

Third Session - Thirty-Ninth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Legislative Affairs

Chairperson
Ms. Erna Braun
Constituency of Rossmere

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS

Tuesday, June 2, 2009

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Ms. Erna Braun (Rossmere)

VICE-CHAIRPERSON – Mr. Tom Nevakshonoff (Interlake)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Ms. Allan, Hon. Messrs. Struthers, Swan

Mr. Altemeyer, Ms. Braun, Messrs. Nevakshonoff, Pedersen, Saran, Schuler, Mmes. Stefanson, Taillieu

APPEARING:

*Mr. Kevin Lamoureux, MLA for Inkster
 Mr. Gerald Hawranik, MLA for Lac du Bonnet*

WITNESSES:

Bill 21–The Labour Mobility Act

Mr. John Doyle, Manitoba Federation of Labour

Bill 17–The Workers Compensation Amendment Act

*Mr. Jim Budde, Private Citizen
 Mr. Alex Forrest, United Fire Fighters of Winnipeg
 Mr. Gordon Hudson, Private Citizen
 Ms. Kimberly Buchannon, Private Citizen*

Bill 3–The Forest Amendment Act

*Mr. Ward Perchuk, Spruce Products Ltd.
 Mr. Wade Cable, Louisiana-Pacific Canada Ltd.
 Mr. Doug Hunt, Tolko Industries Ltd.
 Mr. Grant Kurian, Grant Kurian Trucking Ltd.
 Ms. Roberta Kurian, Seer Logging Inc.
 Mr. Marvin Hovorka, J. Hovorka and Sons Ltd.
 Mr. Scott Spicer, Rural Municipality of Whitemouth
 Ms. Mary Granskou, Canadian Boreal Initiative
 Ms. Gaile Whelan Enns, Manitoba Wildlands
 Mr. Andy Pelletier, Rural Municipality of Reynolds
 Mr. Andrew McCuaig, Tembec*

*Mr. Ron Thiessen, Canadian Parks and Wilderness Society
 Mr. Eric Reder, Wilderness Committee*

WRITTEN SUBMISSIONS:

Bill 3–The Forest Amendment Act

*Matthew Heide, Camp Koinonia
 Doug Dobrowolski, Association of Manitoba Municipalities*

MATTERS UNDER CONSIDERATION:

Bill 3–The Forest Amendment Act

Bill 17–The Workers Compensation Amendment Act

Bill 21–The Labour Mobility Act

Bill 23–The Buildings and Mobile Homes Amendment Act

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Mr. Vice-Chairperson: Good evening. Will the Standing Committee on Legislative Affairs please come to order.

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

Mr. Rob Altemeyer (Wolseley): Mr. Chair, I'd like to nominate the MLA for Rossmere.

Mr. Vice-Chairperson: Ms. Braun has been nominated. Are there any other nominations?

Seeing none, Ms. Braun, will you please take the Chair.

Madam Chairperson: Good evening. This meeting has been called to consider the following bills: Bill No. 13, The Forest Amendment Act; Bill No. 17, The Workers Compensation Amendment Act; Bill 21, The Labour Mobility Act; Bill No. 23, The Buildings and Mobile Homes Amendment Act.

Just for clarification: Bill No. 3, Bill No. 17, Bill No. 21, Bill No. 23.

We have a number of presenters registered to speak this evening as noted on the list before you. We have a number of additions. On Bill 3, if you would add No. 15, Andrew McCuaig, Tembec; Bill

No. 21, remove Darlene Dziewit and replace with John Doyle from the Manitoba Federation of Labour.

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

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

As well, I would like to inform presenters that, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations with another five minutes allowed for questions for committee members. Also in accordance with our rules, if a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

On the topic of determining the order of public presentations, I will note that we do have an out-of-province, as well as out-of-town presenters in attendance, and they are marked with an asterisk on the list.

With this consideration in mind, in what order does the committee wish to hear the presentations?

Mr. Altemeyer: Well, thank you, Madam Chair.

I'm wondering if, as in with past practice, we would give priority to out-of-town and out-of-province presenters. I also note that we only have one presenter scheduled for Bill 21. Does it make sense to do that one first and finish that piece of legislation off, and then move on to the next one?

Madam Chairperson: Is it the will of the committee to, to deal with the legislation that has one presenter, and then to deal with out-of-town presenters? Agreed?

Some Honourable Members: Agreed.

Madam Chairperson: Agreed. Thank you.

Mr. Altemeyer: Madam Chair, following the same line of thinking, we, we have a smaller number of

presenters for Bill 17. Does the committee wish to, to do that bill second in order tonight?

Madam Chairperson: Is it the will of the committee to do Bill 17 second this evening?

Some Honourable Members: Agreed.

Madam Chairperson: Agreed. Thank you. Agreed.

We've also received written submissions from the following persons, and distributed to committee members: Matthew Heide and Doug Dobrowski.

Does the committee agree to have these documents appear in the *Hansard* transcript of this meeting?

Some Honourable Members: Agreed.

Madam Chairperson: Agreed. Thank you.

I would like to inform all in attendance of some provisions regarding the hour of adjournment and the consideration of our business tonight.

In accordance with a sessional order adopted yesterday in the House, as we currently have less than 20 presenters registered, if this committee has not completed clause-by-clause consideration of these bills by midnight, a number of rules will apply, including: (1) sitting past midnight to hear presentations; (2) if they are not already finished, concluding presentations at 1 a.m.; and (3) interrupting proceedings to conclude clause-by-clause on all bills at 3 a.m.

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

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

Bill 21—The Labour Mobility Act

Madam Chairperson: Okay. We will now deal with Bill 21, The Labour Mobility Act, and I will now call on John Doyle, Manitoba Federation of Labour.

Do you have any written material to present?

Mr. John Doyle (Manitoba Federation of Labour): Yes, I do.

Madam Chairperson: Thank you, and just until we've distributed that, we'll commence shortly after.

Mr. Doyle, please proceed with your presentation.

* (18:10)

Mr. Doyle: Thank you. The Manitoba Federation of Labour is concerned that the labour mobility provisions contained in the Agreement on Internal Trade, an agreement that Manitoba is signatory to and which gives rise to Bill 21, The Labour Mobility Act, will undermine the Red Seal standard and its long-term viability.

Implemented in 1958, the Red Seal Program is specifically designed to promote and provide greater mobility access across Canada for skilled workers. Under the program, apprentices who meet its high qualification standards are able to obtain a Red Seal endorsement on their certificates of qualification and apprenticeship.

According to the program's administrators, the Canadian Council of Directors of Apprenticeship, it encourages standardization of provincial and territorial apprenticeship training and certification programs. The Red Seal allows qualified tradespersons to practice the trade in any province or territory in Canada where the trade is designated, without having to write further examinations. To date, there are 50 trades included in the Red Seal Program.

The HRSDC guide for the implementation of labour mobility, in this case through Bill 21, is quite clear. Recognition should not require a worker qualified in one jurisdiction to undergo additional testing or assessment in another jurisdiction. The fact that a worker is qualified in one province or territory should be sufficient for a worker to be qualified in any jurisdiction. It's not necessary for occupational standards to be reconciled so long as there is mutual recognition of each other's qualified workers without requiring additional assessments or tests.

Taken with Bills 21–Bill 21 section 3(1), which reads: regulatory bodies must comply with the agreement. A regulatory body must ensure that any measure it adopts or maintains respecting the certification of individuals to work in an occupation complies with the obligations of chapter 7, labour mobility, of the Agreement on Internal Trade.

In order to comply with subsection (1), a regulatory body may waive or adapt any

requirements for certification that have been established for the occupation, notwithstanding any other act or regulation.

And when a regulation that is consistent with the AIT is adopted that is in conflict with existing Manitoba law or regulation, the remedy, contained in section 7, is equally clear: If a provision of this act or a regulation made under this act conflicts with a provision of another act that establishes a regulatory body or a regulation made under such an act, the provision of this act or the regulation under this act prevails to the extent of the conflict.

Given the rigorous standard that apprentices must meet to obtain the Red Seal endorsement, why would they bother, since the non-Red Seal versions of their certificate must now be accepted by other jurisdictions. This concept also has implications for the quality of apprenticeship training in general. Not all jurisdictions regulate the same trades in the same way. Under the AIT harmonization process, it simply means that the provinces that a better quality training regime exists, will have to compare their standards with that delivered in other provinces and figure out a way to arrive at a quality assessment.

The HRSDC guide for the implementation of labour mobility puts it this way: Some occupations are only regulated in one province or territory. The occupation may exist in other provinces, but it may not be regulated. In such cases, an agreement to recognize qualifications is not possible, since there is no other regulatory body with whom to enter into agreement. In these cases, the accommodation mechanisms described previously in step 4, section 4, become an important consideration. Such mechanisms would be required for practitioners of the occupation who are qualified or experienced but come from provinces where the occupation is not regulated.

Occupations can evolve differently across jurisdictions. So there may be duties that are not performed—that are performed in one jurisdiction that are not performed in another. It should be noted that there is no obligation to modify the scope of the practice for an occupation. Where there are scope-of-practice differences that cannot be reconciled, jurisdictions with the wider scope of practice will need to consider mechanisms to accommodate workers who are qualified in jurisdictions where the scope of practice is narrower.

This process is designed to lead to the recognition of qualification certificates issued in all

provinces and territories outside of Québec, even when they don't have the same high standards. Let me be clear about this. The Manitoba Federation of Labour and the labour movement in general across Canada supports trade agreements and labour mobility practices that raise standards, not lower them. We want them to be part of the race to the top, not to the bottom.

These concerns are not unique to Manitoba. A report called *State of Play, Canada's Internal Free Trade Agenda* by public interest researcher and lawyer, Steve Shrybman, challenges the need for these agreements. In it, he points out that there aren't any significant barriers to trade and labour mobility in Canada. He says, in the 15 years of the AIT's existence, there have only been 15 disputes, all of them dealing with agricultural products and supply management issues. He says, of the 15 disputes, there are five dealing with snow crabs.

Pat Dillon, business manager for the provincial building and trades council of Ontario says, Red Seal may not be perfect, but it is an accepted and recognized standard right across the country. Dillon fears the province of Ontario might be trying to move away from it in trying to accommodate labour mobility through legislation similar to Bill 21.

He says, there is no doubt in my mind, with what they have put in place, it allows for the lowering of standards, no matter how it is cut, says Dillon. The really sad part of that is that it hurts health and safety and long-term injuries and deaths will increase in construction in Ontario.

In our view, the best way to improve labour mobility within Canada and the free movement of highly skilled work force members is to invest in a public apprenticeship program that trains workers to Red Seal standards.

Madam Chairperson: Thank you for your presentation.

We have questions.

Hon. Andrew Swan (Minister of Competitiveness, Training and Trade): Yes, Mr. Doyle, thank you for coming and presenting tonight and thank you for what you and the Manitoba Federation of Labour do to improve conditions for workers in Manitoba. I'm very pleased that you want to come and speak about the Red Seal Program.

As the minister also responsible for apprenticeship, obviously we want to increase the

numbers of young Manitobans who would decide to go into an apprentice trade. We want to make sure there's appropriate safety and appropriate training.

I agree with you that the Red Seal standard is the best and, and most recognized system of recognition across Canada. I was pleased that section 7 of the agreement in internal trade specifically references the Red Seal Program. The preamble to the, the act that we're dealing with tonight confirms that all parties, every province and territory in the federal government, are continuing to commit to the interprovincial standards Red Seal Program.

Now, the best part about the Red Seal Program is that really tradespeople have—and that they really had labour mobility more so than, than professions and regulated occupations across the country.

As I understand it, there's the concern that there may be a small number of jurisdictions that don't necessarily have the same commitment to the Red Seal Program, and there may be some differences in the scope of, of some of the trades.

And, I suppose what I'll put for your interest is that there is the ability, if there is a major difference or a significant difference in the scope of practice for any regulated occupation, to request what's called a legitimate objective to say that the standards of someone coming from another jurisdiction are such that there's a gap—they don't know how to do something which a Manitoba-trained tradesperson, professional, other regulated occupation may be able to do.

So, you, you should be aware that, when Bill 21 passes into law, they will—there will continue to be the ability of any regulated occupation to come forward and say that there are concerns about the particular knowledge that a worker coming from another jurisdiction has.

There's already been a couple of, of exceptions that have been granted—lawyers, because of the different system of law in Québec; midwives and licensed practical nurses.

I guess the question is, is, Mr. Doyle, are—is the Manitoba Federation of Labour and, and its members prepared to work with us if they believe that there are difficulties with workers certified in any trade from any other province that may not have the skill set that would be needed to, to conduct their work safely in the province of Manitoba?

And if the answer is yes, I don't think we have a problem.

Mr. Doyle: Certainly the answer would be yes. The Manitoba Federation of Labour and its affiliated unions are prepared to, to work with any, any government in any, in any jurisdiction if it's going to result in a better regime governing apprenticeship and training and the quality of journey people that, that emerge at the end of it.

* (18:20)

I appreciate your words on the, the inclusion of Red Seal and the need to nurture it in the preamble. And we also recognize that in large part the wording contained in Bill 21 has its roots in the Agreement on Internal Trade and with the kind of guide for implementation that I, that I read in preparing these remarks, I can understand some of the language that exists.

Now, notwithstanding the preamble and it's, it's very useful in some circumstances, but the meat of the matter is the wording in the clauses, the individual lines in the, in the act. And it's those lines that give us concern. It gives any government at any point in the future, the ability to, to accomplish some very, very negative things to the apprenticeship structure.

In 2003, the government of British Columbia embarked on a, a process they described as being a, a streamlining and improvement to the apprenticeship training sudy—situation in that province, and, quite frankly, it was, it was, doublespeak. It was exactly the opposite. It was the splintering of training. It was the deskilling of, of a skilled work force. It was the focussing of, of, for example, carpenters, dividing them up into two groups, qualified carpenters and carpenters that specialize in residential construction, which is roughly analogous to training a hundred doctors and having 25 of them specialize in broken left legs. Now, if you have a broken left leg, that's fine. If you have a heart attack, then you're going to be a little choosy about, you know, who you enlist the aid from.

Now, that's not a very valid comparison, I know, and I make it for hyperbole's sake. But it's not the—well, the consequence of what occurred in B.C. is obvious now. Here it is a scant six years later and they've got some severe skilled labour shortages in that province.

Madam Chairperson: I'm sorry to interrupt, but the five minutes for questions has expired.

Mr. Blaine Pedersen (Carman): Just ask leave to ask a short question. My preamble isn't nearly as long as the minister's.

Madam Chairperson: Is there leave to allow a question from Mr. Pedersen?

An Honourable Member: Leave.

Madam Chairperson: Leave? Thank you. Mr. Pedersen.

Mr. Pedersen: Thank you, Madam Chair, and thanks to the committee for granting leave.

Bill 21 is about to be—if it goes through committee and passed into third reading and passed, is your Manitoba Federation of Labour, you've outlined your concerns about Bill 21 in terms of Red Seal.

Is your organization prepared to work with Bill 21, or are you opposed to it, or do you have amendments that you would like to see in it?

Mr. Doyle: I didn't come here today with specific amendments, mainly because I'm not exactly sure what it would take to amend the bill properly to meet the kinds of concerns that I've, that I've outlined here today. Yes, we're prepared to work with Bill 21 when it's enacted, as we're prepared to work with all laws until we are able to convince people to amend them at some point down the road.

I can say this, that we will focus all of our efforts on maintaining the integrity of the apprenticeship training system in Manitoba, and, and continuing to put out what I think are some of the most skilled and able journey ticket holders to graduate from apprenticeship training in Canada. Our, our, our skilled workers are in demand everywhere, not only in Canada, but offshore as well.

Madam Chairperson: Thank you very much for your presentation.

Bill 17—The Workers Compensation Amendment Act

Madam Chairperson: We will now go to Bill 17, The Workers Compensation Amendment Act.

I will now call on Jim Budde, private citizen.

Do you have any written materials for the committee?

Mr. Jim Budde (Private Citizen): Just what I was going to read out to the people, politicians.

Madam Chairperson: Thank you.

Am I pronouncing your last name correctly?

Mr. Budde: It's, it's pronounced Budde.

Madam Chairperson: Budde? Please proceed with your presentation.

Mr. Budde: You'll have to excuse me 'cause I gotta move around a little bit once in a while as a result of my injuries and disabilities, so. But at any rate, I'd like to thank you all for allowing me the time to speak at this committee hearing, moreover been following on my views, opinions, based on my experiences with all involved and particularly the WCB of Manitoba. And I would like to thank and applaud this government and the minister charged with the WCB act for the positive changes that are long overdue to this bill and for the, the fight that the firefighters' department has put on to get these changes.

Bill 17 adds two or more types of cancers to presumption clause for firefighters, but it should also be broadened to other people in other industries, for instance, ab—asbestos. From previous—I, myself, worked with asbestos years and years ago. It should be a broad, broad spectrum to cover everybody, presumptuous clause.

In 2002, Manitoba was the first province to pass a presumption clause, and again, I applaud that. They set precedents, I would assume, and they should continue doing so. These are positive changes and needed changes. The passage of the presumption clause demonstrates that the provincial government recognizes the difficulty of establishing a cause and effect relationship for a wide variety of workplace injuries, illnesses and disabilities, especially in particular repeated injury cases.

As most, if not all, are well aware, there's a good need for large-scale reform of the WCB act and by talking with a lot of you, I can say that confidently, that there are many politicians out there that know change has to be done. Not many people present here today who can deny long-term permanent injured and disabled workers, claimants and their families, are, in my view, most certainly treated unfairly and inhumanely by the current system and agree that positive changes need to be made immediately, keeping in mind that the injured and disabled claimants did not ask for their injuries and resulting disabilities and impairments or to lose their ability to earn a living, a decent living, by way of meaningful and gainful employment in order to support not only

themselves but their respective families. This affects a lot of people, it's a, it's a real ripple effect.

There is no real recourse; there is an illusion or perceived illusion that there is a fair and just recourse. I myself have been through multiple systems and organizations and it's like they dangle a carrot in front of you and when you go to reach it, they slap you on the nose and pull it away, and this is done repeatedly.

There's internal conflicts with the WCB as employer and profit driven. Therefore, the same board which is responsible for dispensation of funds and also responsible for investing money for profit, ensuring the continued existence of the fund—that in itself is a conflict of interest. That should be two positions and one being an independent position outside of the board—the profit making of it, not the handling of the disabilities and what not—that's got to be separated. This is done on the backs—these profits that they're made are predominantly done on the backs of the disabled and permanently injured workers and their families. That's who suffers these losses. This also denies them the much-needed necessary benefits to which they are rightfully entitled to as a res—direct result of their workplace injuries and resulting disabilities and impairments. And it also affects not only them but their respective families in more ways than one, and this has been shown through the media on the steps of the WCB. People have, through such despair, taken drastic measures because they didn't know what else to do, because of that illusionary help that is out there and illusionary—what I call maybe a just system, but not at all.

WCB needs to stop adversarial actions against long-term disability and permanently injured workers, and this was cited in, in the report of February of 2002 by Doug Smith, and another report by the outgoing Judge Robert Kopstein in his annual WCB report of—I think it was 1991, maybe '92. But as you—most of you know, I'm out here, been protesting for over a year and this man, Kopstein, he writes more than I've even thought of, but he's on—I'm on the same track as he is, and this has been going back for years. In fact, it was in the late '80s that the WCB started changing radically, if people—must remember that. It, it used to be not a bad system. In fact, when it was created in 1917, it was designed to help both the employer and the employee, and now it's seemingly one-sided, or obviously.

Currently, the limit practice of a presumption in other workplace injuries and disability scenarios, which must be broadened, as I said, to include all injured and disabled claimants, especially when they are substantiated and submitted with medical documentation supporting their claims. You know, when these guys can support their stuff such as I have and the board still ignores it, like, it's mind-boggling to say the least. These things gotta be changed, hence the accountability. Moreover, the onus of burden of proof lies in the hands of the WCB—I believe this is written in the act—not the injured or disabled claimants to prove their injuries and the resulting disabilities. The WCB must not be allowed to think and say whatever they want in order to cut a claimant off benefits to which they are rightfully entitled to.

* (18:30)

And furthermore, when, when is enough medical supporting evidence enough? Like, there's just—the board seems to have no end for it and then when you give it to 'em, they just—yeah, so? Our opinion, a clerk's opinion—like, wow. It's—no. Why is the WCB also allowed to sect—selectively ignore this in itself, and in itself, this is negligence—medical evidence, when they ignore it. This causes further undue mental anguish, harm and hardship for some of these people; also forces them to try and violate the WCB act themselves, which is, in my case, by trying to force me back into a, a position that wasn't even real, was scheduled for deletion, but wanting me to violate the act itself by causing myself further harm by going back to work. They tried to do that to me and I had no medical clearance of any kind, so this arbitrary and selective treatment of workers, especially long-term and permanently injured claims, the decisions and resulting actions made by the WCB are, in my view, unreasonable, based on the verified and supporting mega—medical evidence on file. I've seen this, not only in my stuff, but with other people I've met by doing what I've done, or what I'm going through.

WCB clerks seemingly have the ability and the authority to override the opinions of both, not only the external, but their own doctors if they don't like what they're saying, medical professionals in their respective fields. Yet these WCB clerks have no medical training, expertise or licence to practice medicine in this province, whereas the people that write these letters do. It's mind boggling.

Yeah, they have the—they've gone through the schooling and did the licensing and so on and so forth. So, yeah, it's—that's why doctors themselves are frustrated. The medical community and the legal community are both frustrated with the way the board runs. They're boggled with it all. You can't get a lawyer to, to stand up, for two reasons: one, it's just how much money you got and, secondly, the board's got a few of them out there on retainer and so it creates a conflict of interest. It's—what's wrong with that picture?

Discrimination in particular exceeds those people that are not on benefits for more than a 12-week period, and it seems that WCB likes to use the 4-D approach: delay, deny, discredit and, eventually, disentitle, and that seems to be a prime directive. They disregard, like I said, medical—verified medical evidence, detailing and supporting nature and the extent of workplace injury and resulting disabilities.

Correspondence with these guys is inconsistent and they don't adhere to the WCB act. There's contradictions, manipulations, cherry picking of whatever they want, sections of the act or medical, and using them out of context, ignoring collective agreements unless beneficial to the WCB, and/or or otherwise manipulate and misuse the WCB act. Use it only what may work best or suits their own needs or the employer's needs and the like, and ignore or simply refuse to address issues of concern and contention. It's, in my case they just—we're not going to deal with it. We're just not going to deal with it. Often clerks or upper management will go on tangents, as I say, and refuse to answer issues at hand, they just refuse, and I've had that said to my face.

WCB, as I told you, hires lawyers on retainers in firms around the city, which creates conflict of interest. They're always looking for ways to get rid of long-term injury and disability claimants, instead of simply giving 'em what they are rightfully entitled to receive as a result of their workplace injuries, disabilities and impairments. As again said, they never asked for any of these hardships and disabilities. Nobody wants this life.

Difficulties with self-insured entities, as stated by WCB representative, have been told that, yeah, we have more problems with self-insured entities so they make it harder for us to deal with them.

Well, wait a minute, you are the board. You're—they're supposed to do what you say and what your

findings are, and yet you'll change your mind. Well, that's just the way it is. Well, no it isn't.

I've had several specialized medical professions who corroborate that I'm permanently disabled. There is a WCB interdepartmental memo dated October 24, 2006, which clearly states that I myself are unemployable. The board themselves have said that, and now they ignore that. However, the city—

Madam Chairperson: Mr. Budde, you have one minute.

Mr. Budde: Okay, well. Okay, let's go on notes.

In consideration and conclusion, what I'm looking for, for all injured and disabled and the upcoming young ones, is treatment of workers to, like, 1997–1917, to treat 'em with the deal was originally created, why the board was created, to be fair, just and humane.

The provincial government must stop ignoring this problem, and I call it the dirty diaper syndrome of the province, and undertake serious and immediate reforms. Incorporate the presumption clause for all workers who can corroborate their claim with verified medical evidence. The Province must stop ignoring duties and responsibilities of the Workers Compensation Board of Manitoba. They need to improve the WCB act and force 'em to adhere to it, which would improve the lives of many Manitobans. Hold the WCB responsible for its actions and stop it from offloading its responsibilities to other, already-overburdened social safety nets, and they're doing that a lot. Ask—and I ask this government and the minister charged with the WCB act to review at least 30 to 50 cases, including mine as a good example, as I feel it entails several issues that must be addressed and rectified.

I thank you for your time, considerations and patience.

Madam Chairperson: Thank you for your presentation.

Does the committee have any questions?

Mr. Kevin Lamoureux (Inkster): Yes, Mr. Budde, I, I like the way you started your presentation by acknowledging the de-valuable Bill 17 in itself and that it's, it's a bill that's worth supporting. And then you go into what I've witnessed in terms of over the last year, a passionate appeal as to circumstances that go beyond the firefighters in terms of the needs for changing Workers Compensation.

And I just wanted to commend you. I know virtually every time or every so often I see you on the steps of the Legislature, whether it's sunshine, rain, snow, all times of the year, and the manner in which you conduct yourself. And I guess the question that I have for you is, can you give maybe some sort of an indication of—I think committee members need to hear the impact because we're not maybe making the types of changes that you foresee, the type of impact that has on you and your family from a personal point of view.

Mr. Budde: I'm lucky. My family has stood behind me, but I know of others with marriage break-ups. I've not been without problems. We've almost lost our house. We lived quite humbly. When I've seen others much worse, but my socializing is almost nil. My socializing is you guys. I don't deal with people anymore. People don't understand. Empathy is lacking out there unless you experience it, but it's not an easy life, and that's why I'm here to create change. It's got to be done. You got to help people like us. We're not doing this because we want to. This is humiliating.

Mr. Lamoureux: Finally, you make reference to other injured workers. Can you give us a sense in terms of if there is some sort of an overriding theme of other injured workers that you've met on the steps of the Legislature over the last year?

Mr. Budde: I'm sorry. I've met hundreds, and as I strongly urge that you guys, the politicians, read Judge Robert Kopstein's report of, I believe the WC annual report 1991-92 December and then again Doug Smith's of February 2002. That pretty well explains what I'm doing. It's, it—when I read these reports it was mind-blowing that this has been going on longer that I thought.

In fact, I came to this Leg, I knew it was deep, and I did not realize the depth of what it was though. It's huge, it's huge. There are thousands of Manitobans out there with these problems. Ask the welfare office. Ask lots of other—you, there's nobody in this province that doesn't know how bad the workmen's compensation board is. Out of every 10 people I meet, nine and a half will tell you, yeah we know, we know, we know. Everybody knows undeniably the problems with workmen's compensation board in this province, everybody.

Mrs. Mavis Taillieu (Morris): Thank you very much, Mr. Budde, for coming today. I've certainly seen you on the steps of the Legislature as well, and I know it takes a lot of passion to continue on doing

that. And I don't really have a question for you, but I certainly liked listening to your presentation and understand the things that you've been going through. So just want to wish you all the best.

Madam Chairperson: Thank you for your presentation.

Floor Comment: Can I say one more thing?

Madam Chairperson: Mr. Budde.

Mr. Budde: The reason that I'm here you've made—made a notion to passion. It's because I believe it and I know it to be true. Why would a fraud or a gloom bubby sitting there wasting their time? I believe in what I'm doing and it's got to be done. And I know most of you do too. Thank you.

Madam Chairperson: Thank you very much.

I will now call on Alex Forrest, United Fire Fighters of Winnipeg. Do you have any written materials for us?

Mr. Alex Forrest (United Fire Fighters of Winnipeg): Yes, I do.

Madam Chairperson: Thank you. Please proceed with your presentation.

Mr. Forrest: Thank you, Madam Chair. It is an absolute honour for me to speak to you here this evening.

I would like to begin by thanking all of you for your work that you're doing here this evening. Today I will be speaking in favour of the proposed WCB amendment that will add testicular and esophageal cancer to the list of cancers that create a rebuttable presumption for firefighter occupational disease coverage under the Workers Compensation.

* (18:40)

The science is clear. Firefighters have an increased risk of occupational testicular and esophageal cancer. I could spend my full 10 minutes here today talking about all the studies that link the occupation of firefighting to that of cancer.

But one thing the studies say conclusively is that firefighters have anywhere from a two to four times greater risk than the general population of getting occupational cancer. Firefighters not only get occupational cancer at a higher rate, but they also get cancer earlier in life. Firefighters give up quantity of life and they give up quality of life for this profession that we love so dearly.

What we're asking you to do here this evening is to recognize this fact, this tragic fact of our profession. Carcinogens are in every single fire. It doesn't matter whether it's a small garbage fire, it doesn't matter whether it's a car fire, a house fire. Every single fire has chemicals such as benzene, hydrogen chloride, hydrogen cyanide. The list goes on and on. Benzene.

What happens is that we have the best gear in the world, we literally have. There's, there's, there's no finer firefighter gear and breathing apparatus that Winnipeg has purchased. But, unfortunately, there's no way that we can separate firefighters from coming in contact with these cancer-causing agents.

I have been asked many times, if, since this legislation's been enacted in 2002, if that we now need this with the improvements in our safe—safety equipment. But what's happened is we're seeing that the toxicity level of fires have actually increased 10 to 15 times in the last 10 to 12 years of firefighting, where our safety factor of our protective clothing and breathing apparatus has increased only three to four times during that time. So it's actually getting harder and harder for firefighters to deal with these cancers. And I believe that you're going to see higher rates of cancer in firefighters in the near future. And there's one reason for that and that's plastics.

I just finished reading a study about plastic and the inclusion of plastic in our society. Every single year, there's anywhere from 20 to 30 new kinds of plastics that are being introduced on the market every single year. Everything in your house, from furniture to appliances, is now becoming plasticized in some way. And, and there's no greater example of that than in houses themselves. What we're seeing, especially in the last 10 years, that house fires have become a toxic soup of cancer-causing fumes as we move from wood-based construction to a more composite construction held together by glues and plastics.

And one thing that's imp—important to understand is its not only the inhaling these toxic fumes that are killing firefighters. What it is, is that these cancer-causing agents are being absorbed into our body, because there's no way that we can create a firefighting gear that allows it to breath within a fire but it also lets the cancer-causing agents into your gear.

I've been a firefighter for 20 years. I'm a current—currently an active firefighter. I'm stationed at Station 26, and we see a lot of the newer house

construction fires out there. And one of the things that you see is that when you fight a fire in that area, you come back, and you decontaminate right away, you have showers. The water's black. You can smell the fumes. You can smell the car-carcinogens coming off the water. You go home that night, you have a shower, again, the water's black. Your body's absorbing it. One to two, even three days later you can have a shower and you'll see the water black, and you can smell the fumes of the fire coming out of your body.

And that's, that's what happening and that's why you have a latency period in regards to these cancers is because, where-when you're a younger person, your body has a greater ability to battle off these car-carcinogens and cancer-causing agents. But as you get older, your immunity rate has less defence and that's when you see, as the older the firefighter gets, the higher the level of cancer compared to the general pop-population. And that's what you see.

What this legislation means is that firefighters that will be diagnosed with occupational testicular and esophageal cancer will now be covered for occupational disease, and many times that, that means death for a firefighter. Just in, in the last few years, we've had a number of firefighters that have died of occupational cancer. They're very young, in their 40s. And, and it really is a tragic thing. Cancer is prevalent in society, but just imagine a segment of that society which is having two to four times greater the level of tragedy than normal population in regards to cancer. And the reason that we're getting this cancer is because of, of plastics and these increased use of chemicals within these plastics.

One of the things I'd like to say before I conclude is that many of you were here seven years ago, in 2002, but some of you weren't. In 2002, Manitoba was the first province to have this legislation, and it was really a startling piece of legislation. It was something that the government unanimously-the Conservatives, the Liberals, the NDP-supported, and within seven short years you now see that six other provinces have now used the Manitoba model almost word for word.

And, in my position as Canadian trustee, I've travelled across Canada. I've met the premiers, the ministers of labour, whether it's a Liberal government, whether it's a Conservative government of Alberta or Nova Scotia. In every one of these legislatures, it's been unanimous because it's the right thing to do, and I think that's really amazing in this

day and age where everything seems to get so politicized, and I really appreciate the support that we have received from all political parties on this.

The last thing I would just like to say, to put it on the record, is that when this legislation is passed, Manitoba will not just have one of the strongest pieces of legislation to cover firefighters with occupational disease but will arguably have the strongest legislation of its kind in North America. And given the fact that North America has been a leader in occupational disease around the world, it could, in fact, be one of the strongest pieces of legislation in the world for protecting firefighters in occupational disease.

On behalf of all firefighters in the province of Manitoba, again, we can't thank you guys enough for all the work you've done in the last seven years. Thank you.

Madam Chairperson: Thank you.

Are there any questions from the committee?

An Honourable Member: Thank you very much, Mr. Forrest, and thanks for coming for your presentation and-

Madam Chairperson: Mrs. Taillieu.

Mrs. Taillieu: Okay, I think the microphone is on now. I didn't think it was on before, so, again, thank you very much for coming. I know when the legislation was introduced, we had a bit of a conversation because I wanted to check with you just to see if there were other cancers perhaps that you had recommended, and you did explain to me at the time that as science reviews the data, I guess, in terms of the cancers that are associated with firefighters, that then they're brought forward to legislators to add to the list, and, certainly, in your presentation, you've outlined the number of other provinces in the country that have done the same as Manitoba.

But I just wanted to ask you, in your written presentation, you do say that B.C. and Saskatchewan have coverage for testicular cancer, and Ontario has covered esophageal cancer. Have you presented to these jurisdictions as well, or someone's presented, and I'm wondering why-or what the justifications were or the arguments were that both of these cancers were not included in other jurisdictions.

Mr. Forrest: What's happened is, the reason this legislation has been so unanimously supported and so strong is because of the science, and as the science

evolves, that's when we bring the issues forward. We do not want to bring a cancer forward unless it has solid science, scientific evidence, and what's happened is that the studies that have been coming out in the last 10 years are becoming more and more sophisticated.

So you're seeing newer studies coming out, and firefighting is probably one of the most studied professions in the world in regard to cancer, and what we've seen is that we always knew that testicular and esophageal, that there was a connection to firefighting, but we didn't know how strong those connections were until just recently with newer studies that have come forward.

There is a study out of New Zealand that basically links testicular cancer to firefighting at the highest rate of any cancer. So, as the studies come out, it's a matter of timing, and I have no doubt in my mind that when Manitoba passes this legislation, within a year to two years, every province will have esophageal and testicular cancer.

As a matter of fact, I have been travelling across the country and, as we know, the wheels of politics can move very slowly. Like, I just got back from Alberta, and Alberta has now brought me forward and we put our position forward and it's supported by the Conservative government of Alberta in regards to testicular and esophageal cancer, and I think you'll see Alberta be the next province—probably within the next, anywhere from four to eight weeks, Alberta will have testicular and esophageal cancer. So it's a matter of timing and as the science comes forward, we bring it forward.

* (18:50)

Like, and this is a hard thing for us to do because we have firefighters dying of cancer at unbelievable rates, and it's tough to pick which cancers are the strongest represented within studies and we have to say, no, to some firefighters and we have to say, yes, to others. That's a hard thing for us to do because we always look after all of our firefighters, but if we feel—and we have to take a step back and look objectively and say, are the studies conclusive, not just a probability, but a conclusively statement that allows us to be able to say that cancer, no one will argue against that cancer being presented and, and I think in the future you will see other cancers coming forward and we will be there to present it to you guys.

Mrs. Taillieu: Thank you very much, and, as you noted, government of all stripes have supported you and firefighters with this, with this legisla—with this legislation and, certainly, you have our support.

Madam Chairperson: Thank you. Ms. Allan.

Hon. Nancy Allan (Minister charged with the administration of The Workers Compensation Act): Well, thank you very much, Alex. I want to thank you so much for being here tonight to present to the committee, and I'd also like to thank you for all of the work that the United Fire Fighters of Winnipeg has done in regards to developing the presumptive occupational disease legislation for firefighters. I congratulate your union in regards to all of the work that you have done in collecting a huge body of scientific evidence, 'cause that is what the legislation is based on and you just spoke to the difficulty that you have in regards to your membership. I mean, we all know about how fires are changing and the hazards involved in those fires, and you have different firefighters with different cancers. But to make sure that you're really moving this forward in the best way possible, you've really relied on the scientific evidence, and I really congratulate for that. You have changed the Canadian landscape, and I want to thank you for your leadership.

Madam Chairperson: Thank you very much. Our time for questions has expired.

Mr. Lamoureux: Madam Chair, if I can just ask for leave just to give a brief comment, also, on it.

Madam Chairperson: Is there leave to allow Mr. Lamoureux to make a comment?

An Honourable Member: Leave.

Madam Chairperson: Leave is granted.

Mr. Lamoureux: Madam Chair, just to show the unanimous support amongst the three political parties here, Mr. Forrest, we do recognize the valuable contributions you, personally, along with your fellow union members, in terms of raising the profile of this issue not only in Manitoba, but for workers across the country, and just want to applaud the association's efforts and, and the type of work that you do for the province.

Madam Chairperson: Thank you for your presentation.

Mr. Forrest: Thank you.

Madam Chairperson: I will now call on Gordon Hudson, private citizen. Do you have some written material for pres-distribution?

Mr. Gordon Hudson (Private Citizen): No, I don't ma'am.

Madam Chairperson: Then please proceed with your presentation.

Mr. Hudson: Thank you for listening to me, if you are, and whatever.

But I'm here on WCB. I was hurt in 19–November the 17th of '99, coming back from Toronto with a load. The highway was blocked and that, and the roads were shut down and I went into the Husky down there, Hearst, for–to have coffee and that, and let the other driver sleep. When I went out to see about that much ice on the steps getting back into the truck, and I climbed up and just went–took my hand off the bar and went to reach for the steering wheel to get inside the cab, the ice broke under my one foot and I went down to the block of ice on the ground, broke this shoulder in two places, tore the tendons and the nerves in the side of my neck, and I still keep getting these–just feels like somebody sitting behind me and an electric prod touching my back. It goes right up through my neck and down my shoulders.

I–when I got back into Winnipeg I went to see the boss and he told me to go home and see my doctor, and we did that. I was on–I seen him for about six or seven months, then I seen another doctor, and nobody was really doing any good. WCB would not give me an MRI. I had to get the MRI, I got on my own, and I did that in 2005 and they found that my shoulder had broken three–two or three places, and the tendons and everything were tore. Dr. Birt put it back together as best he could and the tendons didn't stay because they–he told me it had been in there for so long, the tension and everything that was pulling on, they broke again. So I don't have that, and the nerves going down were never fixed.

And, in 2005, I went back to work, tried to go back to work and I was cut off by a driver coming back from Regina with a load, and I ended up going in the ditch 'cause he pulled up beside me and had six blue lights on the top of his truck and put them on and it just blinded me. I said I might as well pull a paper bag over my head. I couldn't see the road, and I pulled over to the right too far, went down in the hidden approach, up across the highway and everything else. I was put in Brandon hospital for a

while, a cracked collarbone on this one, and this one got re-broke again and then there the rotator cuff was hurt again.

I went to the Health Sciences Centre on, I think it was, November of 2007. They did more tests and that, filled it with a dye to see how bad it was, and there was two tears in it. This one they weren't sure about, and I haven't gone back for another one yet. But the WCB said, no, you can't have two tears in one rotator cuff; you can only have one. The doctors say different. Doctors, Dr. Johnson [*phonetic*], Dr. Birt and Dr. Decrumpee [*phonetic*] told me I wouldn't be able to go to driving a truck again because of the heavy lifting and that. I can't lift my arms above my shoulders, and the pain still comes through my back. WCB doesn't take any acknowledgement of any of that. As far as they're concerned, I'm okay and I can just keep on going.

I've tried to do things and I can't really get a j–a job driving again because of that, and I asked them if they'd retrain me, and they won't retrain me because of my age. And I'm left there with pretty well nothing to do and I don't know what I'm supposed to do. But I'd like to try to get some help or something and trying to get to a play where I can get in to get some kind of a job or some kind of a, something like that where I can make a living at it, or else–I've been cut off my WCB and I don't know why because I still can't do the work, and I don't know where, where it all ends.

There's people committing suicide because of this stuff going on and they say they're not in the wrong. Well, if you take a person's livelihood and everything away from them, leave them with nothing, you're leaving with nothing but to take it out on themselves. And it's not fair, and that's basically all I really have.

I don't know what can be done about it or not. Like, I phoned Mr. Scott on March 3rd and asked him a question about who was going to be repaying for my carpal tunnel damage that I have. That was supposed to have been done in, in 2000. They said I didn't need it, so I didn't get it done. And I seen a doctor about six to seven months ago and he told me if I didn't have it, I'd have a bigger problem because there isn't enough blood going through my, my hand and he's addressed it for an operation now, but I don't know when it's going to be.

I asked Mr. Scott who was going to be paying for it and he said I'll let you know. He says, I'll phone

you right back. I haven't heard from Mr. Scott yet. So, my opinion, the WCB isn't very good.

Madam Chairperson: Thank you very much. Are there any questions from the committee?

Seeing none, thank you very much for your presentation, Mr. Hudson.

I will now call on Kimberley Buchannon, private citizen. Do you have some materials to distribute? Thank you.

You may begin your presentation.

Ms. Kimberly Buchannon (Private Citizen): Thank you.

Our hero made the ultimate sacrifice. The following compassionate statement is in loving memory of Ron Martin, fallen firefighter, written by myself, Kimberly Buchannon, with help from my mother, Betty Martin, and my sister, Lisa Martin, who are both in the first row to my left.

One of the proudest days in our lives was the day my father, Ron Martin, retired as captain from the Winnipeg Fire Department. After 30 years of saving lives, homes, businesses and helping to keep our community safe, in January 2002, my father was home safe.

* (19:00)

Retired at 53, he had never been seriously burned in a fire, but if the fire doesn't kill you, the smoke will. Like all firefighters, he was exposed to deadly carcinogens. Our homes are filled with these cancer-causing agents found in simple items such as particle board, insulation, all purpose cleaner, cat litter, paint, weed killer and even moth balls. PBDE, a fire retardant is a persistent toxin used in the making of computers, TVs, mattresses and even couch cushions.

For 30 years, my father dedicated his life to saving others and sacrificed his health in doing so. He suffered with acid reflux for many years, and in less than two years after retiring he was diagnosed with esophageal cancer. Dr. Helmut Unruh operated on my father December 23rd, '03, removing most of his esophagus and the tumours that were spreading. There was only one inch of his esophagus they left in order for Dr. Unruh to stretch his stomach up and reattach it close to his throat.

Out of 24 biopsies that were taken, 16 were malignant. He was cut open from front to back, and it took 76 staples to sew his body back together. We

spent days and nights over that holiday season in the hospital with him. And while recovering in HSC, on January 1st, '04, he suffered a massive heart attack and was taken by ambulance to St. Boniface. Unconscious, the doctors continued to resuscitate him, and he was finally revived after the fifth attempt. Then sent back to HSC, he was in intensive care unit for a few days. By mid-January, he was released from HSC and sent home.

My father was an extremely strong-willed man, and it is amazing to think of the amount of pain he endured in those few weeks. We thought he would heal from the surgery and live for years, and we were wrong. On March 9th, 2004, my father entered palliative care at the Beausejour Hospital as the cancer had spread to his brain. He began to slip away at an alarming pace. For the last few days of his life, he was in a catatonic state, yet, my mother tried her best to maintain my father's dignity by ensuring he was clean and shaven. One morning, as she turned his face to shave him, we noticed tears rolling down his face. We could now physically see more tumours growing on his neck and chest and throughout his body. No longer able to speak or move, he could only cry from the overwhelming pain he was feeling, and all we could do was hope that he would not have to suffer for much longer.

I wish that none of you ever have to go through the agony of watching someone you love with all your heart have their body and mind taken over by cancer.

My father died March 30th, 2004, leaving behind his wife, who was his best friend, two daughters, two grandsons, two sons-in-law and his father. I hope to have children of my own one day, and it makes me incredibly sad to think that they will never know their grandfather, our hero. His loving memory will forever be in our hearts.

Madam Chairperson: Thank you.

Ms. Allan: Kimberley, thank you very much for being here this evening, and thank you very much for sharing his story, and I just wanted to express my deepest regret for your loss.

Ms. Buchanan: Thank you very much.

Mrs. Taillieu: Thank you very much. I can hardly trust my voice right now, but thanks for coming and sharing that with us.

Ms. Buchanan: Thank you.

Mr. Lamoureux: Madam Chair, I, too, just want to echo the same sentence and give my condolences and recognizing that you have your mother and your sister here, and it's nice to see the association and the union bringing forward a valid—valid cause. And I'm sure that your father played a critical role in what it is that we have here today. It's nice to see your physical presence as we pass this thing through committee.

Ms. Buchanan: Thank you.

Madam Chairperson: Thank you very much for your presentation.

Ms. Buchanan: Thank you.

Bill 3—The Forest Amendment Act

Madam Chairperson: We will now commence with Bill No. 3, and we will deal with the out-of-town presenters first. So I will now call upon Lawrence Anderson Feilberg, Kurian Lumber—pardon me, Kurian Forest Products.

Is Mr. Feilberg present?

Floor Comment: Feilberg.

Madam Chairperson: Feilberg? If Mr., Mr. Feilberg is not present, then his name will drop to the bottom of the list.

I will now call on Ward Perchuk, Spruce Products Limited.

Do you have some written materials to distribute?

Mr. Ward Perchuk (Spruce Products Ltd.): Yes, I do.

Madam Chairperson: Thank you. Please begin your presentation.

Mr. Perchuk: Thank you. I'm here to speak today on Bill 3. I am the president of Spruce Products Ltd. in Swan River, and I'm also chairman of the Forest Industry Association of Manitoba. We have, we have two concerns of Bill 3: No 1, banning logging in provincial parks; and No. 2, the proposed fine structure under that bill. I'll touch on banning, banning logging in provincial parks first.

Logging and harvesting as it's—we refer to it as, can, in fact, improve forest health and forest fire resistance. The boreal forest is a disturbance forest. So without man's intervention, that forest normally regenerates through fire. And now that we are present in the forest, we're developing things like

provincial parks over the years, we have cottages, campgrounds. Of course, we have to protect those values, and the Province does an excellent job of fire suppression within our forests in Manitoba. But by doing that, we're taking an important part of our ecosystem out of the, out of the equation, and that is fire.

So now that, that fire is largely controlled and we don't see very large fires in this province, we can use harvesting to mimic the effects of fire, and that has been proven in numerous jurisdictions. So, without, without fire in the long term—like certainly this will not happen in the short term—in the long term, we will see overmature forests that'll be susceptible to disease and insects and, and ultimately uncontrollable fires which could damage the values I spoke of earlier.

So, simply putting a fence around our parks and saying, no, we're not going to have any logging, is not a sound management practice, and, and I think even if you were to query the, the people of the, the branch of Manitoba Conservation, the Forestry branch, they—I think they would certainly agree with that statement.

So, in, in that regard, you know, I, I, I am a cottager within a provincial park myself and I have no concerns of harvesting. It's tightly regulated. Conservation does an excellent job. There's, there's not a, a single tree that's cut without, you know, ex—a large number of, of approvals and, and regulations in, in place.

Would you like to question me on that part before I move on to the fines or just go forward?

Madam Chairperson: Continue and finish your presentation.

Mr. Perchuk: Okay. In regards to the, fine structure, there are some fairly large fines being proposed, some as high as \$500,000, and we don't have an issue of that per se, but, but we wanna ensure is that, I, I cannot dream of a situation in this province where any actions that would justify a fine of \$500,000 has ever occurred. But what we wanna ensure is that somehow, if, if that is going to be in place, that there's a, a very trained person—like I would say, let the director of Forestry be the final call, like make these fines administrative in nature because for us to find ourselves in front of a, a rookie natural resource officer and perhaps, the wrong judge, you know, a small infraction could become a thing that could possibly put a company out of

business. So that's our only concern there. We're not opposing the levels, but how they—how they're applied and how they're levied in the end, that needs to be addressed.

Madam Chairperson: Thank you.

* (19:10)

Mrs. Heather Stefanson (Tuxedo): Thank you very much and thank you, Ward, for your presentation today, and thank you for, for coming into Winnipeg to give this tonight.

I wanted to ask, I know that you sort of wear two hats and you're here on behalf of Spruce Products Ltd. tonight, but I know you're also the head of the Forest Industry Association of Manitoba. And I'm wondering if you could give us an indication as to what kind of consultation took place with your organization as well as with you as the president of—someone who is obviously a stakeholder within the community with respect to this bill. What kind of consultation took place with you and your organizations before this legislation came forward?

Mr. Perchuk: There was no consultation with the Forest Industry Association.

Mrs. Stefanson: And that, yes again, that very much concerns me as a stakeholder from two perspectives in this as well, and I just want to thank you for coming forward tonight for bringing your views forward. And I'm just wondering if there's anything that you can add just from—maybe not from the association's side but as the head of Spruce Products. Is there anything about your organization—how many employees do you have within your organization and do you think this will have a negative impact on your business?

Mr. Perchuk: Our company or all people involved in the forest industry in the mountain forest section, and I'm speaking in particular those that would harvest wood in the Duck Mountain Provincial Park are very fortunate because, as you know, the act excludes the Duck Mountain Provincial Park, and I believe the minister did that because simply there was no options. There's no other place for us to find the timber, but, you know, from other members of the Forest Industry Association in other parts of the province, they've certainly expressed concerns to me that this is going to impact their livelihoods.

Hon. Stan Struthers (Minister of Conservation): Thank you very much, Ward, for your presentation.

I always look forward to getting up in the Swan River area, my hometown, and especially sitting down with you and Dick Walker [*phonetic*] and others on a number of occasions to talk about these sorts of policies, the kinds of things that we need to be discussing in the forest industry.

I take great interest in what you're saying in terms of defining structure and trying to, trying to put in place a fair system that will, first and foremost, protect our forests but also not be the kind of a punitive approach that would justify what you've said earlier, but I do have a question.

Part of the clause—part of the bill is a clause that sets aside our ability to make decisions in our parks to get quickly to areas that are infested with pests of one sort or another. I take it you approve of that approach within this, within this bill?

Mr. Perchuk: Yes, very much, honourable minister. I think that's an excellent approach. I just hope it doesn't get into a bureaucratic system that will take, you know, far too long to gain the approvals because when these sort of things are—the mountain pine beetle in B.C. Look what it's done to B.C., and that's a clear example of this type of legislation getting out of control. I agree with you, Stan, that's very appropriate.

Madam Chairperson: Any further questions? Seeing none, thank you very much for your presentation.

Mr. Perchuk: Thank you.

Madam Chairperson: I will now call on Wade Cable, Louisiana-Pacific Canada. Do you have some materials to distribute?

Mr. Wade Cable (Louisiana-Pacific Canada Ltd.): No, I do not.

Madam Chairperson: Then please begin your presentation.

Mr. Cable: Thank you for allowing me to present to you this evening. My name is Wade Cable and I represent Louisiana-Pacific in Swan River, Manitoba.

So L-P, in general, is supportive of many of the proposed changes within the bill, such as tighter legislation for illegal logging; increased authority to officers to inspect timber products and documentation; the market-based dues system, allowing for forest renewal to be conducted by third parties, licensees and quota holders; and the implementation

of a forest management fee, and all of these changes are going to help the province and the industry as we grow.

So the change that L-P is struggling with is section 37 dealing with offences. So we question the need for these changes and, as far as I'm aware, the level of compliance to The Forest Act is very good. I would have expected penalties to be increasing if laws were being broken due to lack of consequence. I don't see this as the case, so it leads me to ask: What is driving the move to make these changes?

The proposed changes to The Forest Act offence section appear to be far greater than in all but one province. So while I'll peek and support appropriate increases in penalties, there are several procedural differences between Manitoba and these other provinces.

In British Columbia, for example, even though the fines are higher and imprisonment is available as a penalty, there are also procedures and processes in place that allow the industry the ability to make the decisions knowing what the implications of them are. Also within the province of B.C. they use forestry staff to work through the fine process, and, again, if the company disagrees with the verdict on the case, there is an appeal system that is outside of the judiciary process as well.

So we believe that there are some gaps with respect to enforcement procedures, processes, that need to be addressed to allow Manitoba businesses security that the proposed changes will be enforced consistently, and a real concern is how the act will be enforced. Currently, many of the regulations contain wording that can be inconsistently applied. So a solution may be for the Province to have timber inspections conducted by Forestry branch staff rather than natural resource officers.

The risk on the industry side is increasing and we at L-P expect the ambiguity and uncertainty contained within the regulations will be taken out as well.

Just to speak to the industry with independent certification schemes such as SFI, CSA and FSC, standard operating procedures, professional logger status, the industry is changing, and public consultation, openness, we're all making that move to be more open in our processes, so that's why we see the changes to the offences act, offences portion of Bill 3, as a concern, what's driving those. And so, I mean, we would like to see a realistic level that

includes clear procedures to allow everybody the ability to make the best possible decisions. Thank you.

Madam Chairperson: Thank you for the presentation. Does the committee have any questions?

Mr. Struthers: Yeah, I—thank you for coming and presenting to us. I note that you've—the main part of your presentation kind of picked up where Ward left off in terms of some suggestions in terms of how to better do the fine and set up a different structure. What you're suggesting is something more administrative rather than court led or the path down to courts.

I'm not aware that the court system has gone the maximum in terms of fines that have been levied against any of the forestry companies. Am I correct in that? And does that not give you some comfort that, that, that maybe there's not as much to worry about as what you're suggesting?

Mr. Cable: Yeah, that is absolutely correct. I mean, we have never received the maximum fine, but, however, the potential is there, and not knowing what would drive that potential fine to take place is what is really the uncertainty for the industry.

Mrs. Stefanson: Thanks very much for your presentation this evening, and just a quick question for you. Is this the first opportunity you've had to bring these issues forward with the government, or was there a consultation process that took place that included you at some point along the way?

Mr. Cable: I wouldn't say a consultation as such. I was aware of many of the changes that were within the act but, no, not a consultation.

Mr. Kevin Lamoureux (Inkster): I just heard you say, not a consultation. Would that then imply that you were just, in essence, told this is what's going to be happening and it was just kind of left at that?

Mr. Cable: Yeah, that's correct.

Madam Chairperson: Thank you. Seeing no further questions, thank you for your presentation.

I will now call on Doug Hunt, Tolko Industries.

Do you have some materials to distribute?

Mr. Doug Hunt (Tolko Industries Ltd.): Yes.

* (19:20)

Madam Chairperson: Thank you

Please commence with your presentation.

Mr. Hunt: Thank you. My name is Doug Hunt and I'm the woodlands manager with Tolko Manitoba operation, based in The Pas. Tolko Industries is a privately owned forest products company with manufacturing facilities in British Columbia, Alberta, Saskatchewan and Manitoba, and the corporate office is located in Vernon, B.C.

In Manitoba, Tolko has two mills in The Pas. One is a random length sawmill and the other is a kraft paper mill. The two mills consume about 1.2 million cubic metres on an annual basis, and employ about 700 people directly. My responsibility's to supply those two mills with wood on a regular basis.

One unique thing about our woodlands operation is that we do not own any equipment. All the equipment is contracted out to independent contractors. The contract work includes the harvesting, forest renewal, field surveys. We do have a small staff of foresters and technicians to, to manage these contractors, and we have a contract work force located in the small communities, such as Wabowden, Cranberry Portage, Moose Lake, Grand Rapids, Easterville and The Pas. And several of these contractors—several of the larger ones are First Nations.

My main concern with the forest act—forest amendment act—is with respect to the, the offences and the fines.

At Tolko, we don't intend to contravene a practice, but if it occurs there should be some assessment of the risk, the order of magnitude of the penalty and the appropriate due diligence for the defence of the contravention.

My experience indicates most, if not all infractions are minor in nature; i.e., there's no impact on the environment. But if they end up in court, there's a good chance they could be perceived as major. I don't believe the court system has the time or the understanding of forestry to do an adequate job of handling an infraction that has no impact on the environment.

Tolko recommends a process where the fractions, or the majority of the fractions, the minor ones, should be handled outside the court system, and we recommend that they should be handled by a, an independent third-party person who is knowledgeable about forestry.

B.C., Alberta and Saskatchewan and Ontario have all set up an administrative penalty process that allows most infractions to be dealt with outside the court system. Saskatchewan, Alberta and B.C. have also implemented a results-based environmental regulatory system where the government and industry personnel work collaboratively, are accountable and have a clear distinction that's made between administrative and environmental oversight.

I've handed one handout there with respect to the—what's going on in Saskatchewan. They've, they've just started into their administrative review process, and that's just a, an excerpt from a publication that just came out recently, and they're, they're going down the road to handling their administration process with a third party.

Some other things on, on the bullets here I've handed out. Most companies, for instance, Tolko, we're—we've been certified to ISO 14001 which is an environmental management system. And it's a, you know, system that, that ensures that we have policies and practices in place to improve the environmental performance of our operations. And if we do have an incident, that system is designed to improve the situation where you develop improved practices.

So that's everything for my presentation.

Madam Chairperson: Thank you very much. Are there questions from the committee members?

Mrs. Stefanson: Thank you very much for your presentation this evening. And I gather there were probably some discussions that, that you had and perhaps some consultation, or a little bit before hand of this. I just wonder what—how—to what extent the discussions or if there were any discussions or consultations before hand. As we understand, there was some compensation for your organization and if you could just tell us what that was or if, if any, I guess, at this point.

Mr. Hunt: There was some discussions on certain aspects but generally there was, there was—we saw the final product after it was put out.

Mrs. Stefanson: So there was very limited consultation before hand. I mean, it was—would you say that they sort of came to you with this is what we will be doing and, you know, how are you going to live with it, kind of thing? And how do you think, how is this going to affect your organization within—and your employees within Manitoba?

Mr. Hunt: Yes, there wasn't a lot of consultation and like I say, we're, we're a—the offences are our main concern with this legislation.

Mr. Struthers: Yes, I think we need to be specific both in the case of Tolko and in Louisiana-Pacific.

The meetings that we had were in terms of the, the logging in parks question where there was consultation that took place. And, what you seem to be keying in on, is the, the structure in terms of, of fines, which I'm very interested in.

Are you, are you—is your proposal that, that the more egregious of the actions, contraventions would be still handled in the courts and the more minor infractions would be handled through some type of administrative body? Or would you—are you proposing that they all end up in the administrative stream?

Mr. Hunt: Yes, no, I believe there's probably a fine, you know, there's a cut off where obviously some need to go to court. I don't think that should happen very often. I've been in this business about 35 years and I just can't recall, you know, one that should go to court now. I personally have gone to court on, on a number of these things and—which were minor in nature.

Mr. Struthers: Just quickly then. What, what kind of an infraction? Like, what specific—what would it be that would end up be—you would consider major? What, what actual kind of action out in the forest? What kind of an infraction would be a major one as opposed to a minor one? Can you give us examples of that?

Mr. Hunt: Pro—I would say a major one would be probably a major water course where you're pushing foreign material into the water and that nature and you could be, you know, taking away some fish habitat. A minor one might be cutting some trees in a buffer zone where the operator didn't see the flagging, you know, in the middle of the night or something and he went across the buffer zone. I would call that minor.

Madam Chairperson: Thank you. Seeing no further questions. Thanks for your presentation.

I will now call on Grant Kurian, Grant Kurian Trucking Ltd.

Do you have some materials for distribution?

Mr. Grant Kurian (Grant Kurian Trucking Ltd.): No, ma'am.

Madam Chairperson: Then please proceed.

Mr. Kurian: Good evening, ladies and gentlemen. My name is Grant Kurian. I'm a third-generation logger. I've been in the logging industry for 38 years. Plus my children are employees in the forest industry as well. I'm the owner of Grant Kurian Trucking Ltd., employing 20 full-time and 10 to 15 part-time employees.

* (19:30)

I am wondering why we're having this hearing. I was under the impression that we had a chance to share knowledge and, hopefully, some understanding of what the bush business is about. And I heard about this on the—that the bill was coming through—over the radios. And being in business for this long, and being in the southeast corner of Manitoba employing a number of people for a number of years, and being a reputable operation trying to fulfil all guidelines that are set before us which are pretty extreme.

The gentlemen before us—before myself—were saying the different certifications that the mills have to get, and it's not just the mills. It comes right down to the contractors. And what that means is we have to abide by certain rules and regulations, and those rules and regulations are not small. I'm filling out a book right now this thick for SWOs. SWO, it's called Safe Work Ontario, and we have to abide by so many rules and regulations.

So I'm just—I would like to emphasize this fact that we don't just go into the bush and knock down trees and, you know, pay no attention.

So I was under the impression that hearings like this were to glean knowledge and understanding for our government leaders to make good and proper policies, decisions and laws. But, after listening to CJOB in March, I heard Mr. Struthers say to the public, there will be no more logging in Manitoba parks, period. And on another occasion I approached an MLA to discuss logging in the parks, and the MLA said to me, there is nothing to discuss; it's done.

I feel and can prove that the bill to ban logging in Manitoba parks is totally wrong and not environmentally friendly. The forest industry in Manitoba has been around since the pioneers came to Manitoba. The forest industry has come a long way

to making sure our forests are and will continue to be sustainable forests.

Industry pays Manitoba Conservation \$6.69 a cubic metre to reseed the harvested-out forests, replacing the mature forests with a young, vibrant, healthy forest. A young forest cleans our air while an over-mature forest pollutes our air, emitting carbon dioxide. Also, an over-mature forest is more susceptible to tree-killing bugs, fire and blow-down.

Banning logging in the Manitoba parks also will contribute a—well, banning logging in the Manitoba parks will take a sustainable forest and possibly make it become a non-sustainable forest, the reason being, in the last number of years, more and more of our Manitoba forests have been banned—have been logging due to national reserves being created, traditional Native lands being in dispute; numerous groups, lobby groups, supporting birds, animals, critters, spiders, snakes locking up land.

And, in short, what I'm saying is the pie in Manitoba was a nice, whole-sized pie where it was very sustainable forest and we could work amongst all the rules, regulations and lobbyists and environmental groups. And now that pie has gotten so small that, the way I understand the industry, you are now taking something that was sustainable and making it unsustainable. Thank you.

Madam Chairperson: Thank you for your presentation.

Mrs. Stefanson: Thank you again very much for your presentation, and I think my question is going to be somewhat redundant.

You did mention earlier that you sort of heard about this on the radio, and it sort of begs that, you know, the question as to whether or not you believe there was enough proper consultation out there about this issue and dialogue out there with respect to this legislation before it was brought forward here.

Mr. Kurian: No, there was no consultation on behalf of the Southeast Quota Holders Association which I belong to. They're the association in the southeast corner here. As I said earlier, we heard about it. I heard about it on the radio and found out later that there was some talks with certain companies in regards to setting up some deals, and, really, I think it was, it was done very disrespectfully to the industry itself.

Like I says, we do have some knowledge and understanding about the bush. When you live in it

most of your life, you, you glean this stuff, and, and it sure would have been nice for the government to come and approach the different organizations and say, what do you think about this? What is—what impact is this going to have on you? Like, the impact on my company is, basically, you're forcing the logging industry out of Manitoba with your new legislation.

Mr. Blaine Pedersen (Carman): I was just wondering if you give us a few number, how many people your company employs and, and with this bill going through, what happens to your company?

Mr. Kurian: Year-round I employ about 20 and during the winter we add another 10 to 15 employees.

This, this is going to be a big impact because Manitoba, for instance, is going ahead with this—and like I'm saying, in the southeast corner, I can't speak for Tolko, L-P, Spruce Products in their corner. If they have a nice forest there that is going to be a sustainable forest for the next number of years, that's just great.

But in the southeast corner here, Conservation has, has—when, whenever we have our meetings, Conservation comes to, to, to the meetings and we ask them, okay, we're cutting—I'm going to use a figure—we're cutting 500,000 cubic metres in the southeast corner a year. Can we get some more? And they say, no, there's no more, no more wood to get, you guys are cutting it, it's—we can't go any more, otherwise it'll no longer be a sustainable forest.

All of a sudden, a company wanted to move into Manitoba and Conservation came up with a bunch of numbers. All of a sudden, the numbers grew from—and again, don't quote the numbers, but—from 500,000 to 1.2 million cubic metres in the area. And we're—being in, in the area, we're saying, where is this wood? We know that there's more than 500,000 that we could cut every year and this could maintain a sustainable forest, but 1.2 million?

So I, I really—I don't appreciate the way this is being treated by the government. This is, this is very important. Logging industry across Canada doesn't get much publicity other than the bad words like clearcutting, those dirty rotten loggers, so on and so forth. And it's too bad because the industry in Canada is big and Canada is losing this industry. We've lost approximately 250 mills in North America in the last three years. We've lost approximately 67,000 jobs in Canada in the last three

years. Now, anybody who doesn't realize that this is big—like I said, it saddens my heart because this industry has been going on right from—my kids are in this, there—that's four generations, so yeah, is this going to impact us? Absolutely, because we're headed on the way out.

There's no balance anymore. We want rules and regulations, but we don't want to be ruled and regulated out of the province, which—that's what's happening.

Mr. Struthers: Thanks for your advice. Thanks for coming in tonight and sharing it with us.

I want to, I want to begin by, by thanking you for your co-operation in working with our regional staff to, to find alternative wood sources outside of the parks that a number of companies in the southeast were working in who, who did move—not out of the province, but, but—out of the, the parks in the area. I, I want to congratulate you on working with us to find those alternatives and to find that replacement, because what we did not want to do is have layoffs of people and hardships for, for local companies as—such as yours. So thanks for working with us on that.

I, I am very interested in what you have said about the, about the health of the forest within the park and our ability to move quickly, as somebody—I think it was Ward Perchuk—said earlier, to, to, to retain the, the decision-making ability to move into a park, if need be, to control a pest or, or another, you know, act of Mother Nature that we need to, that we need to be concerned about. I take it from your comments that you support that part of our legislation. I understand that your concerns with the rest of it, but I'm very worried that we maintain an ability to protect those forests. I, I would, I would take it you support at least that part of our, of our Bill 3.

* (19:40)

Mr. Kurian: Yes, I do.

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

I will know call on Roberta Kurian, Seer Logging Incorporated.

Mr. Vice-Chairperson in the Chair.

Mr. Vice-Chairperson: Do you have a written copy of your presentation, madam?

Ms. Roberta Kurian (Seer Logging Inc.) No, only oral.

Mr. Vice-Chairperson: You may proceed.

Ms. Kurian: Thank you. I'd like start with a letter that I distributed to Premier Gary Doer and every MP of the province and Canada.

It is with deep regret I write this letter, deep regret for the disregard a government that thought nothing of an important industry and the people who work in it, treating them as an afterthought in a life-changing decision; deep regret for government prejudice against our logging industry; deep regret for destructive and harmful public comments spoken by our Premier.

I am the owner of a logging company in southeastern Manitoba. At present we are working in the White—Whiteshell Provincial Park at the request of the Conservation Department and the present government to help with the ongoing clean-up caused by last spring's horrific windstorm. Have you had a chance to look at the damage caused not by logging or loggers haphazardly cutting trees down near picnic areas but by an incredible force of nature?

Making roads into the damaged areas have cost my company well over \$200,000. We have also enlarged trails used by snowmobile clubs all at our own cost. We hire 25 to 35 trained harvest technicians. Working in the clean-up areas is far more difficult and dangerous than regular timber harvesting. The companies that haul our chips, that's the product created from whole trees, employ 40 people. We have hauled smaller loads because of the poor road conditions and restrictions. This has caused a marked increase in our fuel consumption.

Just over three years ago we helped with the clean-up of the Sandilands Provincial Forest, also hit by a dramatic windstorm, at the government's request. In order to speed up this process, we even graded the road every second day at own expense, ensuring the quick movement of product.

We are presently in St. Labre, Sandilands forest, chipping pine ravaged by fire caused by a recreational off-road vehicle. I wonder how many environmental studies have been issued in regards to the loss of property, lives and endangered species that could have happened if logging companies had not dropped other areas of work to aid in the clean-up of these disasters.

Of course, we benefit as a company, as do our employees, the banks, the retail industry, both provincial-federal tax departments from our work. This year I will be paying payroll tax as well. We have invested millions of dollars to aid in the emergency clean-up by purchasing more equipment. In the next disaster, will there be any logging companies left for Manitoba's government to call on?

Let me tell you some of the costs of being a logging company—consistent damage to our reputation by even our own leader of Manitoba. I've walked down school hallways, viewed the pictures drawn by children depicting logging as some sort of destructive environmental monster. It seems people—they feel have a right to destroy our property. After all, we're only loggers.

In the past six weeks arson to a machine that will cost over a million dollars to replace, if we could; graffiti painted on our heavy equipment with a beautiful shade of pink; destruction of camp heaters and cords causing power to be cut; theft even of our environmentally friendly outhouse; theft of timber pulled out of sites; theft of tools, batteries, fuel. We are in constant need of security personnel. By the way, this spring we passed tree planters replanting an area we had cleaned up in the Whiteshell Provincial Park. They were noted as saying how impressed they were at the job we did.

The comments Premier Gary Doer made by you on November 21st at the meeting with Tembec, Tolko, environmental agencies and the media probably cut the deepest. I am appalled at the lack of respect and the pre-judicial attitudes of degenerations of extremely hardworking individuals called loggers. My great-grandfather came from Finland in 1919, starting a logging company which employed both residents and newly-arriving immigrants. I still live in that same town he lived in and harvest timber in some of the same areas he harvested in, albeit with different machinery—as do my sons—five generations. Could this be sustainable forestry practice or an entrenched practice of decades quoted by Conservation Minister Stan Struthers, speaking of the amount of work it has taken to put a stop to logging in the parks.

Quote from the *Winnipeg Free Press*: A park is a park is a park and you should be able to go and have a picnic without a tree falling down. Please see enclosed pictures of fallen trees culled by the latest windstorm, not a logger. Please—I have the unlimited joy of constantly being harassed to fill out Statistic

Canada questionnaires. I've never been asked how many trees our company has dropped on picnickers. I have also never been instructed to fill in an answer of how many picnic tables we regularly destroy in our line of work. What an outlandish and hurtful comment. It seems you would not only happily destroy our industry, but publicly humiliate us as well. Dear sir, please tell me how I should explain to my employees as well as the trucking companies, this comment and the lack of regard shown to the long hours spent working at this clean-up?

Will there be enough employment insurance to cover another area p—area with 80 people laid off? There will probably be many more if we have such a major layoff, since we are one of the biggest customers in our local credit union and fuel co-op and support many local retailers. I've received many encouraging phone calls after people read the *Free Press*. People have nothing to do—that have nothing to do with our industry are disgusted with your comments, sir. It certainly doesn't make up for what has transpired, but it helps.

Question: where does it go from here and which industry do you hit next?

My concern with Bill No. 3 or 13 with the banning of all logging in so many of our provincial parks is the waste of a renewable natural resource. As logging companies, we pay dues to harvest every tree for replanting.

Trees have to be harvested. Old trees succumb easier to insect infestation, fire and wind. As seen in the 2'06 blow down in the Sandilands Provincial Forest, the unbelievable loss of the July 2'07 windstorm in the Whiteshell Provincial Park and the 2'08 fire in the Sandilands forest.

The older the tree, the more likely it will fall, resulting in unharvestable forests becoming carbon dio—dioxide emitters, rather than the filters that the forest needs. This will further speed the destruction of more forests and harm the environment. There has been a lot of dialogue in regards to biomass and wood fibre being used as a viable energy source. Bill C-150 was just passed in Ontario, the green energy act promoting forests as hydro generators. What will the Manitoba government do with the massive remains of fibre in this wind-destroyed forest that still needs clearing?

The fire danger in the Whiteshell Provincial Park is horrific. This clean-up is far from complete, yet the Manitoba government and environmental groups

are proclaiming victory. New trees in unharvested areas will have a difficult time to regenerate because of the excessive amount of leftover windfall. The vast amount of rotting debris will be producing incredible amounts of carbon dioxide, endangering wildlife and the climate.

Instead of this wood fibre being processed and used for energy, it is being neglected. With the mills closing at alarming rates, logging as, as a viable energy resource needs to be looked at more seriously. Change is supposed to be a progressive and beneficial, yet this bill would be detrimental to our province.

Thank you.

Mr. Vice-Chairperson: Thank you, Ms. Kurian.

Questions?

Mrs. Stefanson: Thank you very much for your presentation this evening and wondering if you can indicate how many employees that your organization employs.

Floor Comment: I had 43. Today I made out cheques—

Mr. Vice-Chairperson: Ms. Kurian.

Ms. Kurian: Oh, sorry—for six.

Mrs. Stefanson: Sorry. Could you repeat that?

Ms. Kurian: This winter I had 43; today, I made out paycheques for six.

Mrs. Stefanson: Are you concerned—you're obviously must be very concerned about the lack of consultation that has taken place to let people like you and your organization, you know or to talk to you and your organization about the future of logging in, in Manitoba. Are you concerned about that lack of consultation, what that could lead to and the lack of, of consistency when it comes to logging policy in the province?

Ms. Kurian: Yes, I am very concerned. With all the letters I wrote, I did receive three back, one from the Honourable Stan Struthers. Thank you.

Mr. Lamoureux: Did you actually get a response from the Premier (Mr. Doer)?

Ms. Kurian: No, I didn't.

* (19:50)

Mr. Lamoureux: Whether it's yourself or a couple of other presenters, do appreciate the fact that it's

been very educational for myself to hear some first-hand experience. And I see in your facial expressions and so forth some very passion for the industry and I see that there has been a lot of harm through, mainly, misinformation about a valuable industry that does have a place here in the province of Manitoba, and just wanted to emphasize, whether it's for yourself or previous speakers, drawing the issue first-hand to our attention in terms of the ban in public parks. It is something in which I know on a personal—we'll look more into, and appreciate the fact that you took the time to come here this evening to make your presentation, including the other members from your industry. Thank you.

Ms. Kurian: Thank you.

Mr. Struthers: Thanks. Thanks, Ms. Kurian, for coming out tonight. I also want to—I want to begin by commending your company for the work that you have done in the, in the area of the blow—the '07 blow-down, and also the blow-down at the Sandilands. I think that does help all of us to understand the one part of this bill that we do, that we do, I think, take very seriously, and that is to be able to respond to those kinds of events, whether they be blow-downs or pest events that create a whole lot of kindling for a big fire. And we know, especially in that part of the province with cottages bigger than any house that I'll ever own, I think, dispersed amongst that, that wood. So I want to congratulate and your company for your work there.

I'm interested in what you said about having—in the winter you had 40 employees. Today you have six. Is that because you can only cut when it's frozen conditions and that next winter when you're back up and running again you'll have 40 staff again, or is that because we, worked with you to move from the provincial park to an area where you have the same amount of fibre? I don't understand exactly what you were saying there.

Ms. Kurian: No, sir, it's not because we can only cut in winter. We cut year round and those employees were full-time employees. It's not because we have been taken out of the park. To some degree it is. We wouldn't be hauling because of restrictions or working because of restrictions. It's because of the mill closures.

Mr. Struthers: Yes, and, and that's my point. I mean, I think what we need to do is be able to deal very, very directly with the data that we have in front of us, and we have to make sure we're operating on data that is reflective of the landscape.

There will always be seasonal ups and downs. We are very much in an area right now worldwide where there's, where there's a lot of mills across North America that are really very much under a lot of pressure. We've seen a lot of closures everywhere. To a certain extent in Manitoba, I think you'd agree with me, we have dodged a bit a bullet on this, and haven't been hit nearly as hard as other areas.

We, we want, we want to value logging in this, in this province. We want to make decisions that are good for all public policy, including what we believe is a good public policy of removing logging from parks, and we don't want that to be a negative reflection on your industry. And we want to work with you to be able to get that message out there.

But we don't want—what I don't want to have happen is to have the worldwide downturn in the economy get all the—I don't want our provincial logging in parks policy to get all the blame for a worldwide downturn in the economy. That's my point and I, and I hope you agree with me on that.

Ms. Kurian: I do to some degree, but my concern was with all of the unfinished business in the park.

Mr. Vice-Chairperson: Time has expired. Thank you for your presentation, ma'am.

Ms. Kurian: Thank you.

Mr. Vice-Chairperson: Call Mr. Marvin Hovorka of J. Hovorka and Sons Ltd.

Mr. Hovorka, I see you have a written copy of your presentation.

Mr. Marvin Hovorka (J. Hovorka and Sons Ltd.): Yes, I do, Mr. Chairman.

There's, I believe, only—I think I counted 18 instead of 20.

Mr. Vice-Chairperson: Okay. The Clerk will distribute them. You may begin.

Mr. Hovorka: You'll have to excuse the handwritten copies. They make for interesting reading, but I won't tell you the story behind it all and why that happened.

My name is Marvin Hovorka, owner in J. Hovorka and Sons Ltd. of Sprague, Manitoba. We're a third-generation logging, sawmill and wood production corporation, pulling wood quota in private woodlands. We have experienced considerable changes in the timber industry over the

past 50 years, and we're prepared to meet present and future challenges.

Bill 13, The Forest Amendment Act, is overdue with some exceptions. It is in the provincial interest to review and establish policy that guides sustainable forest use in the province. The exceptions we are concerned with are the lack of public consultation and specific amendments.

I support the use of Manitoba forest resources through sustainable forest management practices, but I do not support the ban of commercial logging in the provincial parks, section 15.1(1) and (2), as this will ultimately lead to an unhealthy forest, a resource strain on the forest management units, FMU 20 and 23, in my particular region, annual allowable cuts, or AAC, specifically softwood resource, and the economic, social and financial sustainable—sustainability of the industry.

Section 37(4) and 37(5), penalties for individuals and corporations, represent to us an oppressive, draconian levy that discriminates between individuals and corporations, both small, individually created and large multi-nationals. Many small corporations are family owned, rural operations, which we represent.

Section 15.1(4), definition: commercial timber cutting right. The Forest Amendment Act and The Provincial Park Act, in essence, recognize the need to permit logging in the parks in instances of forest fires, forest pest-disease control, forest rehabilitation, ecosystem preservation, forest research, but they fail to mention acts of God, i.e. windstorms, tornadoes and conditions of that type, the very problem that brought about the withdrawal of cutting rights in the Whiteshell.

Clearcutting became a loathsome term in an environmentally sensitive and emotionally charged atmosphere. Therefore, it became politically incorrect to cut a tree in the provincial parks of Manitoba, but it's politically correct and astute to accept the views and assumptions and emotions of coalition-lobby groups without scientific, or scientific-based considerations of their consequences.

The 2009 review of the provincial land use policies, section 4(1) of The Planning Act deals with area 4, natural lands, renewable resources, heritage and recreation, speaks of goals and policies that protect and sustain renewable resources, such as

forestry, through sound management, harvesting practices and co-existence to protect everyone's interests. There is not any indication or attempt to protect parks from other uses such as gas, oil, mines, hydro-electric or logging without ensuring a land base that has a common sense, long-term balanced approach between development and conservation.

Prohibiting logging in provincial parks in accordance with section 15.1 of The Forest Amendment Act is a blatant contradiction of The Planning Act, provincial land use policies of section 4.

Withdrawing timber cutting rights from the parks and asking these same stakeholders to only participate in damage control in counter-is counter-productive, and whereas, a forest management plan exercising a harvest that could assist in control of the identified disasters would be a positive approach.

Now I ask you, would it not be better to develop a forest management plan for each provincial park, on individual unique issues that works to constructively address conservation and industry and the parks needs? I'll leave you with that question. Thank you.

Mr. Vice-Chairperson: Thank you, Mr. Hovorka. Questions?

Mrs. Stefanson: Thank you very much, Mr. Hovorka, for your presentation this evening, for being here tonight. You mentioned one of the, your problems is the lack of public consultation that's taken place with respect to this, this bill.

When was the first time that you heard about this legislation coming forward?

* (20:00)

Mr. Hovorka: I was informed by FIAM that this was, this was coming forward. I was concerned, also, because of the fact that in the land planning, they've had three, minimum of three, hearings in the province on the review of The Planning Act, regarding land use planning, that is. And it'd only seem appropriate that this type of communication should have existed as well.

Mr. Struthers: Thank you very much, Marvin, for your presentation. I want to follow-up on just the one, one thing that you, that you pointed out here. Not so much to follow-up with you but to follow-up with my staff to make sure that we've got it right, in terms of the, the section that, that—where we

maintain our authority to, to go into a park and deal with it whether it's a blow-down or a pest infestation of some kind.

I'll follow-up to make sure that we've covered our bases on that. I was concerned to, to read that in your, in your presentation so I'll double-check that. Thank you very much.

Mr. Lamoureux: You indicated, and I think probably fairly accurately, that it's politically incorrect now to cut a tree in a, in a provincial park, and then you make reference to science, and I think that maybe there is something that I'm missing here, but is there scientific evidence on either side of the issue whether it is good or bad, to do—to have trees cut down in, in provincial parks? Are you aware of any scientific reports on either side?

Mr. Hovorka: Yes, there—the, the point that is being made there is that, you know, to maintain a healthy forest, wherever that forest may be, whether it be parks or outside the parks, we have a obligation, I believe, as a government of the day to see that the forest is properly managed and harvested, if that be the case, if it need be.

And in the case of the, you know, the term "clearcutting," that is used so, so often and there's actually scientific, you know, evidence that if you're dealing with a aspen hardwood type of wood, for example, that the only way to get a regeneration, proper regeneration, because there's no planting involved in that type of operation, that it is to be clear-cut so that your soils, for example, get heated properly, so that your sappers from the roots system are able to reforestate very quickly, which they do.

But when someone sees a forest for the first time cleared, cleared of trees, they immediately aware of that where they happen to be, parks or outside the parks. They, they seem to be very disturbed about that but, in reality, it is the only to have regeneration take place, and it does take place very vigorously. And within a two-year period, you won't find a man's footprint in that particular area using machinery, whatever you may happen to use to harvest.

Mr. Lamoureux: So, then, it's safe to say, then, you personally believe that this bill is to the detriment of the, our forests in our parks.

Mr. Hovorka: Yes. In the parks situation, I mean, we're, we're, yes, we're speaking about the fact that there should be harvesting in the parks, and, but, I mean, again, management is very important, and that

has taken place in the past. During the '80s, due to the fact that the FML 20 and 23 were under stress conditions as far as softwood usage was concerned, we had, we were, we were allowed to have volume of wood, softwoods, transferred into the Whiteshell to offset that, that stress that was being placed on the forests of the eastern region, and when they saw to it that the—this was operated for about a period of 10 years, we saw that they felt that the balance was back in the main, in the forest areas of the eastern region, we were transferred out of the park with that volume. That was not—that was quota that was held outside of the region as in FML 20 and 22 for example.

During that period, it was taken into the—a percentage of it was put into the parks. We harvested there. We operated under the conditions that were in the parks and then moved on, but management was there on behalf of both the conservation side and the industry, and it, it worked very well.

Mr. Vice-Chairperson: The time for this presentation has expired. Thank you, sir.

Mr. Hovorka: Thank you. Thank you for your time.

Mr. Vice-Chairperson: Call Mr. Scott Spicer, CAO, R.M. of Whitemouth.

Mr. Spicer, sir, do you have any written copies of your presentation?

Mr. Scott Spicer (Rural Municipality of Whitemouth): I do.

Mr. Vice-Chairperson: You do. The Clerk's assistants will distribute them.

You may begin when you're ready, sir.

Mr. Spicer: The Rural Municipality of Whitemouth appreciates the opportunity to convey their views on Bill 3, The Forest Amendment Act.

The Rural Municipality of Whitemouth is presenting in opposition to Bill 3 in its present form for the following reasons: Passing of this act will give a negative impact on the economy of the R.M. of Whitemouth as well as eastern Manitoba. Two business operations in the R.M. will be affected. One business employs 13 full-time positions and 10 contract positions. The second business employs 40 full-time positions and 10 seasonal positions. The operators are fourth generation loggers, been there for four generations.

The act, if passed in present form, will change the viability of these operators by requiring longer travel, trees that will be allocated to them will be

smaller. There is a concern that quota allocations will not be available after a five-year period because of lack of trees. The R.M. is concerned that operators will either discontinue their operations or move to where the new tree allocations are.

Let us assume that each one of the full-time jobs alone makes about \$40,000 per year. That would constitute a two, \$2,120,000 leaving the local economy every year. In a municipality of 480 people this is a very big hit to the R.M. of Whitemouth.

Secondly, passing of this act will have a negative effect on municipal roads. With the loggers leaving a more concentrated area of trees and having to travel to smaller and more spread out areas, municipal roads will bear the brunt of more, heavier traffic. This will increase the burden of repairing roads on the local tax base.

The passing of the act will result in mature trees staying in parks and other areas elevating the level for fires or the fuel for fires. This is an issue as cottagers will have a larger fire threat to their cottages. The Province will have to ensure adequate protection and thus forestry will have to have more resources to fight larger fires that are harder control because there's more fuel there.

No. 4. Parks branch is now managing the forest in parks and Forestry branch manages forests outside of parks. It is our understanding that Parks branch does not have the expertise, have this expertise, thus even if loggers are allowed in parks to reduce fire threat and disease reduction the expertise is not there to accomplish this task correctly.

No. 5. Passing of the act in its present form does not allow logging in parks and will allow the minister to reduce the amount of forest logged outside of parks, thus this is another viability concern for operations.

No. 6. Most importantly, Bill 3 does not support environmental stewardship. Longer hauls on trucks adds to carbon footprint. Leaving mature trees adds, adds carbon to the atmosphere. Younger trees remove carbon from the atmosphere. Wildlife also like to forage on younger trees.

To summarize, the R.M. of Whitemouth objects to the passage of Bill 3 of The Forest Amendment Act for the following reasons: the impact on the economy; the impact on road networks; forest fire concerns; Parks branch managing provincial forests;

impact on viability of the logging industry; and impact on the environment and wildlife.

Thank you for your consideration.

* (20:10)

Mr. Vice-Chairperson: Thank you, Mr. Spicer.

Questions?

Mrs. Stefanson: Thank you very much for your presentation as well this evening.

And, coming from a rural municipality, I'm wondering if you could indicate if there was any consultation with your organization prior to this coming, coming forward, this legislation, if there was any discussions with respect to impact on your rural municipality.

Mr. Spicer: To begin with, we sent a letter to Minister Struthers and he did respond, and we also had a conference call with him. And it was a very frank discussion. We got a lot of information from him. And, also, in his letter, he suggested that we meet with the regional forester, so we did also do that. So we have had consultation. I guess we're not just not convinced.

Mrs. Stefanson: Did that—did your phone call or, or letter to the minister, was that prompted after the legislation was introduced or, or brought forward, or was that done prior to the legislation coming forward so that the consultation process would actually provide you with some input into the legislation before it came forward?

Mr. Spicer: I don't know if I can correctly answer that question. I went away on holidays and came back, and this was on my desk. But it started January 9th-ish and I believe we got our letter back from the minister on January 28th, so I believe first reading had already happened.

Mr. Lamoureux: In your summary, on the second page, you indicate to summarize, and point No. 6, the impact on the environment and wildlife, is it fair to say you're referring to it as being a negative impact on the environment and the wildlife, this bill?

Madam Chairperson in the Chair

Mr. Spicer: Well, I think what you've been hearing tonight, and I will reiterate, is, is that mature trees do not help the environment, young trees do. So, if you are allowed to deal with the mature, mature trees:

No. 1, you don't have a fire threat; No. 2, you don't have a blow-down issue; and No. 3, you have younger trees that are able to come back.

I drove down a municipal road last week and went by a piece of land that Mr. Kurian had cut the trees on three years ago, and the trees were four or five feet high already. Like the trees do not take a long time to come back, and we used to have—and there's actually still a moose draw in the Whiteshell area. I have a councillor that was drawn, went out and couldn't find one, and moose like new young growth. So that should tell you something right there.

Mr. Struthers: Yeah, thank you very much, Scott, for your presentation and, and your advice on January 9th through the 28th, as you, as you point out. I, I—in, in your presentation the one thing I do want to, I do want to address—it's just a statement rather than a question—your concern about the Forestry branch and Parks branch making decisions. When, when we make decisions it's, it—in our department it's on a regional integrated model. All of those folks would get together to, to talk about the plans that—whether it's a, a plan that's brought forward by a, a Tembec or a Tolko or a, or an L-P or quota holders, we, we have a process that is—that, that makes sure that Parks and, and Forestry and all of the people concerned, and even in other departments at times are, are, are at the table for those, for those kinds of discussions. So I don't want you to, to think that it would fall between the cracks somewhere.

I also—oh, I also just want to commend you for standing up for your community and being concerned about the impact that decisions that we make here have on your rural community. I admire that. I want you to know that we, we, we try every way and work with the companies involved to make sure that, that that is minimized and, and taken into account before we make these decisions. So thanks for your presentation tonight.

Madam Chairperson: Thank you very much for your presentation.

Mr. Spicer: Thank you.

Madam Chairperson: I will now call on Mary Granskou, Canadian Boreal Initiative .

Do you have some materials for us to distribute?

Ms. Mary Granskou (Canadian Boreal Initiative): I'm very sorry, I do not.

Madam Chairperson: Please commence your presentation.

Ms. Granskou: Good evening, Madam Chair, Vice-Chair and members of the committee. I'm delighted to be here tonight to present on Bill 3, but largely what we're looking at is the question that many other witnesses have discussed as well, in terms of the discontinuation of logging in provincial parks in Manitoba.

And just before I start, I want to just make a few comments to put it in context about the work of our organization because it's relevant to what you're doing here. The Canadian Boreal Initiative, of course, is for—is focussed on our northern region, particularly our northern forests, carbon-rich peat lands, wetlands, the wildlife and the communities that live in those areas.

There are over 600 Aboriginal communities across our northern boreal and many other communities that depend on both the resources and the services that these regions provide. We were founded about five years ago by leading First Nations, resource companies and conservation organizations who decided it was time to stop fighting and start collaborating. And what we do is we support solutions, real solutions, that balance responsible and sustainable development, and we are very supportive of vibrant northern communities and also nested in a landscape that is connected to protect nature and wildlife and the values that are there. And the support is building for the work that we're doing here in Manitoba, elsewhere. In Ontario and Québec they've made commitments there to protect over half of their northern lands. So this is broadly supported.

And we're here today to actually support the direction on logging in parks. And the primary reason is that— and we learned this over decades of experience from all of our partners. We have several of our partners here this evening who can speak more to the details of this, in particular in Manitoba, and that's Tembec and the Canadian Parks and Wilderness Society. But from our perspective and the international community of scientists, and those who work on conservation over the long term, what's important in protected areas is clarity.

And so this bill moves in that direction. And, in fact, for all of our partners, whether you're working in the area of supporting developing or if you're working in the area of supporting conservation, it's very important to pursue clarity. So we work with governments across the whole region on taking

leadership steps in that direction. And we also recommend, in all kinds of fora for governments, to look at parks management from a very practical standpoint, to designate lands for protection and then zone other lands for development. And we realize what you're doing now is you're winding yourselves out of the situation you found yourselves in. But we really feel that it's best to keep those choices clear on the land base.

And in terms of protected areas, from our perspective, it is much preferable in a protected area to manage for nature and protecting ecological values and manage public safety within that context than to manage those areas for resource development.

That said, we're very supportive of finding real solutions for any parties that are affected by these decisions. And it's not a comfortable marriage to have development inside a protected area. It creates an atmosphere of conflict, uncertainty, it distracts management staff, communities are unclear, decision makers and others, in terms of what are the management goals of a particular area.

So what we support is maximizing our returns both from conservation, just like we would maximize our returns from development. And I think that what we find is that history has shown here in Manitoba, and in Ontario and in other places like our federal system of national wildlife areas, that the prevailing direction is to move to clarify.

* (20:20)

And we know these are tough economic times. And so, at times like this, sometimes you can re-evaluate what your practices are for the future. And I'll give a real live example. In Ontario, several weeks ago, mining reform legislation was introduced, given the hardships that the industry is facing there, with the full support of the mining association and the Ontario Prospectors Association.

So these questions are being addressed, and we support the direction here.

Madam Chairperson: Thank you for your presentation.

Ms. Granskou: Thank you.

Mrs. Stefanson: Thank you for your presentation as well this evening.

And one comment that you made that I found very intriguing was: Stop fighting and start

collaborating. And that's something that you and your organization believe in. And I think if, if you'd been here for the other presentations tonight, one of the concerns, I think, that comes out of this evening, is that there's a clear lack of consultation with respect to bringing the legislation forward.

And that is probably not a way to maybe stop the fighting and start collaborating here with coming towards a, a final solution.

So I'm just wondering if you have any comments about the process that's taken place here with respect to this legislation.

Ms. Granskou: And, and I would say that our partners here could better speak to, from Manitoba, whether it's Tembec or the Canadian Parks and Wilderness Society to that question because we're from outside the province. So we wouldn't necessarily expect to be consulted on this legislation, although we do support, very much so, consultation and, and good practices there.

Mrs. Stefanson: Is it in, in other jurisdictions, where you have presented and you've come, you've come from when you're sort of looking for this collaborative approach to solutions, environmental solutions—is it sort of common practice that a consultation process would not take place with respect to this in other jurisdictions?

Ms. Granskou: Well, there's different ways to look at consultation, whether it's formal or informal, whether it's around this table or whether it's in advance. So there's, there's different, and I know there's, there's a bill you're looking at later this week that did have a different form of consultation.

So, other than that, I think it's difficult for us to comment on a legislative issue that we weren't directly engaged in in terms of bringing it forward.

Mr. Lamoureux: It's—unfortunately, we only have about five minutes. Probably I have a number of areas.

You made reference to that international community of scientists, and I've—we've heard from a number of presenters talking about that it can be healthy for a forest to have a harvest take place, and they give some fairly convincing arguments. And these are people that have lived and grown in the forest.

I'm wondering if you could indicate, under any circumstances whatsoever, can a forest that's in a

provincial park benefit by having some sort of a, a strategic, planned harvest take place? Can the forest not benefit by that?

Ms. Granskou: Well, I would say that, for instance, all of our forestry companies around our table manage to the highest standards, and they're all certified across their entire operations under the—you may be familiar with the Forest Stewardship Council certification regime. So we're quite proud of that.

But, when it comes to managing protected areas, there is a core protection that's—that is enshrined within your park system where really the prevailing view is that you manage for nature, and there's a category called special management areas, which can be a different category where you do look at some industry practices. But that's not our understanding of your core protected areas system.

And there are—I just want to refer to species like woodland caribou, for instance, that are very sensitive to any industry disturbance. And so different species have different needs. If you wanna manage to both have caribou on the landscape and have a forest sector on the landscape, you really need to look at the needs of both.

So, which is why we support—and, in fact, all of our partners support around our table, that the core protected areas, the areas without resource development but that do allow continued, for instance, Aboriginal traditional practices—and, in fact, there are many First Nations who are the, the drivers of the new protection and new protected areas that are coming on board like the proposed World Heritage Site.

Mr. Lamoureux: One presenter indicated that it would be—it would've been a better plan to have looked at each provincially park separately and come up with a plan that's in the long-term—and I'm catching the essence of it—the long-term best interest of that forest from an environmentally and wildlife point of view and it's even been implied that there would be scientific evidence to show that that would be the case. You know, being politically correct aside, is there situations where there is merit to that particular argument?

Ms. Granskou: Well, I guess what—again, we come back to the clarity question and, and it comes back to the goal of a what are you managing for? So, for instance, around our partnership which actually is—you know, we gathered because of what was

emerging from the international scientific community and that is that you need to protect large percentages of land in the middle of a thoughtful strategy for development and for vibrant communities. So for our vision, it's over half; so you can imagine in that context, which is science-based, we would still support clarity and then when new sites are being considered, well, what, what is the predominant objective for these new areas that are coming on-stream? But, you know, as far as we're concerned, we really commend the province for moving forward. Even sometimes when issues like this are difficult, we feel that from an overall balance perspective of balancing development with conservation, that the Province is stepping up on that.

I, I don't know if that answers your question, but there's different kinds of zoning, I guess, is what we would say.

Madam Chairperson: I'm sorry, our time for questions has expired. Seeing no further questions—thank you for your presentation.

Point of Order

Mr. Ron Schuler (Springfield): Point of order, Madam Chair, and that is when there are multiple individuals that would like to ask questions, to have, perhaps, one member at committee take all the time—may—maybe we could spend it out—spread it out a little bit, a little bit more and allow other members an opportunity.

Madam Chairperson: I, I'm certainly willing to give the committee for leave to ask a further question if, if the committee so wishes. Thank you.

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Madam Chairperson: I will now call on Gaile Whelan Enns, from Manitoba Wildlands.

Do you have some materials to distribute?

Ms. Gaile Whelan Enns (Manitoba Wildlands): No, I do not.

Madam Chairperson: Then please commence your presentation.

Ms. Whelan Enns: As some of the committee members are aware, I'm likely to leave some questions for you that may need answering, and I want to take a very fast run through the bill itself first. I'd also appreciate if the Chair would give me a two-minute warning.

So there's some definitions in this bill, and they're definitions that are being adjusted or who have been lacked—lacking before, so there—they are in 2.1. Turning the page—sorry, I'm on eight and a half by 11s here—in section 8, we have a replacement—okay, No. 8, we have a replacement for section 15 and I want to say to the government of the day, this is long overdue. This is good to see and a variety of things in terms of community needs that have been issues at different times over the last 10 years or so will potentially be effectively dealt with. What I'm referring to, then—for people behind me and people in front of me—is that this replacement of 15 will allow government discretion when there are significant issues regarding treaty land entitlement, as a—for instance, and/or a land designation of one kind or another, whether that be a protected area or a provincial forest or a recreational area or a special management area, there have been headaches and I was glad to see this.

* (20:30)

In terms of definitions, though, 15.1(4) is not an adequate definition of commercial timber cutting right. It's—what happens—drafting bills—it's all the things it isn't, and I would really appreciate seeing a definition of what a commercial timber cutting right is in terms of the next vision—version, rather—of the bill. We might also want to add in 15.1(4), (f) for other kinds of developments, given that the other kinds of developments are already happening in these zones, in these parks, since April 1. So this needs some clarity, it needs some clarity—you know, it needs some transparency also and, of course, people in front of me know that that's a reference to the hydro line in Nopiming and Meditation Lake, Quarry Road future camp in Whiteshell.

There's a very odd thing, 12.3(b), and it's about notification about any permission to conduct mining. So, the mines act in Manitoba is much newer than the forestry act. You know, most of seven or eight years of work on it, and everything is public about mining in Manitoba, and everything is on the net. This is not true about forestry in Manitoba. So this is a very odd reverse little clause, and I can't imagine forestry companies having trouble finding out about mineral dispositions. So I'm left with why is this here.

We need a clear definition of illegally harvest timber and we probably need clear indication of which other acts would be involved, and that goes to some of the comments we've heard from industry

today. When we have these problems, we are exporting AAC. Annual allowable cut is going out of the province when we don't know that it's gone anywhere because it's illegal cutting. So this is not to cast aspersions, but basically say if we're doing this, get our definitions right and be a little clearer.

There's another odd thing at 29.1(c)—no. 29.1(2). I think the standard in our democratic system is that any officer of the Crown shows identification. This is written as if you're only going to show identification if you're asked to. Easy fix.

At the bottom of that page, 34(1.1), I might be behind the times or not understanding, but I think that there's some clarity needed in terms of what a third party is going to be. This is, this is new. Okay. So (b) is about forest renewal charges and responsibilities being able to be transferred to a third party. It goes right back to which other acts, which other responsibilities of the department are affected, and I would suggest environmental assessment EIS guidelines and the licensing process for long-term environmental licences for the companies and for their operations may well interact here. You can't tell, and it's a question.

There's an odd thing about 34(1.3)(a) and (b), and that is it seems to be based on whether the act-renewal activities occurred, not whether there was actual renewal. So we're in the 21st century. We need ecological standards, and we need to, in fact, move fast. The review of The Forest Act started in 2003, 2004. It's not clear whether this bill is the result of that review. As far as we can tell in our office, that review never really fully was completed. So there we go.

Now, I'm going to stop on the bill itself and change mode, if I may.

I'd like the people in the room to consider that this next set of comments would be what our contribution would have been from Manitoba Wildlands' point of view, and I am, I should mention and identify myself as being on the Sierra Club Canada National Board also. Okay?

What would our contribution have been if there had been stakeholder consultations to plan this bill and these measures? Okay? Well, we would have made the new agreements that are referred to in the press coverage, probably also in *Hansard*, public. And we would have been anticipating that if we'd had consultations. Okay?

We would have made sure that the allocation or change in where logging is going to happen was clear to everybody in industry and to the public and certainly to the cottagers who are worried.

We would have put lands restoration and management plans other than for resource management zones—going to say it again—these are resource management zones. These are not protected lands in our parks. I've been told repeatedly over the last six months, there's no intention to protect these lands. There's not going to be any new regulations. There's not going to be any planning or restoration or decommissioning of infrastructure. So, as far as we're concerned, these are resource management zones inside the parks act.

So we would have been looking for a plan overall. Okay. We would have just wanted to know what the plan then was in terms of protecting these lands and managing them, getting to new park plans, and so on, and when—what the game plan and schedule was for the regulatory steps to get there.

A lot of species work is needed. We all know that, particularly in the parks on the east side. We would've, then, made the fibre allocation public. We would've made sure that the funds provided to Tembec and Tolko were also a matter of public record, in terms of what they're going to be used for. And then you put in a system of tracking the activities in these zones, resource management zones, while the plan is being acted on.

You might even want to think about having a moratorium on development in these resource management zones where there's now no logging while you're figuring these out. So Manito—the Manitoba government's very clear on the definition of a protected area, consistent and bravo. It's not a matter of opinion. It hasn't changed between one government and another, one administration or one political party or another. So that means the Manitoba government knows these lands are not protected—

Madam Chairperson: You have two minutes.

Ms. Whelan Enns: Thank you. So what we need is we need to see a plan and I think the potential for collaborative work, particularly in Nopiming; it's three ecozones. We all know that. The potential's great. Manitobans know how to sit down and work on things together.

So, turning the pages, we are also looking for some more collaboration in terms of all of the

regulatory authorities inside the forest management licence areas in the province, which is why I'm identifying that this clause about mining does not exactly land. That's all public already. We have an opportunity here that's been missed to fit all of the intentions, in terms of climate change, into this bill, including in terms of carbon inventory in the forests and pounding our emissions and standing up about—in terms of taking care of our forests. It's unfortunate but so far that's been missed.

A couple of small administrative things: the explanatory note needs more to it on this bill and some of us cannot find the references in terms of how we're going to move to fees based on the, the value of the product from the fibre. So maybe we've just read it too often.

We aim to be able to support this act in the future, based on how it's applied and moving to lands protected, otherwise we just need to be honest about how these are resource management land—lands and, and stop. There's a lot of work to do. Cottagers are certainly watching and waiting. So are the rest of us. Thank you.

Madam Chairperson: Thank you for your presentation.

Mrs. Stefanson: Thank you very much, Gaile, for your very thoughtful presentation tonight. You've obviously put a lot of time, effort and energy, as other ha—other presenters have this evening, into looking through this bill and, and how it will affect your organization and, and Manitobans.

One of the earlier presenters mentioned the, the stop the fighting and start collaborating and, and there should be more of a consultative process that goes into the drafting of legislation in our province, especially one that will affect as many organizations and industries in our province as this one does.

And obviously we've heard from, from many people tonight that there has been a lack of consultation with respect to this, to this bill. Does that concern you? I think you've sort of said indirectly that it does but how do we, how do we maximize the return, sort of, for, for, for everyone in Manitoba and, and come together with a collaborative sort of approach when this lack of consultation takes place?

Ms. Whelan Enns: Thank you. One obvious thing has to do with everybody having the same information and making sure that, for instance, the five-year extension on Tembec's agreement, and I've

had two of the national vice-presidents tell me there are no changes. But then why is it not public? They have been in the past in Manitoba. It was certainly the pattern, for instance, during the '90s, okay.

* (20:40)

Working together also means you, you listen openly and find ways so that the different sectors can talk to each other, and that is certainly in the observations that we were hearing from Mary Granskou. I think Manitobans are, are quite smart about this kind of thing and should be able to sit down and work it out.

Our return to some of the standards and approaches in terms of the establishment protected areas wouldn't hurt in the province. Again, they've worked well, and sometimes this kind of a surprise or change that really isn't actually to protected land can, can hurt the will for people to collaborate. So, yeah, we need, we need to, we need to work together.

Madam Chairperson: Thank you.

Mr. Struthers: Yeah, thanks, Gail, for your, your presentation tonight. I was both, both interested and concerned about what you had to say about land-use categories. Interested, because I—if there's ways that we can strengthen that approach to, that, that balance between protection and development in the parks, I'm interested in that.

Also, I'm, I'm concerned because it, it seemed to me that you, you suggested that maybe that because of the, the logging in parks question in this, in this bill, that, that those land-use categories are changing or, or weakening. I wasn't quite sure what the point you were, you were making there was, 'cause my contention is that those land-use categories serve a very useful purpose and that this won't change that. For example, the land-use categor—the back country category in the Duck Mountains does not change. It doesn't mean that all of a sudden there'll be logging happening in that—in the Jumper Plains, for example. It, it, it also doesn't change the resource management category that you'll find in, in other parks, say, in the Whiteshell. So I'd be interested in a, in explanation of that.

Ms. Whelan Enns: Well, to go to the point, the logging has been going on in resource management zones in parks under The Parks Act in Manitoba. The logging through this bill, through this act stops. These land-use classifications for resource

management are still in place, which means they are not protected, and that's a consistent reality over 15 or 16 years of dealing with the statutes and the decisions on parks and protected areas. If the minister is saying there is a plan and that you're going to move these lands to, in fact, back country, wilderness, heritage and, in fact, incorporate that into new parklands for these older parks, that's good news, but it hasn't been evident, and it is a concern just as the new developments that have, in fact, started to pop up in these land-use classifications are a concern.

Mr. Struthers: Just quickly. I want to make it real clear that, that in, in the Duck Mountains, that back country land-use category won't be treated any differently than it, than it was last year or the year before. That—that's still, that's still in place.

Floor Comment: If, if I may, I think for the—

Madam Chairperson: Ms. Whelan Enns.

Ms. Whelan Enns: Sorry, I'm sorry. For the sake of information, of course—and, and this bill's not applying to the Duck Mountains, so we're, we're talking about the parks where it applies, and our hope in terms of being able to support the bill is that those lands will have a remediation restoration plan. The government will, in fact, sit down with the stakeholders and identify which lands can become protected.

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

I will now call on Andy Pelletier, Rural Municipality of Reynolds.

Please start your presentation.

Mr. Andy Pelletier (Rural Municipality of Reynolds): Thank you. Let me introduce myself. I'm Andy Pelletier, deputy reeve of the R.M. of Reynolds and councillor for Ward 2, which represents St. Rita in the Agassiz forest, and I'm here to speak on behalf of my residents, entrepreneurs and council in opposing the ban on logging in the provincial forests.

For those not familiar with Reynolds, we are located east of Winnipeg, along the western edge of the Whiteshell provincial forest where many of our residents were employed in forest-related industries. Reynolds itself is comprised of almost 80 percent forest reserve, which also employs a number of our work force. We also have the Pineland Nursery, which, at times, may employ up to a hundred people

to grow and plant trees in reforestation projects. We have several businesses and local entrepreneurs that depend on our forest sector for survival, such as truckers, loggers, repair shops, welders, et cetera. Up to 20 percent of our economy is somehow related to the forestry sector and, I suspect, perhaps more than that.

We believe the Province is making an error in banning logging in provincial forests as there are many factors and reasons to allow this practice to continue that are not being taken into consideration. Our forests are a renewable resource that, when managed properly, will continue to serve the people in Manitoba in many ways from allowing tourists to enjoy the scenery, picnickers to have shade, hikers to view nature in solitude, and local loggers and related industry to have jobs in what is a marginal area of the province for employment.

We are not an agricultural part of the province, Reynolds being on the fringe of the Precambrian Shield, unless someone is planning on farming rocks. The Province had no problem allowing our local logging industries to clean up areas of the park devastated by weather- and fire-related damage recently, but now that those sites are cleaned up, it decided to shut the door on further work to mitigate future calamities.

It would appear that the ministers are listening more to urban concerns and complaints instead of looking at the industry as a whole and engaging all the stakeholders in formulating a balanced and comprehensive plan of action that would keep our local entrepreneurs employed and maintain the health of the forests for future generations to come.

I personally do not work in the forest industry other than to cut a little firewood on my own land for myself and a few close friends. I've lived in the region for the last 26 years, firstly in St. Rita 17 years and now in Contour. Contour being a community of a hundred people 50 years ago that now has four, both in the heart of the Agassiz forest reserve, and having moved there from St. Boniface, I can understand the city versus country angle somewhat.

A few years back, after witnessing a clear-cutting operation near my home, I, along with several other local residents, convinced Conservation to put up an informational seminar at the Ste. Rita community club to explain the rationale behind these forestry practices. They came in with a wealth of information to explain what they're doing, how they

do it and the whys. I got to admit, I was very sceptical when they came in. I again came in with the idea that clearcutting somehow it's ugly. It's, you know, why don't they leave a buffer zone. They're destroying berry-picking areas, what not, what not.

In the last few years, I've witnessed the evidence of what they've said and it is true. There is one area that was clearcut just to the north of me, and in the last five or six years, I mean the growth is, some of the trees are over 10 feet tall. The berries are phenomenal.

Their explanation is the best way to replicate nature. Nature does the best job when a fire comes through. Obviously, we don't want fires to go in our parks, go into our forest reserves, so the next best thing is to come in and clearcut and allow the sun to come and do what Mother Nature would have done, and it works well. I'm a big sceptic. It works well.

I believe that some of the ministers also need to sit in with the people in the field who observe how forest management works to better understand what we now understand in Ste. Rita and in the area. Forests go through cycles like every other living thing. As they grow older, they become susceptible to pests, disease, and fire amongst other things. Properly managed, this resource can sustain both the tourism industry that the parks attract and the local logging enterprises.

As the Province promotes green thinking, this logging policy is contrary to that ideal. By allotting quotas in distant areas, it will add to our air pollution due to the distance required to haul the timber to market and add more stress to our already crumbling infrastructure.

Council requests that you reconsider your decision to ban logging in the provincial parks. The ban will have detrimental consequences to our small communities that depend largely on the forestry sector. There will be an increase in unemployment in an already marginal area of employment in the province, a reduction of small business spinoffs, an increase in transportation costs, an increase in greenhouse gases, and a higher threat of fires and disease in our forests.

With the economy in peril, it is imperative to keep local small businesses and companies viable by allowing quota holders to continue logging in the parks. As the price of fuel rises, tourism has been on the decline in our municipality. My daughter ran a business in a small village, and last year, with the

price of fuel going up and tourism going down, she was forced to close down because the, the business was down 50 percent, and I see the Province is allowing free passes in the parks now so they're also admitting that we need to get people into the parks there too.

I live along Highway 15 and the amount of traffic heading to the parks on the weekends has definitely dropped by at least half so that makes it even tougher on our businesses to survive, and coupled with the ban, that could be the death knell for some of our communities.

I thank you for allowing this forum to exist to hear our concerns and I thank you.

Madam Chairperson: Thank you for your presentation.

Mrs. Stefanson: Well, thank you very much also for being here tonight and representing your community and, and the thoughts of people within your community and how this affects your community. I know I've asked several other presenters this evening about consultation. There seems to be a lack of consultation with respect to this, this bill. I don't—you may want to comment on that further. It seems that you've already maybe covered that in part of your presentation.

* (20:50)

Mr. Pelletier: Well, the consultation, I mean, we've had letters that came into council from some of our local loggers asking us to, I guess, stand up for them. And, I mean, whether you're sitting in the coffee shop or you're hanging around the local garage, I mean, they're also expressing concern that with, with the ban on logging, with some of these companies downsizing, that it will affect their bottom line. I mean, there's one fellow in, in Elma that, he runs a welding shop, and he's actively looking at relocating elsewhere because his business has, has taken a large hit. So, I mean, that's just going to snowball as this ban comes into effect.

Mrs. Stefanson: And just to be clear, I didn't mean about your lack of consultation in your community. I was talking about, sort of, a lack of consultation on the part of, of government with, with people within your community with respect to this, this bill. So that's, I'll just leave it.

Floor Comment: You would have to ask the loggers. I could, I could—

Madam Chairperson: Mr. Pelletier.

Floor Comment: My people.

An Honourable Member: Yeah, I know. Yeah.

Madam Chairperson: Order, please.

Mrs. Stefanson: Yeah, no, I just—thank you very much, again, for your presentation tonight.

Madam Chairperson: Thank you for your presentation.

Mr. Pelletier: Thank you.

Madam Chairperson: I will now call on Andrew McCuaig from Tembec. Do you—

Mr. Andrew McCuaig (Tembec): I don't have any materials to hand out so I'll just give my—

Madam Chairperson: You may proceed with your presentation.

Mr. McCuaig: Thank you. I'd like to just address one issue within the new proposed bill and it's regarding penalties and infractions, that section. I'd like to, also, before I do that, compliment the Province on one of the initiatives that's within the bill and that's the revisions to the new timber administration system.

For those of you who don't know, we—obviously, we pay a royalty to the Province for every tree we cut in Manitoba and the Province has undertaken an initiative where we pay a royalty based on what our commodity is worth in the marketplace. So when our commodity is not doing so well, we pay less stumpage, and that's, that's been a real big help through the tough times that we're experiencing within the province and within the forest industry.

The one thing that I want to speak is that the Province has really upped the fine structure. It's, it's outlined in the bill; there's fines that can come, you know, up to a maximum of \$500,000. And a lot of the responses I've got for the reasons that this has happened is that they'd like to bring their fine structure in line with, with what other jurisdictions are doing. But, I think what we've failed to do here in the province, is bring our compliance and enforcement procedures and processes in line with what the other jurisdictions are doing at the same time.

So, I guess it's a common theme. I'll repeat it. We would like to see foresters on the ground making decisions and working, sort of, making decisions on what fines should be and how we, we process

infractions. I'd like to see us move towards something that's more mitigative rather than punitive.

In B.C., there's things like no-net loss, if you do, do disturb a stream or, or overcut, your responsibility is to bring back trees in another area or rehabilitate another section of stream elsewhere, or rehabilitate that particular portion of a stream that's been damaged.

I'd like to see the Province, sort of, entertain those sorts of ideas on moving forward. So that's, that's the short and sweet of it. Thank you for, for listening.

Madam Chairperson: Thank you.

Mrs. Stefanson: Thanks for your presentation, for being here tonight. I just wanted to ask a quick question. You mentioned that the Province pays a royalty. Is that just to Tembec or is that for, for everyone?

Floor Comment: No, we pay a royalty—

Madam Chairperson: Excuse me, I have to—

Mrs. Stefanson: Sorry, I meant to say you pay a royalty to the Province for the cutting that you do. Sorry.

Mr. McCuaig: Correct, we do. We pay on a per-cubic-metre basis. We pay for, depending on, like I say, on the price, the value of our commodity in the marketplace, we, we pay on a monthly basis.

Mrs. Stefanson: Okay, and is that just your organization or is that other organizations as well?

Mr. McCuaig: The, the new system is that the receiving mill pays the dues and, and, and renewal charges to the Crown, so it's, it's based on that sort of system.

Madam Chairperson: Seeing no further questions, thank you for your presentation.

Mr. McCuaig: Thank you.

Madam Chairperson: I will now call on Lawrence Prendiville, Prairie Forest Products. Lawrence Prendiville. Lawrence Prendiville's name will be moved to the bottom of the list.

I'd now like to call on Ron Thiessen, the Canadian Parks and Wilderness Society. Do you have materials to distribute?

Mr. Ron Thiessen (Canadian Parks and Wilderness Society): I do not.

Madam Chairperson: Then please commence with your presentation.

Mr. Thiessen: I'm excited to be up here because I'm very thirsty and there's water. I've been waiting for my turn.

Thank you, it's nice to be here. I'm here to represent CPAWS Manitoba's support for Bill 3. And to just give you a bit of history on our organization, we're essentially a wilderness conservation organization throughout Canada. We have chapters in every province and territory, with the exception of Prince Edward Island and Nunavut. We were established in 1963 and our chapter was established here in Manitoba in 1991, and we have over 20,000 members across Canada. We work to protect Canada's wild places in parks and wilderness designations of a variety of kinds. And we work as much as possible co-operatively with the government and communities, First Nations, business and other organizations to achieve solution-based designations and success stories in conservation across Canada.

Parks are a vital thread of the fabric in our society and a healthy society. And CPAWS believes quite strongly that industrial operations are incompatible with parks, with the exceptions, of course, where pest control, for example, may be an issue, and some other exceptions as well. Parks have been identified by most—certainly here in Manitoba there's been a big outcry over the years. Parks have been identified as places for recreation primarily, and education, safe havens for wilderness and wildlife.

I've personally been involved in working to see industrial logging removed from our parks for many years now. And after tens of thousands of letters from Manitoba citizens and a variety of campaigns from individuals and groups asking for logging to be banned in our parks, the Manitoba government is proposing to give Manitobans what they want, which is something, you know, a part of what governments do.

Parks play an important role on the path to achieving our protected—our achieving our protected areas strategy here in Manitoba. And presently, only about 8 percent of Manitoba is protected from industrial logging, so it's important to put that into perspective. Most of the landscape is technically available for industrial activity. And it's important to strike a balance between industrial operations and conservation and, of course, communities on the landscape. And so we believe that setting aside

areas—or setting aside our parks as areas that don't permit industrial logging is a wise decision.

We're certainly pleased that there's been positive agreements with Tembec and Tolko regarding removing the logging from their forest management licence areas. I'm not sure about the details regarding the smaller companies involved, local quota holders, et cetera; however, we'd be certainly supportive that those companies are adequately financially compensated if need be. But it's our understanding that there's been no net loss of fibre to the logging industry here in Manitoba as a result of Bill 3. So, if compensation is required for extra transportation costs, for example, we're certainly supportive of that.

And we're certainly supportive, you know—I've heard some comments tonight about old trees are bad, young trees are good. I'm putting that a little simply. But essentially, parks are a great place to protect diversity in all its forms, young and old and everything in between. And, you know, assertions that we can control or manage nature I think should be fairly limited in the sense that, for the most part, examples of that have turned horribly wrong in the past. So we should keep a careful check on approaches to manage nature.

Another interesting thing to note as well is that Duck Mountain Provincial Park and Algonquin Provincial Park in Ontario are the only two parks left in Canada where logging is still allowed. So most jurisdictions, and of course, most parks in Canada, no longer allow this activity, and for good reason.

* (21:00)

An outstanding issue, and we certainly don't see it getting in the way of passing this legislation, is it would be appropriate, I think, along with the other 79 out of the 80 parks, to see a plan and a timeline put in place, to see Duck Mountain eventually free of industrial logging as well, and, of course, to cert—to work with the industry to come up with a solution that they can live with, and, of course, local communities as well.

And I've heard some words, of course, tonight that they are some people in the room that are not happy with the consultation process or, from what I understand, some a lack of consultations regarding Bill 3 and how it's come to this point. So we certainly support adequate consultations with all parties involved, whether it's the, you know, local stakeholders, the public, local communities, and all that might be involv—who may be involved and

interested in a particular issue, whether it be Bill 3 or another.

So I will leave it at that and just summarize by saying we support the ban of logging in our provincial parks.

Madam Chairperson: Thank you.

Mrs. Stefanson: Thank you very much for your presentation this evening.

I think you mention that you had about 20,000 members across Canada. How many of those are located in Manitoba?

Floor Comment: Approximately 800.

Madam Chairperson: Excuse me. Mr. Thiessen.

Mr. Thiessen: I knew I was going to do that. Sorry. I predicted it and it came true.

Approximately 800 members.

Mrs. Stefanson: And are those, of those 800, are they located all over the province, or where are they mostly located? In Winnipeg, or whereabouts?

Mr. Thiessen: About 70 percent of those members are located in Winnipeg, 30 percent rural.

Mr. Lamoureux: I did want to follow-up on a question that I had asked someone earlier. And you make reference to industrial clearcutting, if I can put it that way. And my techno—my wording might not be right on, but I'm thinking in terms of using the word "harvesting."

It seems to me and, as a lay person, that there's been an argument made that it could be in the forest's best interest to allow some form of harvest to occur, even in a provincial park where it's good, healthy for the forest and the wildlife. And it seems that the argument, seems to be, there seems to be some validity to it.

The question I have for you, do you believe there, there might be situations, especially if you look at some parks more than other parks, where some form of a managed harvest would be healthy for that particular forest?

Mr. Thiessen: I'm glad you raised that point. I think—you know, that point was brought up that you just highlighted now and mentioned before that perhaps we could look at each park individually, as an individual case, and look at individual situations as well, which kind of leads into that. And one of the

concerns that I have is I don't believe, well, history certainly hasn't, has proven that we don't. We likely don't have the capacity in Manitoba to look at each park and each situation individually.

And what I base that comment on is we have, the Province has had a commitment for many years to do individual park management plans for all of our 80 parks here in Manitoba, and, to this day, three of them are done. And, in my opinion, the current process has been stalled for many years. So that being said, it doesn't give me a lot of faith that we could look at each park individually. We don't have the resources or perhaps the will to do that.

Madam Chairperson: Seeing no, seeing no further questions, thank you for your presentation.

I will now call on Eric Reder, Wilderness Committee, and I hope I've pronounced your last name correctly.

Mr. Eric Reder (Wilderness Committee): I think that's maybe the first time I've heard it pronounced correctly, yes. Nice—nicely done.

Madam Chairperson: Do you have anything to distribute?

Mr. Reder: I do not have any written notes.

Madam Chairperson: Then please commence with your presentation.

Mr. Reder: Okay. I said I was going to be quick with this. I will try.

I'm here, of course, as a Manitoban, but also represent the Wilderness Committee. The Wilderness Committee is the largest member-based and citizen-funded wilderness preservation group in the country. We have 70,000 members and supporters across the country, and we push to preserve the natural areas that we have across the country for the future generations. And it's with the voice of those 70,000 members and supporters that I present to you tonight.

I'd, first off, like to wholeheartedly congratulate the government for this wonderful step towards providing a healthier environment for all Manitobans. Ending park logging is the desire of a majority of Manitobans. Over the several years that we've been doing this, I believe we submitted at least 13–13,000 letters to government asking that provincial park logging be stopped. And the Wilderness Committee really supports moving this bill, having this bill proclaimed into law.

I have two concerns, however, that I would like to bring to light that can be discussed. However, as I said, it's very important that this park logging bill go forward.

I'm gonna read you a quote, and this is the basis of a lot of our work, and I've heard Minister Struthers refer to this before. This is, it says, commercial forestry activity in all provincial parks should be phased out. That's from the 1992 Clean Environment Commission recommendations. At the time, it was—the Clean Environment Commission was fairly young, and it was the first time the forestry operation, any forestry operation had been put before the Clean Environment Commission. They came back with six recommendations. That was one of the very specific quotes out of their recommendation, which leads me to one of the concerns that has been brought up before.

Duck Mountain Provincial Park is still not—a park that has logging. We do not see any reason to exclude Duck Mountain Provincial Park from all of the other parks. As the previous presenters mentioned, we have two parks left in Canada that have logging, and we have the unfortunate distinction of being one of the provinces that still allows park logging. And we have the opportunity to, to change that, and Bill 3 is a wonderful step, but we have to move forward with a time line and a goal of moving commercial forestry activity out of Duck Mountain Provincial Park.

The second concern I have is a little bit technical. The—it concerns Grass River Provincial Park. Tolko Industries has a forest management licence that encompasses Grass River Provincial Park. Roughly 80 percent of Grass River Provincial Park has been off-limits to logging for many years now because it's prime woodland caribou habitat. So, that's good. The park hasn't been seeing a lot of impact from commercial harvest.

However, since June of 2008, there's been a proposal sitting at environmental licensing and assessment branch to bisect Grass River Provincial Park with an all-weather logging road. It has been at ELA since prior to Bill 3 was introduced. When Bill 3 was introduced, we expected that this would be the end of the proposal.

Unfortunately, I was told by the Conservation Department that a logging road wasn't a logging operation, and a logging road development would not be affected by Bill 3, and the proposal to put a—to cut Grass River Provincial Park in half with a

logging road is still sitting at environmental licensing.

So, in order for Bill 3 to be effective, to effectively stop commercial forestry activity, the quote again said, "commercial forestry activity"; it didn't say logging. It didn't single out logging roads. So, for this bill to be effective and properly protect our parks, parks as the legislators are trying to do, our elected officials and Manitobans want, we need to have identified commercial forestry activity as opposed to logging in the bill.

I'm not an expert on the legalese of writing legislature, but it was two points, and I should've probably put this into a written form for you. But in section 15.1(1), we could replace logging with forestry activity. I believe that would say, no commercial timber cutting rights may be issued that authorizes commercial forestry activity on land in a provincial park, is how it would read.

And the second bit is we would be changing The Provincial Parks Act. It's at the very end of this—of Bill 3, section 7, part 6, logging in provincial parks is prohibited. We would change that to commercial forestry activity in provincial parks is prohibited in accordance with section 15.1 of The Forest Act.

* (21:10)

So, those were the two specific concerns that the Wilderness Committee would like to see addressed. But, as I said, the bill, Bill 3 must go forward. That's in the best interests of Manitobans.

I just have a few more comments 'cause I hope I have another minute or two here.

Previous presenters that have been asked about—and previous presenters had said that we must continue to manage the forests in our provincial parks, and the science doesn't back that up. The assertion that mature trees need to be harvested is an economic look at how to manage a forest. And logging as an industry in Manitoba is a wonderful industry. It should be maintained and it must be supported. It's a sustainable, environmentally responsible industry.

There are places in Manitoba where we cannot have industrial activity, and our provincial parks are places where those—that should be part of it. Eight percent of Manitoba is protected. Something like 400,000 hectares was protected from logging, I think. Maybe that figure's a little high, but about 400,000 hectares when, when Bill 3 is proclaimed

out of 65–650 million hectares in Manitoba, some very large figures like that. So we're talking about a small amount of area where we don't need logging.

We have a study that was paid for by the Manitoba government, partially, for the Manitoba Model Forest Network, and it, it was done in '06 or '07 in Nopiming Provincial Park. And it showed that, from areas that were clear-cut, we were increasing the amount of nutrients that were being exported by water. And all of the water that flows out of Nopiming Park flows straight into Lake Winnipeg. So we know what excess nutrient in Lake Winnipeg does.

So there are sc–scientific reasons to say that we should be careful of the amount of logging in a park, because it's going to affect our water. There's a study out of Ontario. I'm going by memory here. It's a study on 47-year-old jack pine forests and it looked at the five different nutrients that forests, that trees need to grow to maturity. After 47 years, the trees growing in a clearcut had three of those nutrients in a–were present enough so that the tree was growing healthy. But there were two nutrients, I believe it was magnesium and, again, because I'm going off the cuff here, I couldn't tell you what the other nutrient was, but for sure that those two nutrients weren't present in enough so the tree could grow in a healthy format.

It was going to take twice as long for one of those nutrients and three times as long for the nutrients to be made available naturally to those trees, which means 100 and 150 years in a jack pine forest before–after logging, when we've taken this big chunk of wood and all of the nutrients that the forest had and we've removed it. It takes a hun–it could take up to 150 years before that forest is growing in a healthy manner.

Now, again, going back to logging being a sustainable practice, tree plantations, managing a forest to get fibre is exactly what we need to do in Manitoba. That's over 99 percent of the forests in the Scandinavian countries are managed that way, but the natural forests, the biological diversity that is present in a natural forest, whether it's in the soil and the plant composition and the insects and in the wildlife that use that natural forest, that's the essence of what we're trying to preserve in putting aside parks that don't have any development, remote access areas, roadless areas, areas that don't have

industrial development. That's the value they have in Manitoba.

So, yes, trees do grow back, but we are damaging the natural ecosystem in these areas. And that's not to say that there's, like I said, to reiterate so that I'm very clear that the logging is an important aspect of Manitoba, but we also have to set aside some land, and Bill 3 does a wonderful job of that. Thank you.

Madam Chairperson: Thank you for your presentation.

Mrs. Stefanson: Thank you for your presentation this evening. I'm wondering, just a couple of questions. Firstly, just how many members you have in Manitoba, and, secondly, if you could just comment on–we've heard tonight sort of a lack of consultation process and, and if you could just comment on that with respect to just in general in terms of legislation that comes forward in our province, what kind of a process you would like to see and, in future, bills that are brought forward with respect to, that affect your organization.

Mr. Reder: Thank you for the question. On this specific bill, we did not have any news that it was coming through and was going to be put forward. However, we were given opportunities to discuss with a lot of people, a lot of elected officials, our views of park logging and why we needed to stop that.

So, on one side, we have had some opportunity to express the wishes of the Wilderness Committee. We–in Manitoba we have roughly 3,000 members, and then supporters as well. The other areas that we've had problems with, the biggest concern that we have is that any sort of development, we need to have consultation. We need to have announcements to the public about any types of development. And we recently running into problems in Whiteshell Provincial Park where a development has happened ahead of any sort of public announcement.

Mr. Pedersen: Two quick questions for you. First of all, I was wondering what your organization's position is on the cottage industry in provincial parks, because there are a lot of cottages in provincial parks. And, secondly, is, is fire a concern in provincial parks and, and what, what–do you have any thoughts on that?

Mr. Reder: Thank you. Cottages in provincial parks, they're part of–being a Manitoban, I went to parks

and I went to cottages while I was growing up. It's something that we have. In an ideal world, our parks would have very concentrated infrastructure. We live in a, the most fire prone area, the tall grass prairies and then followed by the boreal forest, the most fire prone forests in Canada. Fire is a natural process and a necessary process. And, in 2006, the Ontario government published a 200-page report explaining that their fire suppression regime in their provincial parks was failing, and it wasn't a good idea, and they needed to come up with a better way to manage their parks and prescribe to burns. I know we used to use them out in B.C. I know that they run them in the national parks. They run them into the—in the tall grass prairie, but prescribed burns is the proper way to naturally regenerate a forest. Windstorms will cause tinder, which will eventually create a forest fire. Insect infestation will cause dead trees, which will create tinder, which will eventually cause a fire. So all forests in Manitoba burn, and the longer we go without a major fire, the more risk we have.

And, that being said, in terms of developments and cottages, and especially with new provincial parks coming on-line and new sections of cottages, we have to concentrate these developments, and in areas where they are less at risk. Because if we spread them all over the entire park, some forests are going to burn. We know that.

Another very interesting part on cottaging that Riding Mountain has been working on, they have a limit on the size of the cottages that they can have in the park, and that's—if we're limiting the size of structure, people don't want to be told to have a smaller cottage. But, you know, at some point, if we're managing this park for the natural experience and the natural area, these are things that we look at very—maybe not the most popular topic for cottagers, but it's, it's the reality, I think, that we look at.

Madam Chairperson: Thank you. Seeing no further questions, thank you for your presentation.

Mr. Reder: Thank you.

Madam Chairperson: I will go back and ask, or call upon Lawrence Anderson Feil-Feilberg, Kurian Forest Products. His name will be removed from the list.

Going to Lawrence Prendiville, Prairie Forrest Products. Calling on Lawrence Prendiville. His name will also be dropped from the list.

There are no presenters for Bill 23, so this concludes the list of presenters I have before me.

Are there any other persons in attendance who would like to make a presentation? Seeing none, that concludes our public presentations.

In what order does the committee wish to proceed with clause-by-clause presentation—consideration of these bills?

Hon. Andrew Swan (Minister of Competitiveness, Training and Trade): Yes, I'd suggest we simply go through in the order that they're on the, the Order Paper. So we'd start with Bill 3.

Madam Chairperson: Is the committee willing to go in the order that they—*[interjection]* Thank you. Is it the will of the committee to go in the order as listed on the committee notice?

Some Honourable Members: Agreed.

Madam Chairperson: Agreed. Thank you.

During the consideration of a bill, the table of contents, the enacting clauses and the titles are postponed until all other clauses have been considered in their proper order.

Also, if there is agreement from the committee, for the longer bills I will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed?

Some Honourable Members: Agreed.

Madam Chairperson: Agreed. Thank you.

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

* (21:20)

Bill 3, does the minister responsible for Bill 3 have an opening statement?

Mr. Struthers: I want to address a couple of things that have come up as a result of some of the discussions that have taken place around the table.

First of all, in terms of consultation, I, I know that it's, it's a politically expedient kind of an argument for members of opposition to be, to be zoning in on, especially when, especially when you

realize that they are very much opposed to what we have done in this bill, when, when you look the statements that have been made in terms of opposition to this, this announcement we made to move logging, commercial logging from provincial parks.

I, I want to set the record straight, though. When, when we looked at our provincial parks and looked at the possibility of removing commercial logging from the parks, we sat down with those companies that we have signed forest management licence agreements with. We, we began what we knew was going to be a, a, a long, drawn-out, sometimes difficult negotiation with those companies that we have agreements with, legal agreements, that we have to honour. We have no choice in that matter. We need to do that.

Along with that is a, is a—you know, this thing called confidentiality, which, which we have to honour. With those companies that we have FMLAs with, we have no choice in the matter. If we had gone out and done what the members opposite and some others have suggested, then the announcement wouldn't have been possible. Our government believes that it's a positive public policy announcement that we made. If we had followed the advice of this table here tonight, we wouldn't have been able to do that. I know that the Member for Carman (Mr. Pedersen) doesn't want to hear this and wants me to speed up, but I think he needs to have the facts on the table in front of him, and then maybe he can go play politics with it later.

But, Mr.—Madam—Madam Chairperson, Madam Chairperson, I'm very—I want to be very clear that we, we took this seriously. We knew what our legal obligations were from the beginning. I knew at the time that that decision would probably produce an evening like this where members of the opposition would talk about the lack of consultation. I knew that from the beginning. I had legal obligations. I had legal obligations that we had to do. We have agreements signed with, with that group.

At the first possible—at the first possible opportunity, we sat down with others who are impacted by this, others including quota holders, others including rural municipalities, others including environmental groups, others including some of the people that you've heard from here this evening. At the first possible time I could do that, I got our regional staff to sit with those folks so that they could talk about what that impact was going to

be on the landscape, and we got looking for replacement fibre, replacement timber for those groups. And, in every case, we've been able to accomplish that. That's why I want to be very clear that we—I congratulated and thanked those people today who came, smaller quota holders in this province, people who employ other people, Manitobans, and I thank them for working with our regional staff to make sure that, when we relocated those folks, they were, they were treated fairly. And, Mr.—Madam Chairperson, I think we've accomplished that.

The—I think that is the main, the main thing that I want to say here. And I want to be very clear, too, that when we talk about consultation that they were—it seemed to me tonight to be two angles on this. One was the consultation that members are interested in in terms of the decision to remove logging, commercial logging from the parks, and the—on, on the other side, the other parts of this bill where there was consultation in terms of the, the pricing models, in terms of the other clauses of this bill that we, that we brought forward. So I, I, I want to be—I want to at least put on the record that, to make sure that the, the facts are there and that they're clear. Members opposite can do with it as they wish from here, so thank you Madam Deputy—or Madam Chairperson.

Madam Chairperson: Does the critic of the official opposition have an opening statement?

Mrs. Stefanson: I think it's important that, that Manitobans understand that, you know, I think it's the minister that's really politicizing this process here and I think the unfortunate part of this is that we're here tonight, we've sat through several presentations this evening with respect to Bill 3, and virtually almost every single one of them, at least, made a comment about a lack of consultation with the process. So, Mr. Minister, it's fine for your to insult me and members on this side of the House—of course, that's part of the political game that we unfortunately have to play in the, in the House from time to time—but I think it's, I think it's incumbent upon us to respect each and every single Manitoban that takes time out of their busy schedules and comes out this evening to express their opinions and their views, whatever they may be.

Unfortunately, these, these people and these organizations, many of them were not consulted beforehand, and they have a serious problem with that and I respect that, and that's why we are talking about that here today. That has nothing to do with

politics; that has to do with proper planning and if there was a proper planning process in place with respect to this bill and res—with respect to our parks, our provincial parks, then we wouldn't have been here tonight and had as many presentations as we had this evening. And I think it's unfortunate that with a lack of consultation that has taken place, that many people were forced to take time out of their schedule and be here at, at 9:30 on a Tu—Tuesday—'tis a Tu—it is Tuesday today—Tuesday night to, to—and, and time away from their families to be here to express their concerns and express and—and in some cases, express some of the things that they like about the bill. So I just think that it's, it's unfortunate that—and, and it should be stated again—that the only person that's politicizing this process is the minister, and I think he—it's incumbent upon him as the Minister of Conservation to show a little bit more respect for Manitobans that are taking time out of their schedules in Manitoba to come out and speak to this legislation. With that, I will leave it at that and we can move forward.

Madam Chairperson: Thank you, Mrs. Stefanson.

Shall clauses 1 and 2 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 1 and 2 are accordingly passed.

Shall clauses 3 and 4 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 3 and 4 are accordingly passed.

Shall clauses 5 through 9 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 5 through 9 are accordingly passed.

Shall clauses 10 and 11 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 10 and 11 are accordingly passed.

Shall clauses 12 through 14 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 12 through 14 are accordingly passed.

Shall clauses 15 through 18 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 12 through—clauses 15 through 18 are accordingly passed.

Shall clause 19 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 19 is accordingly passed.

Shall clauses 20 through 22 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 20 through 22 are accordingly passed.

Shall clause 23 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 23 is accordingly passed.

Shall clauses 24 through 27 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 24 through 27 are accordingly passed.

Shall clauses 28 through 30 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 28 through 30 are accordingly passed.

Shall clauses—clause 31 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 31 is accordingly passed.

Shall clause 32 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 32 is accordingly passed.

Shall the enacting clause pass?

Some Honourable Members: Pass.

Madam Chairperson: The enacting clause is accordingly passed.

Shall the title pass?

Some Honourable Members: Pass.

* (21:30)

Mr. Lamoureux: Madam Chair, before we actually pass this particular part of the bill, I did have a couple of very brief questions for the minister.

There was a number of presenters that came forward and gave the opinion that, in certain circumstances, that it might be healthy for a forest to, in fact, be harvest in a limited fashion, and they also clearly implied that that would even be a good thing for the environment and the wildlife, in particular, in some of the provincial parks. Does, does the minister have any scientific evidence that would support otherwise, that these presenters would have been, would have been wrong in their assertion?

Mr. Struthers: First of all, we have regional foresters in every part of our province that, that have a long list of credentials in terms of education and scientific background that, that, that work on these very issues that, the, the Member for Inkster (Mr. Lamoureux) brings forward. They have—not only have a long list of educational and scientific and research back—background, but, but they, for the most part, have years of experience, not just in the department, but outside of the department working in forests, working in ecological areas. We have some expertise that, that I, that I depend on quite heavily to make decisions. We have a, a number of groups, I think, that work with us in terms of making decisions and bringing us scientific—that, that scientific knowledge to the table, including some, some of the people that you, that you heard here today. The—we have had a, a good level of co-operation from companies like Tembec and Tolko and Louisiana-Pacific, FMLAs that I just mentioned here a while ago, with a number of people who, who we can draw upon.

We have, I think, a, a whole host of quota holders, the biggest in the province being Spruce Products up in Swan River who were heard from today, along with a whole number of quota holders who—end up being much smaller than that—who draw upon a lot of experience in terms of making decisions out in the bush.

I count on all those people and, and I must say, too, I think you heard some, some good advice from a number of environmental groups here as well, who, as Manitobans, I think, have a right to, to say to, to us as politicians what their advice would be and to incorporate that—the research that they do as well.

So there's lots of sources of scientific evidence and that are readily available. If we need further, we have abilities to go further and get that scientific knowledge. As has been mentioned earlier today, the Clean Environment Commission has been, has been, has weighed in on this very issue at one time or another. So I think—I'm, I'm pretty confident that we do have the resources that we need to draw upon and make good scientific, scientific decisions to make, make good public policy on behalf of all Manitobans.

Mr. Lamoureux: Again, I'm just looking for, for some clarity on it. Is there scientific evidence that clearly shows that it would—it's to the detriment to allow any form of logging or harvesting in a, in a public park?

Mr. Struthers: The scientific evidence that I'm aware of and that the folks I've talked about helped me to become aware of indicates that we need to look, we need to look in a balanced way our approach to our forest in Manitoba. And our parks are part of that balance. The, the—when you look at the amount of, the amount of, of hectares covered by provincial parks, it is only one, one part, and it is a fairly small part of the overall forest in Manitoba. And I think we—it is incumbent upon the government, whoever that may be, and the minister, whoever that may be from time to time, to make decisions based on the, on the totality of the Manitoba landscape, and make, make decisions based on the best ecological outcomes that you want to have—not just the trees, not just the peat moss, not just the, the, the critters that, that inhabit that area, but the whole cycle, the whole ecological cycle that, that we need to be concerned about.

So, my, my goal, this government's goal has always been to, to make sure we get to that balance.

Mr. Lamoureux: I'll give the minister an example, and if he could just tell me whether or not I'm, I'm right or I'm wrong.

If I identify a park and I say this particular park would benefit wildlife-wise and environmental-wise if there was a limited harvest done, is it, would that be absolutely wrong in me to make that sort of an assertion, or is there some likelihood that it could be right, I could be right?

Mr. Struthers: Well, what I think we have to understand is that park that the Member for Inkster (Mr. Lamoureux) references is only one part of that ecolo—ecology in that area, and I think it's incumbent

on us to make sure that we not take that very narrow focus of strictly looking at that one provincial park that he's talking about, whichever one that may be. It has to fit in to the bigger picture, the landscape that we deal with, including that park but the region around that park as well.

One of the things that Manitobans, I think, are most taken aback with some, when I speak, is when I admit—*[interjection]* Yeah, there's lots of things—I set myself up on that one, didn't I?

When I inform Manitobans that we don't fight every fire, I think I get a little of a—taken back a little bit because fire is a natural part of regenerating a forest. So, when there's a fire in an area where it's not threatening a community, where we don't have to evacuate people, where there's timber values that may not be as high as in other areas, we make decisions not to fight those fires.

I'm very proud of the work that our Forestry people do and our fire suppression people. Every summer we go through this, not quite yet this year, but we will, I suspect. And they do a good job of suppressing those fires, but we try to, as much as we can, mimic what Mother Nature does, and that's how we try to get to that balance.

Mr. Gerald Hawranik (Lac du Bonnet): I just have a question relating to the answer, I think, that the minister gave to the member from Inkster. I believe what he said is that his decision to, with respect to this bill, to bring this bill forward is based on science and he's looking at the best interests of the health of the forest. Given that the minister, I believe said that, and this bill does not apply to Duck Mountain Provincial Park, can the minister explain why the science is different in Duck Mountain Provincial Park versus other provincial parks in the province?

Mr. Struthers: Well, if the position of the member is that we should extend our policy to the Duck Mountains, then he needs to understand that part of the balance that we get to includes the number of people that depend on that industry—

An Honourable Member: So these—

Madam Chairperson: Order, please. Order, please.

Mr. Struthers: What the members opposite need to do is take a good hard look, as we did and he might like to listen to the answer but—take a good hard look at the, at the Duck Mountains themselves. Take a look at the number, the sheer number of quota

holders in the area, the lack of area by which we could move any of these quota holders outside.

An agreement signed back in the 1990s pretty much locked up all of that forest area. Whoever signed that agreement locked up the forest area so that we didn't have an option to move people out. We couldn't say to those folks, like we could in eastern Manitoba and in Grass River and up north, that we could work with people to replace the fibre that we moved them from when we moved them, relocated them from provincial parks. So, if the member can explain to me how to unscramble that omelette, he's, he's smarter than everybody that has been looking at this so far.

Mr. Hawranik: Well, I would, I would suggest to the minister that those members, those members of the public who came here tonight and said that they're concerned about their livelihood and so on are probably smarter than the minister. So that's why they came here, to talk to the minister.

* (21:40)

I guess what the minister is telling us in this committee hearing is that the quota holders and the truckers in eastern Manitoba, those who make a living in eastern Manitoba, in this very same industry as they do around Swan River, are expendable versus the one that's in Swan River or not. Is that what he's saying?

Mr. Struthers: Absolutely not, Madam Speaker. *[interjection]*

Madam Chairperson: Order, please.

Mr. Struthers: I think the first thing that politicians should understand, that—I include the Member for Lac du Bonnet in this—is that pretty much everybody who presented tonight is probably smarter in terms of forestry than any of us politicians sitting at the table. I'm the first to admit that.

My job is to reflect Manitobans—the public policy that Manitobans want to put in place. We don't trade one part of the province off for another. If conditions were different, we, we—if conditions were different, we would have come up with a different answer in terms of the Duck Mountains. What the Member for Lac du Bonnet can't explain to one single Manitoban was how we were going to move forward in the Duck Mountains without laying people off, without the, causing the kind of disruption to communities that would exist, because it was just not possible.

I know there's fingers being pointed out into the audience right now by members audience, and that's fine. They can do that, except the opportunity was there to move people from provincial parks in the east and in the north to areas where there was comparable fibre to replace the park fibre that we have in the Duck Mount—sorry, in the provincial parks where this decision was made. We didn't have that option in the Duck Mountains. That's very clear.

That's something that, if members opposite were sitting in this chair, they wouldn't have a choice in that matter either, except, I suspect, they wouldn't, they wouldn't move ahead with moving, removing commercial logging from provincial parks. I know that they are opposed to that. That's fine. That's a position they can take. They can't have it both ways and play one part of the province off against the other. So, Madam Deputy Speaker, sorry, Madam Chairperson, that's the long and the short of it.

Madam Chairperson: Thank you. Seeing no further questions, then I will continue.

Shall the enacting clause pass?

Some Honourable Members: Pass.

Madam Chairperson: The enacting clause is accordingly passed.

Shall the title pass?

Some Honourable Members: Pass.

Madam Chairperson: The title is accordingly passed.

Shall the bill be reported?

Some Honourable Members: Agreed.

Madam Chairperson: Agreed? The bill shall be reported. Thank you.

* * *

Madam Chairperson: We will move on to Bill 17.

Hon. Andrew Swan (Minister of Competitiveness, Training and Trade): While the Labour folks are getting in place, maybe we can do Bill 23 after this one so we don't have to switch everybody out and then switch them back. I wonder if that's agreeable to the committee.

Madam Chairperson: Can we, is the committee agree to put Bill 23 next? Is there agreement?

Some Honourable Members: Agreed.

Madam Chairperson: Agreed? Thank you.

Bill 17—The Workers Compensation Amendment Act

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

Hon. Nancy Allan (Minister charged with the administration of The Workers Compensation Act): No, I don't.

Madam Chairperson: Thank you.

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

Mrs. Mavis Taillieu (Morris): No, Madam Chair.

Madam Chairperson: Thank you.

Shall clauses 1 through 3 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 1 through 3 are accordingly passed.

Shall the enacting clause pass?

Some Honourable Members: Pass.

Madam Chairperson: The enacting clause is accordingly passed.

Shall the title pass?

Some Honourable Members: Pass.

Madam Chairperson: The title is accordingly passed.

Shall the bill be reported?

Some Honourable Members: Agreed.

Madam Chairperson: Agreed? The bill shall be reported. Thank you.

Bill 23—The Buildings and Mobile Homes Amendment Act

Madam Chairperson: We will now move to Bill 23.

Does the minister responsible for Bill 23 have an opening statement?

Hon. Nancy Allan (Minister of Labour and Immigration): Yes, I do.

I would just like to say that Bill 23, The Buildings and Mobile Homes Amendment Act is, is being presented because farm buildings are currently exempt from this legislation, and this bill will make a farm building subject to the act if it has a building area that is larger than the spec—the size specified—

Madam Chairperson: Order, please. Order, please.

Ms. Allan: –in the regulations. And we have been in consultation for quite a few months now with stakeholders in regards to the regulation, and we have a document that was released about a month ago. And we will be consulting with our stakeholders in regards to what that building size will be.

Madam Chairperson: Thank you.

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

Mrs. Mavis Taillieu (Morris): Just briefly, with the, with Bill 23, The Buildings and Mobile Homes Amendment Act, we did receive a briefing from the minister and know that some consultation has taken place with some of the stakeholders.

Speaking with the stakeholders, they feel that the—they are supportive of the bill, but they also recognize that the details will be in the regulations. The minister has promised to consult in the regulations, and I just encourage her to, to do that.

Madam Chairperson: Thank you very much.

Shall clauses 1 and 2 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 1 and 2 are accordingly passed.

Shall clauses 3 and 4 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 3 and 4 are accordingly passed.

Shall the enacting clause pass?

Some Honourable Members: Pass.

Madam Chairperson: The enacting clause is accordingly passed.

Shall the title pass?

Some Honourable Members: Pass.

Madam Chairperson: The title is accordingly passed.

Shall the bill be reported?

Some Honourable Members: Agreed.

Madam Chairperson: Agreed? The bill shall be reported. Thank you.

Bill 21—The Labour Mobility Act

Madam Chairperson: We are now on Bill 21.

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

Hon. Andrew Swan (Minister of Competitiveness, Training and Trade): Very briefly, Madam Chairperson. Of course, this bill will implement Manitoba's full participation in chapter 7 of the Agreement on Internal Trade dealing with labour mobility.

I really just want to acknowledge the co-operation of 205 regulated occupations in the province, who have worked with the department to make sure they are ready for this great step for workers in Canada. And I also just want to thank the work of department staff for meeting with the regulators with the government—with the governing bodies, with government departments and with trades to make sure that labour mobility comes to Manitoba in the most efficient and appropriate way.

Madam Chairperson: Thank you.

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

Mr. Blaine Pedersen (Carman): I just want to acknowledge that we do support this legislation. There are some ongoing issues of, with some of the occupations, trades, which will have to be worked through. And we just want to also acknowledge that this is, this is like taking baby steps. We need free trade within Manitoba. I know this party, the NDP party, is not in favour of free trade. We are, and we want to see full trade, free trade within Canada. We have more, we have more barriers within Canada than we do going south to the U.S., and it's something that we would certainly like to see this government become much more proactive on. Thank you.

Madam Chairperson: Thank you very much.

Shall clauses 1 and 2 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 1 and 2 are accordingly passed.

Shall clauses 3 and 4 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 3 and 4 are accordingly passed.

Shall clause 5 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 5 is accordingly passed.

Shall clauses 6 and 7 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 6 and 7 are accordingly passed.

Shall clauses 8 and 9 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 8 and 9 are accordingly passed.

Shall the table of contents pass?

Some Honourable Members: Pass.

Madam Chairperson: The table of contents is accordingly passed.

Shall the preamble pass?

Some Honourable Members: Pass.

Madam Chairperson: The preamble is accordingly passed.

Shall the enacting clause pass?

Some Honourable Members: Pass.

Madam Chairperson: The enacting clause is accordingly passed.

Shall the title pass?

Some Honourable Members: Pass.

Madam Chairperson: The title is accordingly passed.

Shall the bill be reported?

Some Honourable Members: Agreed.

Madam Chairperson: Agreed? The bill shall be reported. Thank you.

The hour being 9:48, what is the will of the committee?

Some Honourable Members: Committee rise.

Madam Chairperson: The committee rise? Thank you.

COMMITTEE ROSE AT: 9:48 p.m.

**WRITTEN SUBMISSIONS PRESENTED
BUT NOT READ**

From: Camp Koinonia

Sent: Monday, March 02, 2009 6:38 PM

Subject: potential amendment to Bill 3 to prohibit logging in prov. parks

I just wanted to say that I/We are total against the amendment to Bill 3 in regards to prohibiting logging in Provincial parks. I live in the Turtle Mountains Provincial park at Camp Koinonia. We have used trees out of the park for more than 30 years, in fact back in the 1970's the province designated a woodlot close to our property, here in the park. The woodlots that were used back in the mid seventy are probably the best looking part of the forest. Where it has been logged is also probably one of the healthiest parts of the forest. In these areas it was never replanted it just grew back all on its own.

Ironically some clear cut logging would probably be very healthy for the forest, or even better would probably be a forest fire as much as nobody would ever really want that.

Thank you for your time.

Matthew Heide
Camp Manager

* * *

Association of Manitoba Municipalities
June 1st, 2009
Clerk of Committees

Re: Bill 3 – The Forest Amendment Act

The Association of Manitoba Municipalities (AMM) represents all 198 incorporated municipal

governments in the province of Manitoba and because of our mandate we are always working to help build vibrant and sustainable communities in our province. It is for this reason we would like to make a few comments on Bill 3 – The Forest Amendment Act.

Municipal government fully supports protecting the environment, and from an environmental perspective we can certainly see the benefits provided in Bill 3. However there needs to be recognition of the potential impact these proposed changes could have on some communities. The prohibition on timber cutting in Provincial parks will adversely impact those communities around provincial parks. Some communities close to Provincial parks have been able to attract and retain logging businesses, which in many cases have become key employers in the area. Our concern is the prohibition called for in Bill 3 could result in these businesses either closing their

doors or relocating to another community. Those working for these companies are then faced with either having to relocate as well, or to seek employment somewhere else. Either way it will put a strain on the community.

For this reason, we are asking the Province to work with communities that will be impacted by the new legislation to minimize the effect of the prohibition and find workable solutions to the challenges facing these communities.

Thank you for the opportunity to make comments on the bill and we trust these issues can be resolved to ensure everyone benefits from Bill 3.

Sincerely,
Doug Dobrowolski
President

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

<http://www.gov.mb.ca/legislature/hansard/index.html>