: Okay.

Mr. Chairman: Any committee members putting forward an amendment like that, could you just start it and then in fact give us a chance to pass it around.

On a point of clarification, Ms. Cerilli.

Ms. Cerilli: I just want to clarify the rules. I also have amendments for this section and, since Mr. Edwards is going to Sections 2 to 5 and my amendments are dealing with the very beginning of Section 2, can we go back? Okay.

Mr. Edwards: Let me move on. I assume that that is not a point of order. I move

THAT section 2 of the Bill be amended

(a) by striking out "Sections 2 to 5" and substituting "Sections 2, 4 and 5"; and

(b) by striking out the proposed section 3 of the Act.

(French version)

Il est proposé que l'article 2 du projet de loi soit amendé:

a) par substitution, à "articles 2 à 5", de "articles 2, 4 et 5";

b) par abrogation de l'article 3 de la Loi.

Mr. Chairperson, I would ask a few moments to make comments. I do not seek in this amendment to get rid of the proposed Section 2. I would like to get rid of the proposed Section 2, because I think it is a further desecration of reliability for the public that things done under this act will be for the better management, enhancement and conservation and protection of wildlife resource, but I am cognizant of what the minister has said.

I have taken those comments to heart, and I intend to put forward amendments which, I believe, have at least an opportunity for passage, given the minister's comments. I have designed my amendments around his comments that he does not want to deal with things which attack the principle of the act, the principle being that he wants Ducks Unlimited to go ahead. He has stated on his own, it has been reiterated by others, that he only wants to do things which are for the better use, better management of the wildlife resource.

So this amendment is designed along those statements and it is still—I am leaving in the power of the Lieutenant-Governor-in-Council to be satisfied that a wildlife resource for the province will be better managed, and that is a granting of further power from the existing act. All I am doing is taking out the minister's ability to go beyond that and to make any thing, use, activity legal within any of the wildlife management areas totally in his own discretion.

Now I said earlier in my opening comments that, by this amendment, I am still granting additional powers to this minister. This amendment would not get rid of all of the additional power he is seeking. It gets rid of what I consider to be the most heinous, the most unnecessary, using-his-own-test part of these amendments, and I ask him to consider seriously whether he needs more power than would be left him if this amendment were to pass, because it would be the cabinet's satisfaction that the wildlife resource would be better served by the establishing of a wildlife area. That, again I reiterate, goes beyond what Section 2 presently says in the act while, at the same time, simply substituting the existing Section 3 which only says that setting up of an area under Section 2: regulations may be made for the use or uses prescribed for each designated area as the case may be within the area and that cabinet may prescribe restrictions, terms and conditions and other requirements.

It is a broad granting of regulation authority, and what it leaves in is the cabinet's sole discretion as to the setting up of an area for the better use of a wildlife management area.

Again, I reiterate, the Regulation 46/90 has that power in place only within that context. There is increased power to the cabinet not the minister, which is significant, and the ministerial totalitarian discretion over anything, which could be a cement plant, could be anything, could be an oil well, could be anything, could be a 30-storey office tower. I know that is not proposed, but it could be. It just gets rid of that. It gives some basic, fundamental, minimal protection to people who want to look at an act and say, gee, this is The Wildlife Act. That must have something to do with the protection of wildlife, one would think. It just gives that basic assumption some credibility. That is all I am asking.

Mr. Enns: Mr. Chairman, in listening to the honourable member from St. James, my thoughts wandered briefly back to debates that I used to enjoy with a colleague not of my political persuasion, but one of whom I had a great deal of respect and continue respect for, one who used to be a minister of this department, the Honourable Sid Green.

The honourable member raises an interesting question, and I will give him the benefit of my thoughts. I think it is to the detriment of our political system that ministers too often are shielded or can only act under certain circumstances if advised to and told to act. That is, of course, how ministers escape accountability. The department very often—I think it is generic to departments, of all departments. They wish to shield the ministers so they tend to frame legislation in such a way, and I do not say that disparagingly of the department. They do that with the best of intentions for any minister. So much of our actions—it shields the minister from direct accountability.

Mr. Green often argued and studiously changed regulations, changed sections in the act to make it very clear who was accountable. He held to the principle very highly that indeed the minister, the government, the elected person, is responsible. I happen to share that view. I happen to believe that there would be less cynicism in the general public about politicians, about government, generally, if that was in fact more often the case.

I have no problems with accepting the full responsibility of putting a cement plant or a 30-storey office tower somewhere where it ought not

tobe, because there would be no misunderstanding that that did not happen because of some crack in a zoning bylaw or a regulation. No, it would be this stupid minister that did it. He would be held accountable for it, he would be turfed out of office the next time. I do not see anything wrong with that.

* (1110)

Mr. Green carried that principle to that extent, that he absolutely refused to have any of the dozens of government apple polishers, spin doctors to ever write out a press release coming out of his office. If a press release was coming out of the Minister of Natural Resource's office in those days, Mr. Green wrote it and nobody else. I do not think that is wrong—accountability, personal and direct. In a democracy, I think it is vital.

So I reject this amendment because it takes away the accountability of the minister of the day, and that is, of course, in my judgement, necessary to Bill 38 that is before us.

Ms. Cerlili: First of all, I would like to clarify what the amendment is deleting. We are under Section 2, and I am looking at the act, so it is -(interjection)- That is why I am unclear. I am unclear as to where are Sections 2(4) and 5.

Mr. Edwards: Mr. Chairperson, if you look at the proposed Section 2 in the bill, it indicates at the outset, Sections 2 to 5 are repealed and the following substituted. What this amendment is doing is saying, in effect, Sections 2(4) and 5 are repealed and the following is substituted, and then going on to delete the new proposed Section 3. The existing Section 3 then would be left in place. The result would be that the new Section 2 would be there, 2(1) and 2(2), which are on page 1 of the bill. That covers the existing Section 4 and 5 of the bill, so there is no need to leave Section 4 and 5 in. Then it deletes and leaves Section 2(3) in as well. Then it deletes the proposed new Section 3(1) and 3(2) and leaves the existing Section 3 in. That is the intent and, I believe, that is achieved in this amendment. That is what we are doing, so it would read: New Section 2, existing Section 3, Sections 4 and Section 5, which have become redundant by the new Section 2, are gone.

Ms. Cerlili: Mr. Chairperson, I wonder if we can take a moment so that I can consider the amendment.

Mr. Chairman: Is it the committee's wish to take a moment to give the member a moment to consider. Two minutes. We will recess for two minutes.

* * *

The committee took recess at 11:13 a.m.

After Recess

The committee resumed at 11:19 a.m.

Mr. Chairman: Order, please. On the proposed motion of Mr. Edwards.

Mr. Edwards: Mr. Chairperson, I am going to take all of 30 seconds, but I did want to put on the record my thanks to the minister for being clear about his political philosophy and referring to Mr. Green's and sharing his concern that there be a diffusion of accountability at the political level. I have a lot of sympathy for that argument. However, my only comment is—and he will be aware as I am sure a student and certainly a practitioner of politics—that there is, indeed, a balance to be struck, and there is a known entity in the study of political science defined as the tyranny of the majority.

* (1120)

It is always essential to understand that the majority will, undoubtedly over time, play to its own interests and the minorities, whether it be through the definition by race, colour, creed, ethnic origin, disability or otherwise, whether it be those who are dedicated and primarily interested in the wildlife resource of the province or other interests, the minority will be left behind if the majority is the only level of accountability.

That is why we have a Charter of Rights. That is why there is some limitation which must be placed ultimately on even the minister's authority, and that is why, at the end of every act, we do not put in a section which says: and by the way the minister can do whatever he wants. We do not say that and that is why. We provide some security.

Mr. Chairperson, I see the member for St. Norbert (Mr. Laurendeau) saying I have gone over 30 seconds—I acknowledge that. I appreciate, again, the minister's putting that on the record. There is a balance; this bill goes well beyond that balance in my view.

Mr. Chairman: On the proposed motion of Mr. Edwards,

THAT Section 2 of the Bill be amended

- (a) by striking out "Sections 2 to 5" and substituting "Sections 2, 4 and 5"; and
- (b) by striking out the proposed Section 3 of the Act.

(French version)

Il est proposé que l'article 2 du projet de loi soit amendé:

- a) par substitution, à "articles 2 à 5", de "articles 2, 4 et 5";
- b) par abrogation de l'article 3 de la Loi.

Mr. Chairman: Shall the motion pass? All those in favour, please say yea. All those opposed, please say nay. In my opinion, the Nays have it.

Mr. Edwards: Mr. Chairperson, a recorded vote.

Mr. Chairman: A count-out vote has been requested.

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

Yees 4, Nays 6.

Mr. Chairman: I declare the motion defeated.

Designation of areas, 2(1), When the Lieutenant Governor—2(1)—shall the clause pass?

Ms. Cerilli: I have an amendment. I think it is under this section.

THAT the proposed subsection 2(1), as set out in section 2 of the Bill, be amended by adding "for all Manitobans, present and future," after "conserved or enhanced".

(French version)

Il est proposé que le paragraphe 2(1) figurant à l'article 2 du projet de loi soit amendé par adjonction, après "seraient améliorées", de "dans l'intérêt de tous les Manitobains actuels et futurs".

Mr. Chairman: Once again, for each person putting forward an amendment, could you just put the notice forward but in fact wait until it has been passed around? Do not read it till it has been distributed.

Ms. Cerilli: Mr. Chairman, this amendment is in keeping with the intent of other amendments. What we are trying to do is ensure that wildlife management areas are developed for the sake of everyone concerned. We have expressed concerns through the hearings that wildlife management areas are being managed in partnership with certain organizations that could potentially, with this act, have a very narrow focus,

that there could be developments under this act that could jeopardize the wildlife management area, in the view of some citizens currently.

Certainly, what we are trying to do with this kind of amendment is to bring into consideration the notion that we have to think ahead, and we have to think of the interests of all Manitobans who can use wildlife management areas.

Mr. Enns: Mr. Chairman, I just keep putting on the record that the kind of amendments that we are dealing with have certain appeal, but they are introducing entirely different concepts into The Wildlife Act. We are now adding people to The Wildlife Act when we talk about "all Manitobans."

That may or may not be a legitimate thing to do, whether it is in The Wildlife Act or in some other form of legislation. I suppose one could read into this that, by that, all Manitobans should enjoy Oak Hammock Marsh, the million of us at Oak Hammock Marsh. I think that might be contrary to some of the presentations that we heard.

I know that I am taking out of context the nature of the amendment, but it is these kinds of amendments that inject totally different concepts into the act that would have to be reviewed, would have to be considered, would have to be certainly scrutinized with the legal aspects of The Wildlife Act before amendments of this kind could be seriously entertained. For those reasons, I would have to reject the amendment.

Mr. Chairman: On the proposed motion of Ms. Cerilli,

THAT the proposed subsection 2(1) as set out in section 2 of the Bill, be amended by adding "for all Manitobans, present and future," after "conserved or enhanced".

(French version)

Il est proposé que le paragraphe 2(1) figurant à l'article 2 du projet de loi soit amendé par adjonction, après "seraient améliorées", de "dans l'intérêt de tous les Manitobains actuels et futurs".

With respect to both English and French texts, shall the motion pass? All those in favour, please say yea.

Some Honourable Members: Yea.

Mr. Chairman: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairman: In my opinion, the Nays have it. I declare the motion defeated.

Designation of Crown lands 2(2) (a) through (d)?

Ms. Cerilli: I have an amendment for this section.

THAT the proposed clause 2(2)(d) as set out—

Mr. Chairman: Order, please. Just for clarification, going back to 2(1). Clause 2(1)—pass.

Designation of Crown lands 2(2)—

Ms. Cerilli: Mr. Chairperson, I will respect your inexperience as you respect my inexperience. Thank you.

THAT the proposed clause 2(2)(d), as set out in section 2 of the Bill, be amended by adding "that is consistent with the intent of subsection 2(1)" after "any other type of area".

(French version)

Il est proposé que l'alinéa 2(2)(d) figurant à l'article 2 du projet de loi soit amendé par adjonction, après "tout autre type de zone", de "compatible avec l'esprit du paragraphe 2(1)".

Briefly, the intent of this amendment is to bring into the act the concept that we have to limit development in wildlife management areas that are going to detract from the intent of wildlife management areas and protection of wildlife in those areas and the spirit and intent of the act itself.

With this kind of an amendment, we would limit the designation of wildlife areas for the development of housing developments or shopping malls, which might sound ridiculous, but we have heard in the area of Oak Hammock Marsh has been proposed. So I would say that this is one of the most important kinds of amendments that we could have to this piece of legislation, which would, again, provide some kind of limit to the power of a government to allow any kind of development on Crown land and wildlife management areas that it wanted.

As I said earlier, I think even though the minister has said that given the political process that we have, a government is judged on its record and thrown out if people are not in support of what they have done. I think that if we take that approach, which I would say is the approach that we are suffering from in Canada right now, we would have a lot of other problems, particularly with respect to the environment, where oftentimes there can be a lot of damage done in four years. There can be a lot of developments in wildlife management areas made in four years in the tenure of a government.

* (1130)

I would say we cannot trust a minister and a government. That is why we have legislation, is to put some kind of protection, particularly in a wildlife act, that is going to curtail the use of Crown lands to open them up for any kind of use.

Mr. Penner: Might I just ask—I am concerned. If this amendment were in fact allowed, would that mean that the facilities that the Naturalists Society owns in the Mantario wilderness area and operates in the Mantario wilderness area would have to be disbanded then?

Ms. Cerilli: No.

Mr. Penner: Would not? They would still allow for the operations of the naturalists to operate their camp in the Mantario wilderness area?

Ms. Cerilli: Mr. Chairperson, I would say that would be in keeping with the intent of The Wildlife Act. We are trying to educate people. We are not trying to completely limit any kind of public access to wilderness areas. What we are trying to do is to say that there is some development and some use of lands that should not be permitted in these areas. Certainly, I would want to encourage people to be involved in some kind of wilderness camping or touring or travel that is not going to be harmful or have a negative impact on the area.

Mr. Chairman: On the proposed motion of Ms. Cerilli,

THAT the proposed clause 2(2)(d), as set out in section 2 of the Bill, be amended by adding "that is consistent with the intent of subsection 2(1)" after "any other type of area".

(French version)

Il est proposé que l'alinéa 2(2)(d) figurant à l'article 2 du projet de loi soit amendé par adjonction, après "tout autre type de zone", de "compatible avec l'esprit du paragraphe 2(1)".

With respect to both English and French texts, shall the motions pass?

All those in favour, please say yea.

Some Honourable Members: Yea.

Mr. Chairman: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairman: In my opinion, the Nays have it.

Ms. Cerilli: A counted vote, please.

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

Yea 4, Nays 6.

Mr. Chairman: I declare the motion defeated.

Clause 2(2)(a) through (d)—pass.

One moment, please. For clarification's sake, Clauses 1 and 2, although the amendments have been defeated, I am not sure if in fact I asked if those two clauses be passed. I am now asking the committee.

Clauses 1 and 2—pass.

Ms. Cerilli: I just need to clarify the procedure here. I have other amendments that are going to affect more areas in Section 2 and that are going to go back to Section 2(1). If we—

Mr. Chairman: Ms. Cerilli, right now we are on 2(3). One moment, please.

Designation of Crown lands and other lands, 2(3), the Lieutenant Governor in Council may designate Crown lands and lands other than Crown lands as (a), (b), (c) and (d)—pass.

Ms. Cerilli: I have another amendment. I am waiting for you to circulate it.

THAT section 2 of the Bill be amended by adding the following after the proposed subsection 2(3):

Prohibitions and restrictions

2(4) A regulation made under section 2 may, for the purpose of managing and enforcing the use or uses prescribed for each designated area, prescribe activities and things that are permitted or prohibited, as the case may be, within the designated area, and may prescribe restrictions, terms, conditions and other requirements that shall be observed by any person within the designated area.

(French version)

Il est proposé que l'article 2 du projet de loi soit amendé par adjonction, après le paragraphe 2(3), de ce qui suit:

Interdictions et restrictions

2(4) Aux fins de la gestion et du contrôle de l'activité ou des activités prescrites pour chacune des zones désignées, un règlement pris en vertu de l'article 2 peut énoncer certaines activités ou certains actes permis ou interdits, selon la cas, à l'intérieur de la zone et prescrire les restrictions, modalités et autres conditions qu'une personne est tenue d'observer à l'intérieur de cette zone.

Mr. Chairperson, the intent of this amendment is to allow for regulations to be added to The Wildlife Act that will do what, I think, most of us think should

be done in wildlife management areas, that certain developments and activities should be prohibited and not permitted.

There was a regulation that this government had announced recently that was in conflict with what they are putting into the act now that was going to prohibit some very specific activities that would prohibit tenting and canoeing even in some wildlife management areas, and that we should ensure that there can be regulations that would prohibit the kinds of activities and developments that are going to be a detriment to the wildlife and wildlife protection in those areas.

* (1140)

Certainly, I think that we cannot argue with this kind of amendment which is doing what most people would think we should be doing when we are trying to preserve wildlife and preserve certain areas that we want to protect from hunting and industrial use. Not saying that there should not be ministerial discretion to consider on a case-by-case basis, perhaps, but then there should be at least regulations that in some areas there should be a limit to certain kinds of these activities. Thank you.

Mr. Chairman: On the proposed motion of Ms. Cerilli,

THAT section 2 of the Bill be amended by adding the following after the proposed subsection 2(3):

Prohibitions and restrictions

2(4) A regulation made under section 2 may, for the purpose of managing and enforcing the use or uses prescribed for each designated area, prescribe activities and things that are permitted or prohibited, as the case may be, within the designated area, and may prescribe restrictions, terms, conditions and other requirements that shall be observed by any person within the designated area.

(French version)

Il est proposé que l'article 2 du projet de loi soit amendé par adjonction, après le paragraphe 2(3), de ce qui suit:

Interdictions et restrictions

2(4) Aux fins de la gestion et du contrôle de l'activité ou des activités prescrites pour chacune des zones désignées, un règlement pris en vertu de l'article 2 peut énoncer certaines activités ou certains actes permis ou interdits, selon la cas, à l'intérieur de la zone et prescrire les restrictions, modalités et autres conditions qu'une personne est tenue d'observer à l'intérieur de cette zone.

With respect to both English and French text, shall the motion pass?

All those in favour, please say yea. All those opposed, please say nay. In my opinion, the Nays have it.

Ms. Cerilli: A counted vote, please.

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

Yea 4, Nays 6.

Mr. Chairman: I declare the motion defeated.

Regulations respecting designated areas, 3.(1)(a) through (c).

Mr. Edwards: Mr. Chairperson, I intend to propose a motion to amend.

Mr. Chairman: It will be distributed.

Ms. Cerilli: Mr. Chairperson, this amendment is dealing with Section 3, and I have another amendment that would precede it.

Mr. Chairman: Order, please. Just wait until I get it straightened out. I understand that Ms. Cerilli still has an amendment dealing with Section 2.

Some Honourable Members: We passed that.

Mr. Chairman: No, we did not. She has a new amendment dealing with Section 2, an addition.

An Honourable Member: But we just passed Section 2.

Mr. Chairman: Order, please.

An Honourable Member: But we passed 2.(3).

Mr. Chairman: Order, please.

Ms. Cerilli: I will wait until the amendment has circulated.

Mr. Chairperson, I move

THAT section 2 of the Bill be amended by adding the following after the proposed section 2 of the Act:

Management advisory committees for W.M.A.s

2.1 The minister shall establish groups of wildlife management areas designated under clause 2(2)(a) and shall for each group shall establish a management advisory committee to advise the minister in respect of the management of the wildlife management areas within the group.

Composition of management advisory committees

2.(2) A management advisory committee shall be composed of not fewer than 15 individuals who are free of political influence and are representative of

- (a) environmental organizations and agencies in the province;
- (b) individuals with specific expertise in respect of the environment; and
- (c) residents in or near wildlife management areas.

(French version)

Il est proposé que l'article 2 du projet de loi soit amendé par adjonction, après l'article 2 proposé de la Loi, de ce qui suit:

Comités consultatifs en matière de gestion pour les zones de gestion de la faune

2.1 Le ministre crée des groupes à l'égard des zones de gestion de la faune désignées en vertu de l'alinéa 2(2)(a) et crée pour chaque groupe un comité consultatif en matière de gestion pour le conseiller sur la gestion des zones de gestion de la faune appartenant au groupe.

Composition des comités consultatifs en matière de gestion

2.2 Les comités consultatifs en matière de gestion se composent d'au moins 15 particuliers qui n'ont aucun parti pris au niveau politique et qui représentent:

- a) les associations et les organismes environnementaux de la province;
- b) les particuliers qui ont des connaissances scientifiques en ce qui concerne l'environnement;
- c) les personnes qui résident dans les zones de gestion de la faune ou près de ces dernières.

The intent of this amendment is to truly democratize the management of wildlife management areas and not leave the management simply up to the influences and pressures put on the minister. So the first part of the amendment would require that there be some grouping of wildlife management areas so that advisory committees could be established so that we would have all parties or all those with an interest and concern for the wildlife management areas represented on a body that would advise the minister so that he is aware of the variety of perhaps competing interests that have an interest in those areas, so that on an ongoing basis any kind of activities or developments that people are wanting to undertake in those areas can be reviewed by these advisory committees, and

there will be an ongoing analysis and plan for what would happen in these areas.

I think it is important, as we try to move to protect more areas of our province and try to protect more different kinds of wildlife, that we do find a way to deal with the competing interests that have become evident through these committee hearings. We have people who are interested in one kind of tourism and use of wildlife management areas, and we have other people who have quite a different vision and have quite a different notion of the kind of use that would be best for those areas.

I would think that we live in a democracy, that we should have a structure and a way of having the public and the community be able to have input, not just on a one-shot basis as we have currently with Clean Environment Commission hearings or at committee hearings such as this, but on an ongoing basis.

We have seen, though, that this government is moving in the opposite direction to this truly democratization of public service and government services with the approach they are taking with Child and Family Services recently. Our party does not support that approach and would support the development of structures that would encourage and allow for users of these areas and the people with some knowledge of the kind of development that could be proposed in those areas involved in sitting down and talking together about what kind of things should be happening in the province with respect to wildlife. Thank you.

Mr. Marcel Laurendeau (St. Norbert): Just on a point of clarification, Ms. Cerilli, on Section 2(2)(b), individuals with scientific or specific? You had said "specific."

Ms. Cerilli: I think scientific and specific. I think there could be room for both.

An Honourable Member: Well, what does it say? What is your amendment?

Ms. Cerilli: I am moving an amendment to my—

Mr. Chairman: Order, please.

* (1150)

Mr. Enns: Mr. Chairman, I would just like to inform the mover of this motion and other committee members that the branch and the department, over the years, has the capacity now to appoint and seek the assistance of advisory members and committees in those areas where that interest is

expressed, and we do that. Interestingly enough, the very agreement, the very project that is of concern, the agreement signed with Ducks Unlimited of Canada and the Department of Natural Resources, calls for mandatory—calls for precisely the kind of the management agreement that is referred to in this amendment.

Mr. Chairman, allow me simply once and for all to indicate, Oak Hammock Marsh, at its very original conception by the Schreyer administration, 1972—knew and hoped to build a major interpretive educational centre at that marsh. That was always in the plans. I can take members of this committee on a field trip and put you on a massive cement block, which was the foundation of the proposed interpretive centre as envisaged by the then New Democratic Party government in 1972.

Because of the proximity, because Oak Hammock was indeed entirely a man-made marsh, because of all these reasons it was envisaged, not just by this minister, not just by this government, that it would be an ideal opportunity to further advance public education in conservation measures and the appreciation of wildlife. That is a fact.

This minister, this government has no intention of introducing measures into wildlife management areas per se. The honourable member from the Interlake (Mr. Clif Evans) knows this. As he drives home, he passes one wildlife management area after another that was established over the last 25 years in his area. They are there so that our wildlife officials can better manage and we can enhance the opportunities of wildlife populations.

I could appreciate the politics of my honourable friend, Ms. Cerilli, in terms of constantly trying to put onto the record that it is my ambition to open a chain of McDonald's on every wildlife management area. It is simply not the fact, simply not true.

Indeed, if you want to attribute all these terrible things to this little minister, why did I not do them in the three of my previous incarnations as Minister of Natural Resources? I had the power on the regulations. The same regulations that empowered Mr. Plohman to invite the Home Oil Company into the Pierson Wildlife Management Area in '88. I had that authority in 1968, '69, when I was first Minister of Natural Resources. I had it again in '80, '81 when I was the Minister of Natural Resources.

When constant reference is made of not trusting this minister, I will be charitable and understanding, but I think if the references were made about my car

driving experiences, that might be something that the honourable member had some basis of fact on. I do submit that my record as Minister of Natural Resources on three occasions here, counting this one, is such that it should not lead honourable committee members to make far-out conclusions, stretching out the "ifs" to the extent that they have.

I suggest to honourable members of the committee the branch has on several occasions sought out the mechanism of an advisory group to help proffer advice, to help proffer, you know -(interjection)- I will not put it in, because here I am 400 miles north of The Pas where there is not a living soul within a thousand miles, and I have got to find, because I am putting it into law, 15 residents to sit on an advisory committee, and a scientist, at that.

That kind of nonsensical cluttering up of regulation is to be treated with the respect that it deserves. I recommend it be defeated, ladies and gentlemen.

Mr. James Carr (Crescentwood): Mr. Chairman, I have a question to the mover of this amendment, particularly as it relates to Clause 2(2), that a management advisory committee shall be composed of not fewer than 15 individuals who are free of political influence.

Before we enshrine such an amendment into the statute books of Manitoba, we ought to know exactly what the mover of this amendment means by "free of political influence". Does that include all people who hold memberships in political parties? Does that include all individuals who have attended political rallies? Does that include the spouses of individuals who may be members of political parties? Does that include people who have a view of controversial issues that face the province of Manitoba?

Before we even consider voting on this amendment, we will need a very precise definition from the mover of this amendment as to what political influence means.

Ms. Cerilli: I welcome the opportunity to provide that clarification to the member. We have had this discussion with respect to Clean Environment Commission over and over and over again. My intent is not to exclude people who are party members, is not to exclude people who are the family of party members; it is to try to deal with the problem of political influence and buying off or influence of -(interjection)- Well, with respect to legislation, we are always faced with the problem of

how do we put lines in the legislation. Perhaps the wording of this is not meeting the intent that I have. Perhaps the member could, given his more experience, propose an amendment that would better serve the intent that I have in proposing this amendment.

From my experience in dealing with environment-related matters, this is something that is desperately needed. We desperately need to develop new structures and mechanisms that are going to truly protect the environment and wildlife areas and are not going to merely allow for a political agenda or someone's agenda to be carried out.

Mr. Carr: Mr. Chairman, my fears have not been assuaged. We are asking for a definition of political influence. The mover of the motion wants people appointed to these advisory committees who are free of political influence, and her answer seems to deal only with those who have bought their political influence or have been bought. I cannot imagine that she is proposing that be written into the statute, so in order to satisfy the interests of our caucus, she is going to have to be just a wee bit more precise about what she means about free of political influence so that the amendment has some real meaning and could not be misconstrued as eliminating all of those by definition who have an interest in politics or who even, for that matter, seek to influence political decisions by virtue of the strength of their argument.

I am afraid that the amendment as proposed even borders on the silly, without further definition and precision to definition.

Ms. Cerilli: To clarify further for the member for Crescentwood, this amendment is in keeping with amendments that were proposed to Bill 24 which were dealing with the same kind of issue, and I would think that the Environment critic from the Liberal Party at that time supported an amendment which used the same language and was dealing with the same kind of an issue and that we are, I suggest, looking for ways to deal with the problem.

I am not saying that this amendment cannot be further amended. I invite the member to propose a way of dealing with appointments to committees, to deal with the problem of having political influence jeopardize bodies who are put in place by governments to assess and protect environment and wildlife areas.

Further to comments that were made by the minister, I would say that I know that there are some

advisory groups that are supposed to be advising the minister and advising managers of wildlife management areas. I would ask the minister, why not put it into legislation, and if not that, would the minister even consider putting it into a regulation?

* (1200)

With respect specifically to Oak Hammock Marsh, because it is not anywhere legislated that this committee has to exist, and maybe I am wrong about that, but it certainly was not brought forward to that committee in a clear way, the proposal for that area. That has been one of the controversies or one of the reasons for opposing the project, that a number of people that are on the Oak Hammock Marsh management committee were excluded from the initial development of the proposal for that wildlife management area and that currently the group that is going to be managing that project does not include a lot of the environmentalists or active nature lovers who have been presenting to this committee and who would love to be involved in the management of this area.

They have shown such commitment and such dedication and such knowledge and expertise that comes from experience that they would offer to this kind of a group. I would think that the minister should seriously consider this concept, if not specifically what is in this amendment, that we start to look at ways that we can involve people in protecting areas so we get away from the paternalistic, trust-me, all-or-nothing approach that has been used by this government.

Mr. Edwards: I just want to clarify. The member for Radisson (Ms. Cerilli) did indicate something which I had supported back when we were considering Bill 24 in the last session. I need to clarify that and point out to the member that what we were doing at that committee hearing was attempting as much as possible to put into place in Manitoba what is already in place at the federal level under the EARP, which deals with a number of issues in terms of criteria for appointment to assessment panels.

One of those does deal with political influence. It does not leave the bare assertion of political influence. Rather, it becomes specific, and it is not an area without problem even at that level, but what it does not do is make a blanket statement undefined which, as my colleague from Crescentwood (Mr. Carr) has pointed out, is bordering on silly, but most certainly dangerous.

I would suggest to all members, and the member of the proponent in particular, that she consider carefully the exclusion of individuals who may have influence because of their interest, because of the fact that they have played a role in these issues. To a certain extent I think all members have to be cognizant of the balance which is necessary to strike.

Mr. Enns: The member for Radisson (Ms. Cerilli) expresses particular concern about Oak Hammock. A great deal of attention has been paid to what is being proposed at Oak Hammock from the early draft forms to proposals to the fact that an agreement has been signed with my department and Ducks Unlimited Canada for one dollar for lease arrangements.

It surprises me therefore that she has greater protection for what this amendment calls for with respect to the Oak Hammock Marsh. She has an Order-in-Council of the cabinet that calls for, under contractual arrangement, that the management board of the project will set up an advisory committee which will include the very people whom she references. I hope that after this is over that those parties who had expressed considerable interest in the affairs of Oak Hammock Marsh will continue to express that interest and will participate when invited to in the future management of that important wildlife management area. That is written in contract, sealed and signed, if you like, by the Lieutenant-Governor-in-Council. That is just in the formation stage, but it is a requirement of the project that precisely the kind of advisory management board that this amendment calls for at Oak Hammock be instituted at Oak Hammock Marsh.

So I appeal to honourable members accepting that information, and if they do not wish to trust this minister, although it will offend my late father, the members have, and I did provide members with the contract, although I am looking at Mr. Edwards, and I think I agreed to providing him with an additional copy and I still have to do that. I am cognizant of that, but it is in the contract. A question, Mr. Chairman?

Mr. Chairman: On the proposed motion of Ms. Cerilli,

THAT section 2 of the Bill be amended by adding the following after the proposed section 2 of the Act.

Management advisory committees for W.M.A.s
2.1 The minister shall establish groups of wildlife

management areas designated under clause 2(2)(a) and shall for each group shall establish a management advisory committee to advise the minister in respect of the management of the wildlife management areas within the group.

Composition of management advisory committees

2.2 A management advisory committee shall be composed of not fewer than 15 individuals who are free of political influence and representative of

- (a) environmental organizations and agencies in the province;
- (b) individuals with scientific expertise in respect of the environment; and
- (c) residents in or near wildlife management areas.

(French version)

Il est proposé que l'article 2 du projet de loi soit amende par adjonction, après l'article 2 propose de la Loi, de ce qui suit:

Comités consultatifs en matière de gestion pour les zones de gestion de la faune

2.1 Le ministre cree des groupes a l'egard des zones de gestion de la faune designees en vertu de l'alinea 2(2)(a) et cree pour chaque groupe un comite consultatif en matière de gestion pour le conseiller sur la gestion des zones de gestion de la faune appartenant au groupe.

Composition des comités consultatifs en matière de gestion

2.2 Les comites consultatifs en matière de gestion se composent d'au moins 15 particuliers qui n'ont aucun parti pris au niveau politique et qui representent:

- (a) les associations et les organismes environnementaux de la province;
- (b) les particuliers qui ont des connaissances scientifiques en ce qui concerne l'environnement;
- (c) les personnes qui résident dans les zones de gestion de la faune ou près de ces dernières.

With respect to both English and French texts, shall the motion pass? All those in favour, please say yea.

Some Honourable Members: Yea.

Mr. Chairman: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairman: In my opinion, the Nays have it. I declare the motion defeated.

Regulations respecting areas, 3(1), (a) through (c).

Ms. Cerilli, we dealt with yours, now I have to deal with Mr. Edwards.

Mr. Edwards: Mr. Chairperson, I would like to propose an amendment to this section, and I believe members already have a copy of it.

Mr. Chairman: That is right. Proceed.

Mr. Edwards: I move

THAT the proposed subsection 3(1) of the Act, as set out in section 2 of the bill, be amended by striking out the part preceding clause (a) and substituting "The minister shall make such regulations as are necessary for the better management, conservation and enhancement of the wildlife resources of the province."

(French version)

Il est proposé que le paragraphe 3(1) de la Loi énoncé à l'article 2 du projet de loi soit remplacé par ce qui suit:

Règlement réglissant les zones désignées

3(1) Le ministre prend les règlements nécessaires à l'amélioration de la gestion, de la conservation et de la mise en valeur des ressources fauniques de la province; en vertu de ces règlements, il:

- a) prend des dispositions concernant l'utilisation, le contrôle et la gestion d'une zone;
- b) autorise, régit ou interdit toute utilisation, activité ou chose dans une zone;
- c) autorise la construction, l'exploitation et l'entretien d'un bâtiment, d'un ouvrage ou d'une chose dans une zone de gestion de la faune.

If I may comment briefly, this is my second callback position on the attempt to have the minister consider and accept, hopefully, an amendment which I do not believe is inconsistent with the principle he has espoused as being behind this entire bill, but in particular this section.

This leaves not only the new Section 2 in place, it leaves Section 3 in place. It amends Section 3, but it leaves it in place. It is meant to assuage the minister's concerns that these powers are not put in the act, and he said that. He says he does not want them in the regulations, he wants them in the act.

It puts them in the act. It clearly, only—and it does not take away, by the way, the power of the minister. It is not cabinet. It leaves the ministerial power in place, not that of the Lieutenant-Governor-in-Council. All it does is subject his authority to the one test, the one test being for the better management, conservation and enhancement of the wildlife resource of the province. Other than that, everything is in place. It is in the act. The power is in the minister's hands, not Lieutenant-Governor-in-Council.

I put it to the minister that if he is not seeking new powers, that if all he is doing is seeking to clarify, that if he feels it is important for the power to be in the minister's hands and not cabinet's hands, this achieves all three of those goals. It achieves them while leaving one remnant of accountability to the people, which is consistent with the minister's own indications of what he believes his role is, that is, to act for the better management and conservation enhancement of the wildlife resource. That is the test which is left. That is the only thing which this amendment does. It does nothing else. It curtails nothing. No activity would it curtail other than what the minister has told us he wants to do. Nothing is done. Nothing is achieved through this which the minister has not said he would be willing to live by. I ask him to support this amendment on his own words.

* (1210)

Mr. Enns: I have to indicate to the honourable member that the principle thought of this amendment being proposed by Mr. Edwards is already contained in Section 2(1) which we just passed, that is, that when the Lieutenant-Governor-in-Council is satisfied that the wildlife resources of the province would be better managed, conserved or enhanced. That is the principle thought in there. That is the first check that the honourable member for St. James (Mr. Edwards) speaks about on this or any other minister.

I suggest to the honourable member that this minister is only too well aware there are, of course, many other checks. I have just gone through a prolonged year-and-a-half debate and public scrutiny with respect to the minister's action respecting the proposals re the Oak Hammock Marsh—certainly a further check, certainly a further balance on the actions of this or any other minister. So, Mr. Chairman, I have to indicate that the amendment is not acceptable.

Mr. Edwards: Would that the minister's statement were true. If it were true, I would welcome that assertion that he is willing to live by that basic standard. It is patently not correct when one looks at the wording of the proposed sections. Section 2, which he says already encompasses it, is a section which provides for the designation of areas themselves, the designation alone. Under that provision, there is no necessary requirement that the designation be for the better management conservation or enhancement of wildlife resource. Rather, it is satisfaction. The Lieutenant-Governor-in-Council only must be satisfied. That is different than requirement that it be necessary for.

More importantly, the minister fundamentally, I believe, misconstrues the difference between Section 2 and Section 3. Section 3 has to do with the uses and activities that can go on in an area and, specifically, it allows for things to happen within the area that have already been designated under Section 2.

All I am asking is the minister again to incorporate what he—and if he says it is already in there by Section 2, I disagree. There are individuals here who may wish to take a minute to seek advice on that, but if that is already in Section 2, let us be sure. Let us put it in Section 3. I mean, let us give the wildlife resource the benefit of the doubt. I assume the minister will not disagree that there is at least a doubt. Perhaps, and I hope, he will take the opportunity to seek advice which is seated right to the right of him as to the interpretation of this act. Legal counsel from the Attorney General's Department is here, some serving the minister. Let him take that advice and consider whether or not he is willing to again take his own words to heart and put that guarantee in place.

Mr. Chairman: On the proposed motion of Mr. Edwards,

THAT the proposed section 3(1) of the Act, as set out in section 2 of the Bill, be amended by striking out the part preceding clause (a) and substituting "The minister shall make such regulations as are necessary for the better management, conservation and enhancement of the wildlife resources of the province".

(French version)

Il est proposé que le paragraphe 3(1) de la Loi énoncé à l'article 2 du projet de loi soit remplacé par ce qui suit:

Règlement régissant les zones désignées

3(1) Le ministre prend les règlements nécessaires à l'amélioration de la gestion, de la conservation et de la mise en valeur des ressources fauniques de la province; en vertu de ces règlements, il:

- a) prend des dispositions concernant l'utilisation, le contrôle et la gestion d'une zone;
- b) autorise, régit ou interdit toute utilisation, activité ou chose dans une zone;
- c) autorise la construction, l'exploitation et l'entretien d'un bâtiment, d'un ouvrage ou d'une chose dans une zone de gestion de la faune.

With respect to both English and French texts, shall the motion pass? All those in favour, please say yea.

Some Honourable Members: Yea.

Mr. Chairman: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairman: In my opinion, the Nays have it.

A count out vote has been requested.

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

Nays 6, Yeas 4.

Mr. Chairman: I declare the motion defeated.

3(1)(a) through (c), shall the clause pass?

Mr. Helwer: If we are not going to finish by 12:30, I wonder if we should not adjourn for this evening's program, possibly at 12:15 then. What is the minister's wish here?

An Honourable Member: Let us finish.

Mr. Enns: I appreciate that, if I understood the presentations and if I understood the vigorous activity of the members opposite, that the remainder of the bill is by and large—contains clauses that they are supportive of. I would ask the consideration of the committee, whether or not we could not continue till 12:30 or indeed till such time that we finish the bill?

The other issue being that we would have to reconvene in the evening, but that would be my desire and my wish, but the committee sets its own rules.

Ms. Cerilli: Mr. Chairperson, I have a couple of more amendments. I would think that if we are going to break, it would be a good time to break now before we consider a new amendment. If we decide to carry on past 12:30—I would agree to that, as

well—then I would request that we take a very, very short break—five minutes.

Mr. Enns: Mr. Chairman, I think there is a willingness on the part of the committee to carry on.

Mr. Chairman: We will proceed.

Ms. Cerilli: Mr. Chairperson, I will wait for the amendment to be circulated. I move

THAT the proposed clause 3(1)(c), as set out in section 2 of the Bill, be amended by adding "that is not inconsistent with the original intent of its establishment" after "in a wildlife management area".

(French version)

Il est proposé que l'alinéa 3(1)c figurant à l'article 2 du projet de loi soit amendé par adjonction, après "une zone de gestion de la faune", de "qui n'est pas incompatible avec l'intention de sa création".

Again, this is another attempt to put into the legislation some kind of protection that is going to ensure that we do not have developments and activities in wildlife management areas that are going to change the intent, the nature and the purpose of wildlife management areas, that simply there is no point in having wildlife management areas if you are going to, as this bill says, allow any building, structure or thing in a wildlife management area.

As we have said, we have to find some way of putting into the legislation a definition of what we see these areas for, and to include in that definition the concepts that are rapidly evolving, that show that we need to have more vigilant protection for wildlife areas, more vigilant attention to the delicate nature of these areas. Mr. Chairperson, we have to have more protection for these areas, than simply up to the discretion of the minister, the cabinet and the government of the day that brings with it, its agenda, its attitudes, its political prodevelopment, commercialization-oriented ideals and attitudes to wildlife management areas.

Mr. Chairman: On the proposed motion of Ms. Cerilli, with respect to both English and French texts,

THAT the proposed clause 3(1)(c), as set out in section 2 of the Bill, be amended by adding "that is not inconsistent with the original intent of its establishment" after "in a wildlife management area".

(French version)

Il est proposé que l'alinéa 3(1)c) figurant à l'article 2 du projet de loi soit amendé par adjonction, après "une zone de gestion de la faune", de "qui n'est pas incompatible avec l'intention de sa création".

Shall the motion pass? All those in favour, please say yea.

* (1220)

Some Honourable Members: Yea.

Mr. Chairman: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairman: In my opinion, the Nays have it.

Ms. Cerilli: A counted vote, please.

Mr. Chairman: A count-out vote has been requested.

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

Yea 4, Nays 6.

I declare the motion has been defeated.

3(1)(a) through (c)—pass.

Application of regulations—

Ms. Cerilli: I recommend that this section be circulated.

I move

THAT section 2 of the Bill be amended by adding the following after the proposed section 3(2):

Environmental Impact assessment required

3(3) A regulation passed under clause (1)(c) shall include a provision that any construction otherwise authorized by the regulation is subject to an independent environmental impact assessment.

Public hearings re construction

3(4) Where the minister receives an objection to any construction carried out, or proposed to be carried out, under clause (1)(c), the minister may cause the Clean Environment Commission to hold public hearings in respect of the construction, but if the minister decides not to hold public hearings, he or she shall provide each objector with written reasons therefor and shall cause a copy to be filed in the public registry established under The Environment Act.

(French version)

Il est proposé que l'article 2 du projet de loi soit amendé par adjonction, après le paragraphe 3(2) proposé, de ce qui suit:

Evaluation des répercussions sur l'environnement

3(3) Tout règlement pris en application de l'alinéa (1)c) comprend une disposition prévoyant que les constructions qu'il autorise sont assujetties à une évaluation indépendante de leurs répercussions sur l'environnement.

Audiences publiques relatives à la construction

3(4) S'il reçoit une opposition à une construction effectuée ou projetée en application de l'alinéa (1)c), le ministre peut faire en sorte que la Commission de protection de l'environnement tienne des audiences publiques relativement à la construction. Toutefois, s'il décide qu'il n'y aura aucune audience publique, le ministre fournit par écrit aux personnes qui ont présenté des oppositions les motifs de sa décision et en fait déposer une copie au registre public créé en application de la Loi sur l'environnement.

Mr. Enns: Mr. Chairman, I really question where Ms. Cerilli has been for the last year and a half. This is not a question of the minister wishing to do this or not; it is required under law, required under The Environment Act, and we went through extensive public hearings under this. Furthermore, this minister is encumbered under Endangered Species Act, under The Environment Act, under local planning acts, under any number of acts that require this minister, or if the department is a proponent, to build or do any construction anywhere not just in a wildlife management act. So I again request honourable members of the committee, I do not—

Mr. Chairman: Order, please.

Mr. Enns: I take absolutely no exception with the intent of the amendment. I simply point out that it is a requirement of law, and I say that I take some credit on behalf of my government that not only has this government improved the environmental law that we have, in our short term of office, it is among the most stringent in the country. The particular project that has come under such scrutiny has undergone through that full, very public process that is referred to in the amendment. For that reason, members of the committee, the amendment before you is redundant.

Ms. Cerilli: I would then suggest that the minister would not hesitate to put this into the act before us. He has talked a lot about how there have been other things that have gone on in wildlife management areas that perhaps under the current state of affairs, the current climate, progress being made with respect to environment issues, that there would have been opposition, that there would have

probably even maybe have been some environment impact assessment done. We need to have that kind of assurance. We need to make sure, specifically in wildlife management areas, that the highest standard of environment impact assessment be carried out.

I would say, from my understanding of how environment impacts are carried out, that there often is no public hearing process unless there is a lot of opposition to a project. I would think that is something that we have to look at, if projects can be sneaked through quietly or can go ahead quietly because there is not the population in an area or there is not the attention given to an area that would warrant the kind of opposition that is necessary to have a project stopped, to have a well thoroughly investigated environment impact assessment carried out.

We heard over and over again how people who are participating on a regular basis in environment impact assessments feel like they are wasting their time because the current procedure oftentimes stacks the deck against the environment impact assessment actually having any impact on the go-ahead for the development. We hear over and over again how the environment does not stand a chance because under the current procedures that we use there is not sufficient support for research for interveners or for them to develop their case.

Oftentimes, as I have already raised, there is the question of who is calling the shots on the Clean Environment Commission, or how are the shots being called, how are these committee hearings being influenced. I guess I just urge the minister, specifically in areas of wildlife management, that there be more concern for environment impact assessments, that there be more concern for ensuring that the public is heard and listened to, that people who have devoted oftentimes their life to research in these areas are put in positions of authority so that they can be listened to, and that we start to move towards perhaps changing structures so that the environment will stand a chance to truly be protected. Thank you.

Mr. Enns: Mr. Chairman, again I find myself not in disagreement with the honourable member for Radisson (Ms. Cerilli). I just point out to her that the same speech that she just made may well be directed at my colleague the Minister of Environment (Mr. Cummings), responsible for The Environment Act of Manitoba. That act, I suspect,

will constantly be going under revision, will be strengthened, will reflect the changing values of our society, but it is not appropriate to fragment environmental legislation protection throughout the various segments of different departments.

I know, for instance, and honourable members know, that there is a proposal before my Water Resources department to divert some waters from the Assiniboine to provide water to the chronic water shortages of south. We take it as a given fact that that will, and I note that it is a requirement under The Environment Act, call for extensive public environmental hearings and environmental impact studies prior to any decisions that my branch, in this case the Water Resources branch, will make in that regard—similarly with the Wildlife branch that is responsible for the management of wildlife management areas.

We simply, in this day and age—maybe that was not the case even a few years ago under the New Democratic Party administration, but certainly with the strength in environmental legislation that we now have, it is redundant and inappropriate to place this kind of environmental legislation in amendments to this act.

I do not argue the principle with it, I only urge her to direct her attention more appropriately to The Environment Act and to the environment—

Mr. Chairman: Order, please. On the proposed motion of Ms. Cerilli,

THAT section 2 of the Bill be amended by adding the following after the proposed section 3(2):

Environmental Impact assessment required

3(3) A regulation passed under clause (1)(c) shall include a provision that any construction otherwise authorized by the regulation is subject to an independent environmental impact assessment.

Public hearings re construction

3(4) Where the minister receives an objection to any construction carried out, or proposed to be carried out, under clause (1)(c), the minister may cause the Clean Environment Commission to hold public hearings in respect of the construction, but if the minister decides not to hold public hearings, he or she shall provide each objector with written reasons therefor and shall cause a copy to be filed in the public registry established under The Environment Act.

(French version)

Il est proposé que l'article 2 du projet de loi soit amendé par adjonction, après le paragraphe 3(2) proposé, de ce qui suit:

Evaluation des répercussions sur l'environnement

3(3) Tout règlement pris en application de l'alinéa (1)c) comprend une disposition prévoyant que les constructions qu'il autorise sont assujetties à une évaluation indépendante de leurs répercussions sur l'environnement.

Audiences publiques relatives à la construction

3(4) S'il reçoit une opposition à une construction effectuée ou projetée en application de l'alinéa (1)c), le ministre peut faire en sorte que la Commission de protection de l'environnement tienne des audiences publiques relativement à la construction. Toutefois, s'il décide qu'il n'y aura aucune audience publique, le ministre fournit par écrit aux personnes qui ont présenté des oppositions les motifs de sa décision et en fait déposer une copie au registre public créé en application de la Loi sur l'environnement.

With respect to both English and French texts, shall the motion pass? Those in favour, please say yea. Those opposed, please say nay. In my opinion, the Nays have it. -(interjection)-

A count-out vote has been requested.

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

Yea 2, Nays 6.

Mr. Chairman: I declare the motion defeated.

3(2)—pass; Section 3—pass; Section 4—pass; 5—pass; 6—pass; 6(2)—pass; 6(3)—pass; 7(1)—pass; 7(2)—pass.

Clause 8, shall the clause pass?

* (1230)

Mr. Cliff Evans (Interlake): Mr. Chairman, in the House I made comment to the minister's proposal of this amendment saying that he could not probably say the word. I will go along with passing this bill if he will, on record, say out the whole word.

Mr. Enns: Division 6 on Schedule A is amended by adding the "Polar Bear Ursus maritimus" after the "Plains Spadefoot Toad Scaphiopus bombifrons."

Some Honourable Members: Hear, hear.

Mr. Chairman: Clause 8—pass.

Order, please. Preamble—pass; Title—pass. Bill be reported.

That would conclude the business of Bill 38. The Committee on Public Utilities and Natural Resources will meet again tonight at 8 p.m. in Room 255 to consider Bill 6.

The time being now 12:25 p.m., the committee will rise.

COMMITTEE ROSE AT: 12:32 p.m.