



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

**DEBATES
and
PROCEEDINGS
(HANSARD)**

39 Elizabeth II

*Published under the
authority of
The Honourable Denis C. Rocan
Speaker*



VOL. XXXIX No. 47B - 8 p.m., MONDAY, JANUARY 21, 1991

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

Members, Constituencies and Political Affiliation

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, January 21, 1991

The House met at 8 p.m.

THIRD READINGS

BILL 24—THE ENVIRONMENT AMENDMENT ACT

Ms. Jean Friesen (Wolseley): Mr. Speaker, the environment Bill and its amendments have unfortunately been overshadowed by the threat of world war and one of the longest nurses' strikes in Canada's history, but it is an important Bill. It is a Bill in which there is a great deal at stake, too much at stake not to do it right.

So we on our side think that we should wait the six months, that we should make amendments that are acceptable to the public and to the environmental movement. We should not rush on the basis of hurried, overnight decisions, but on the thoughtful recognition required by the people of Manitoba. As we edge closer, Mr. Speaker, to the precipice of a world war, many Manitobans are feeling very helpless. Those Manitobans who have been active and concerned about our environment for many years know that feeling of helplessness. They know that we faced a global crisis for many decades, but it is a crisis where local action counts.

We need not feel hopeless, although the problems we face globally are immense—the conservation of water to provide enough food for the world's people, the protection of soil, the problems of ozone depletion, the loss of our forests, and acid rain. Yet, in spite of these, we can, as the Government is aware and as it has spoken in its rhetoric, think globally and act locally. A phrase which may not be a household word yet, but it certainly reached the level of popular culture as a bumper sticker, if nothing else.

Around the world, Mr. Speaker, we have seen many impressive efforts that have followed the Brundtland Commission. Three countries at least have made significant initiatives in the environmental legislation. The Dutch, for example, with their high population density and very severe problems in the use of automobiles and the pollutions that come from that, have focused upon

incentives and disincentives in regulations for the greater use of bicycles, particularly public transport, and even more particularly the use of trains. They concentrated on controlling the emission of sulfur dioxide and nitrogen dioxide. They have made a concerted effort to increase the energy efficiency throughout their country.

Similarly in Norway, we find similar kinds of national legislative action and achievable goals. In Australia, Mr. Speaker, we saw through public action in the very poor state of Tasmania, a state which is very much like Newfoundland, where jobs were certainly needed, but through concerted public action they turned back, in fact, a Canadian mill, Noranda, because of the kind of pollution that it would have involved for the whole state of Tasmania and, in fact, for Antarctica itself. They thought globally and they acted locally.

Australia, perhaps less significantly than Norway or Holland, is attempting to replace the tree cover that has been lost since European settlement, and it proposes over the next few years to replant over a billion trees. Elsewhere, for example in the United States, we find a great deal of activity at the local or state level, mandatory recycling laws, and in Vermont, a very small and relatively poor state, enviable goals and legislation in many areas of environmental protection. The United States as a whole, regrettably, is probably spending more in one day in the Gulf War than it has proposed to spend, \$14 billion in fact, in one year on environmental activity generally.

Let us turn to Canada where, unfortunately, we are blessed with the Tory Party for a few more years at the federal level, and what we have seen from them is an expensive public relations exercise, the Green Plan. But, in reality, what has been the action at the national level? Well, we have seen a \$5 billion environmental plan become a \$3 billion plan.

There are no tough measures to control corporate polluters at the national level and those large corporations, like those which poisoned the English-Wabigoon river system, which ruined the livelihood of the people of Whitedog and Grassy

Narrows, are now required to offer voluntary compliance.

* (2005)

We see no money for the renewal of forests of Canada; we see no legislative support for the whistle-blowers, those who now must choose between their job security and their concern for the public interest. At the national level we have seen continued unconsidered support for the expansion of large major developments, James Bay II, Point Aconi, Hibernia. The federal Government is selling off Petro-Canada, the public player in the oil area where they could have had an effect on larger public issues. They are on their way to eliminating rail as a form of transport in western Canada.

Canada's Tories, in fact, are not in the forefront of sound environmental legislation. We cannot look to them for leadership, but the damage they do will live after them.

Let us look at their allies, the provincial Tories in Manitoba, and we see similar approaches. We see a rhetoric of sustainable development, a well-written brochure. It is indeed, Mr. Speaker, a well-written brochure, wrapped in appropriate recyclable paper. It has all the key words of stewardship, prevention, conservation, recycling, and again, that principle of thinking globally and acting locally. But what has been the record of this Government over the last three years? We see no conservation strategy for the more than half of our citizens who live in towns and cities. There are no new grants to urban transit in a time of large increases in costs and, predictably, the bus fares in Winnipeg have increased; predictably, the ridership will decrease. We see no leadership from this Government on this most basic of conservation issues.

The City of Winnipeg, faced by spiralling costs, largely as a result of suburban sprawl, the extended road systems, social infrastructure, left, I think, by the legacy of the many Members of the Government who sit on the other side of this House and who once sat in City Council and left us with those kinds of debts—City Council now has no funds for those kinds of recycling initiatives that common sense would require.

This is a Government which has done nothing to combat corporate pollution in the North. It has allowed Ducks Unlimited to build a large-scale office building at Oak Hammock Marsh and this in the face of serious opposition from the Naturalists Society,

many environmental groups across the province and, indeed, the country.

On an issue which strikes at the individual and the family level, that of recycling, we have seen again no leadership from this Government. They chose to deal very harshly with the resource recycling institute, to give it minimal encouragement for its activities, and this, Mr. Speaker, is something which is of great local interest to the constituents of Wolseley. I circulated a petition, which the Minister might be interested in, before Christmas to encourage his support for recycling, the Blue Bag Program in Winnipeg. I received within the space of two weeks over 1,000 signatures. Indeed, they are still coming in. I got 125 today which at some point I will be presenting to him.

I emphasize to the Minister, Mr. Speaker, that this is just from Wolseley. I have not started yet on Fort Garry, St. Vital or St. James areas where families and individuals are concerned about recycling and see it as the sensible initiative. We have had requests from all of those areas for the recycling petition and for a blue bag program across the city of Winnipeg.

We meet, Mr. Speaker, to talk about this environmental Bill of this Government. We meet today in special Session to consider an amended environmental Bill -(interjection)- more desirable?

Mr. Speaker, it is unfortunate and beyond our control that the public attention for this Bill has been overshadowed. -(interjection)- I would like to lead that into the record, but I do not know how to rephrase it.

* (2010)

Some Honourable Members: Oh, oh!

Ms. Flesen: It is unfortunate, Mr. Speaker, that public attention for this Bill has been overshadowed, I think through no fault of anyone, by both the war and the strike. So we recommend to the Government that in these special circumstances we do extend consideration of this Bill for another six months to hear the full public debate on an issue which has long-term implications for all Manitobans.

In all the presentations which were made in the committee hearings on this Bill, the focus became clear. I will just talk I think to three of the issues in this particular Bill. It seems to me that speaking in general terms, one of the most important elements of this remaining Bill and its amendments is that it will still enable others to do our environmental

assessments. I do not think this is what Manitobans want. We have created this environmental mess. We want to act locally and we must take responsibility. That is what stewardship means. That is what the rhetoric of the Government implies. It is too important to leave these kinds of decisions to other jurisdictions.

Second of all, I think, as we moved in committee, we moved an amendment to create an environmental panel free of political influence. I think that is something again that is of concern to all Manitobans, that they want to have the kind of confidence in a specialist and in a non-political panel that they can turn to for guidance, for information and for support on their environmental concerns, but this was rejected by the Government—not any surprise, I think. The Government has rejected similar non-partisan initiatives from the University of Manitoba Students' Union in recent days.

Thirdly, the other area of this Bill that concerns us is that the discretionary authority of the Minister has been considerably enlarged by this Bill and its amendments. It is particularly unfortunate in the case of the provision of intervener funding. We need to ensure, Mr. Speaker, full and open public debate on environmental issues. The public interest requires well-researched, well-constructed criticism of all major environmental issues, and this Bill does not provide for that.

This Bill, Mr. Speaker, does nothing to enhance the kind of well-informed debate that Manitobans want. Indeed, it moves us away from the general direction of international policy in that area. It moves us further away from the environmental movement in Canada, and it moves us further away from the concerns expressed by Manitobans.

Mr. Speaker, let us take the additional time we need. Let us take that extra six months in the context of these particular difficult times for Canada. Let us take the additional time to do the right thing for Manitobans and for the environment.

Mr. Jerry Storle (Filn Flon): Mr. Speaker, I think we all remember only a few short weeks ago when it was agreed in this House that this particular Bill would be brought back before this Chamber on January 21. There was an understanding that we would have two real days of public hearings.

I want to begin by saying that in the opinion of many, and certainly my colleagues who were at these public hearings, it is indeed unfortunate that

the hearings were nothing short of a sham, that the Government's stated intention of listening sincerely to the interests of those who have worked in the environment and worked on the cause of the environment for the last many years would be listened to. We are so sadly undermined by the approach taken by the Government at those two days of hearings.

Mr. Speaker, there were some 20 individuals and groups that made presentations. It is sad to say that their advice and their counsel on a matter that is fundamentally important to all of the people of this province were ignored. What is also I think unfortunate is that there was some treachery in the treatment of the environmental groups in the hearing process and perhaps in the intentions of the Government.

* (2015)

Mr. Speaker, these groups had presented their amendments and their proposed amendments to the Government on many occasions. The Minister of Environment (Mr. Cummings) sat in meetings where amendments similar to the ones introduced by my colleague, amendments introduced by individuals making presentations, were addressed to him and to the First Minister (Mr. Filmon) of the province. Undertakings were made verbally that, yes, there was sympathy for the amendments and for strengthening this legislation to make sure that it worked in the interests of Manitoba. There was a tacit understanding on the part of many groups in the province that represent the environmental conscience of the province, that these things would be looked after, that the flaws in the first draft of the environmental Bill would in fact be corrected.

So what happened on January 16 and 17? Well, Mr. Speaker, the fact is that Bill 24, if anything, as my colleague from Radisson (Ms. Cerilli) has suggested, was weakened in this process. So what does this tell us? We have now an amending process; we have the Government of the Day amending the most important, the bedrock Bill of environmental protection in the province. We have them continuing to weaken that legislation, not strengthen it, not strengthen the process, not strengthen the involvement in the consultation that is necessary if we are going to have any kind of consensus about what we do to promote sustainable development in this province, and that is very, very unfortunate.

Mr. Speaker, I can understand, and I think most Members of this Chamber can understand, the outrage that was expressed by people like Brian Pannell and others at the treatment they received in committee. It became obvious to them that the First Minister's (Mr. Filmon) word, the Minister of Environment's (Mr. Cummings) word are not worth anything.

The nurses, of course, are learning that today and in the last 21 days. Too many people in this province are learning that the word of this Government cannot be taken seriously. Once they have lost that—and the Minister of Northern Affairs (Mr. Downey) is sitting there and people in northern Manitoba know how much his word is worth—once this Government has lost that, then they have lost everything.

This is perhaps the most blatant example, because I, Mr. Speaker, sat in and discussed with Members of the Treasury Bench the amendments that were proposed before Christmas to this Bill and was told *soto voce*, if nothing else, that yes, these amendments were acceptable, that they would be passed and that there was no real problem with them. They did that for one purpose and one purpose only, and that is to appease the environmental groups at the time.

(Mr. Eric Stefanson, Acting Speaker, in the Chair)

Now under the cover of darkness, so to speak, in the midst of an international crisis and a crisis in our health care, what does the Government's real intention appear to be? Its real intention is to subvert The Environment Act, to deny what it told groups in private consultation meetings.

Is this the action of a responsible Government? Is this the action of a Government with a modicum of integrity?

* (2020)

Mr. Acting Speaker, this is an extremely, extremely serious matter. The amendments that were sought to this legislation were straightforward. Their intent was clear to everyone. No one could deny the sincerity of the people who made presentations, and they represent a lot of people. Their motives were not political. None of them came before the committee seeking political office. They came seeking one thing and one thing that we all should be seeking, and that is a genuine improvement to an Environment Act that is there to defend the interests of our environment and our citizens.

They came there with clear motives and pure motives, and what happened? The Minister of the Environment (Mr. Cummings) in his wisdom decided to weaken the legislation, to leave the legislation in a state of comatose, a state of inertia, an Act which will not ensure that our environmental interests are defended.

How have they done that? Well, two specific ways—there are actually four or five, but I want to mention two in my remarks.

The first one is the principle that other jurisdictions' legislation should be that which is used to determine what is in our environmental interest, clearly an abdication of the Government's obligation, clearly an abdication of their responsibility to do what is right environmentally for our province.

That would not be so bad perhaps, Mr. Acting Speaker, if we knew that the legislation they were going to use in place of The Manitoba Environment Act was in fact stronger than The Manitoba Environment Act. Certainly there is grave fear that the federal Environment Act, which is the most likely piece to be used to supplant our own Environment Act, is not any stronger. In fact, it is much weaker in many areas. That is a serious condemnation of the approach this Government has taken to environment matters.

The second point is the question of whether we are going to have any strong advocacy funding with respect to environmental matters. Are we going to provide intervener funding that is significant, meaningful and will allow a completely independent analysis of environmental questions?

The Government again in its meetings with environmental groups was leading them quite deliberately to believe that, yes, there would be some support. Again, in the eleventh hour, in the darkness of night, they have decided to betray that confidence.

Mr. Acting Speaker, the environmental movement will not soon forget. I think that the report in the paper the other day of their feelings about the hearings and the Government's actions are going to be felt on the part of the Government for many many months to come. Perhaps there will be no forgiveness because this was done in a very deliberate and deceptive way, and the people I think in the environment movement feel rightly wronged.

Mr. Acting Speaker, there is an old saying, let your

word be your bond; unfortunately, the Government's word is not much of a bond. It may be 3M stick-it paper, but it peels away pretty quickly.

Unfortunately, Mr. Acting Speaker, this particular action on the part of the Government is really quite consistent with its other environmental action. It is easy to play with words; it is easy to introduce legislation and amend legislation to make it less likely that the Government will really have to make any difficult decisions, but I recall when the Minister of Environment (Mr. Cummings) first introduced what I thought was an excellent piece of legislation, the waste reduction and consequential amendments Act, The WRAP Act, as we know it now. I remember telling the Minister of Environment at the time that this was a charade, that in fact the only strength in that Bill was delegated to Order-in-Council. Everything was left to regulation; there was no meat on that Bill which would tell Manitobans, this is right and this is wrong environmentally.

That is what the Minister has done here. He has said, there is no right or wrong. I will decide upon a flip of a coin or a meeting with Grant Devine; I will decide in my own subjective way what is right or wrong. There is apparently no environmental right or wrong for this Government, and that is unfortunate.

(Mr. Speaker in the Chair)

I challenge the Minister, and I recall the circumstances of the Minister introducing The WRAP Act. The Minister introduced The WRAP Act in the last minute, had to get leave from the House to introduce it in the House, because the First Minister (Mr. Filmon) was going to an environmental conference and the Minister of Environment (Mr. Cummings) wanted to be able to send down the message to his ministerial colleagues that, yes, Manitoba really was moving on the environmental front. -(interjection)- First Ministers' Conference. I forget what the conference was, but that was the rationale for rushing that Bill in.

* (2025)

What really has happened since the introduction of The WRAP Act? I challenged the Minister—in fact, I stated categorically there would be no introduction of one single regulation under The WRAP Act before the next election, and, of course, that proved to be true. There was not one single regulation introduced. They are now into their

second term by four or five months. We have seen no regulations introduced under The WRAP Act, so you have to start to ask yourself again, where is their commitment to the environment?

Mr. Speaker, the people of Manitoba watched, perhaps in fascination and then in horror, as this Government trampled on one side of the issue and then the other and sat on the fence and many months in between, deciding what to do about Rafferty-Alameda. In the final analysis, they really did nothing effective—no study, no protection of Manitoba's interests.

We had exactly the same situation in northern Manitoba, where the Saskatchewan Government was going ahead with plans to rebuild a dam on the Churchill River, a dam that was going to affect the downstream communities of Pukatawagan and others, Granville Lake, and many others. The Government said it was concerned, expressed concern through its Minister of Northern Affairs (Mr. Downey) to some of the chiefs in northern Manitoba, but did nothing. In fact, the bands, in the final analysis, were probably the ones who were successful in stalling that project for the time being, but the Minister of Environment (Mr. Cummings) took no position. He refused to offer the bands funding. He refused to take the Government of Saskatchewan to court, even though they were violating Manitoba law. In fact, for many years the Province of Saskatchewan has been thumbing its nose at Manitoba by refusing to get a licence under The Water Power Act to allow it to regulate waters in Manitoba, so the Minister refused to act at that front as well.

Mr. Speaker, this Government's reputation has been tarnished, and it has been tarnished perhaps irreparably by this latest treachery, and I think that is the word that you have to use.

Finally, I want to say that Manitobans really do want an environment Act that works. That is what they want, and I think that requires Government leadership because—and I said this with respect to The WRAP Act as well—while everyone wants something good to happen with the environment, many people, if not most people, are at a loss as to where to start. The Government has had many opportunities to start that process, to tell its citizens what is environmentally right, what is environmentally healthy and what is not, and to do something about it. They have failed in every instance. Yes, we have passed some very

potentially good legislation, but it is going to take some will to introduce it, to actually make it act on behalf of our environment.

This is a circumstance where we had a reasonably good Environment Act. We could have made it better, and we have missed that opportunity. Perhaps more unfortunate than in missing that opportunity, we have insulted some of the people who have worked the hardest to make the environment a priority with Governments in this province. I say Governments because it is not just this Government, it is many others that they have worked with.

Mr. Speaker, we are going to vote on this legislation later on this evening. I want to make it clear that, while I will not be supporting the legislation, I assume that many Members on that side are going to be supporting this legislation. I want you to be aware that you should take no pride in this because it is stepping backward, not forward.

It is stepping on our environment, not saving it. The Minister of the Environment (Mr. Cummings) and the First Minister (Mr. Filmon) of this province are going to rue the day that they started the process of undermining The Environment Act instead of building it. They are going to rue the day they undermined the confidence of the groups that are working with the Government or were trying to work with the Government to improve our legislation, not make it a doormat for some other jurisdiction.

Thank you, Mr. Speaker.

* (2030)

Mrs. Sharon Carstairs (Leader of the Second Opposition): Mr. Speaker, I rise tonight pleased to have seconded the motion of the Honourable Member for St. James (Mr. Edwards) to hoist this Bill for six months in the hope that, should that motion pass, the Government will come to a realization that they are not acting in the best interests of the environment here in the province of Manitoba. More than that, they are not giving the right signal to other jurisdictions in this country, and indeed in the entire world, that this Government that prides itself on being the centre for the International Centre for Sustainable Development has not taken a leadership role when it could have.

What kind of a signal is that to the environmental community? It made a commitment of some \$5 million for five years, \$25 million, a large commitment particularly in a time of recession

where each dollar is hard to obtain. They made that commitment because they wanted to see, they told us, an enhanced world environment, an environment where the theory of sustainable development became the watchword of every single Government on the surface of the earth.

It is even more important for those of us who live in First World nations to take a leadership role in the environment because we have certainly taken a leadership role in destroying the environment. Surely we must take that leadership role to return the environment to the state it was when we inherited it and to pass it on to our children and to our grandchildren in an improved state, not in a continuing deteriorating one.

I think it is important tonight to look back on just how this Bill came into being. Members of this House were surprised, quite frankly, when it appeared on the Order Paper because we were of the opinion that no controversial legislation was going to be put before us. At first the Minister said this is not the least bit controversial. This is just a little bit of housekeeping legislation that we want to have passed before the end of Session. We waited a few days until the legislation was actually tabled, and we learned it was not a housekeeping Bill at all. It was a fundamental change in the way in which we were going to conduct reviews in this province.

At first we were presented with the idea of joint review processes. In theory it makes a lot of sense. You bring the witnesses one time instead of two times. You have intervenor funding provided once and not twice, but that is not what this Bill provides for. What this Bill provides for is the right of Government to pass over its authority to another Government, to say, we are quite happy if someone else does the review for us. Mr. Speaker, surely we have learned in this province that we do not want anyone else to do a review for us.

Let us just look to the Rafferty-Alameda dam project as an example. First of all, we were told, well, Saskatchewan knows what it is doing. Then we were told, well, the federal Government knows what it is doing. Then we were told, the U.S. Army Corps of Engineers knows what it is doing. Everybody knew what they were doing, except nobody was the least bit interested on the impact of those projects on the province of Manitoba.

When we asked our Government, who is going to protect our interest, who is going to speak for us,

they said, not to worry. Studies are being done here. Studies are being done there. Studies are being done elsewhere, except none of those studies, not one, truly evaluated the impact and the effect on the province of Manitoba—none of them.

That is what will happen when we give our jurisdictional authority to others. Their primary concern will not be the impact on Manitoba. It will be the impact on them, as it should be.

We have in this Bill a piece of legislation that does not allow Manitobans to actively participate in their assessment process. We do not even have a guarantee, if the Minister uses his discretion, that there will be any Manitoba panelists, no guarantee that a single Manitoban will review the impact on Manitoba.

That is not all that is missing from this legislation. It was interesting, Mr. Speaker, to attend the legislative sessions last Wednesday. I suspect that everyone in that room had their mind elsewhere, because when I turned on my television at two minutes to six, war had broken out. Word had come some 20 minutes earlier. The world was at war. The world was potentially going to see itself embroiled in a war in which the greatest amount of environmental damage ever known to the world could happen.

We did not know and we still do not know if nuclear weapons will be used. We did not know and we still do not know if chemical weapons will be used. We did not know and we still do not know whether biological weapons will be used. We simply do not know those things, and it was in this context that we began the debate on an environment Bill instead of taking the moment to step back and say, at this critical point in world history, surely we should be doing everything we possibly can to strengthen the environment, even if it is only in our small part of the world. We were taking the opportunity to be less protective about the environment. One of the ways in which a Government can ensure that an environmental impact assessment is fair is to guarantee intervener funding.

Intervener funding is an easy concept to understand. You know, when Hydro, with its potential to put millions into an environmental impact assessment, and can hire witnesses who will obviously show their side of a proposal in the very best light, or when the management of Repap can hire all their expert witnesses to give information

which will obviously put their venture in the very best possible light, then surely it behooves somebody—and in this case the Government—to make sure that those who oppose these projects, who believe that these projects are going to provide long-term damage to our province and to our nation, surely it behooves us to ensure that there is some funding for them to hire their expert witnesses.

I listened with interest to one particular presentation. The woman was there on behalf of the Naturalists Society, representing, I think she said, some 2,400 members, but they have no funding to hire experts. They have no funding to bring in a first-class biologist or a first-class economist or a first-class environmental engineer to say how they believe this project impacts on Manitoba and on Manitoba children in the future. That is why you need intervener funding, but there is no guarantee of intervener funding in this particular legislation. There are no guidelines for applying that funding, should it exist.

I mean, it is logical to assume that a Government or an agency would not want to hand out intervener funding to anyone who showed up and said, I am an expert witness; I would like intervener funding. So, of course, you have to have guidelines, but we do not have them. We do not have appropriate guidelines for the panel itself, because we have not allowed the panel to set their own terms of reference. The Minister will determine what that point of reference will be. I think each and every one of us has experienced that, when people come before us, they sometimes raise issues that were never considered before. I think of the many people who came before us on Meech, who raised issues about Canada's Constitution, that I am sure those of us who sat on the panel had never considered.

* (2040)

If the panel does not have the ability to set its own terms of reference, then indeed areas will be overlooked. That will result in important issues with respect to the environment having been overlooked.

I know that I shared with the Minister the other night some moments of concern as people tried to be so restrictive that, if you were to participate in such a panel, you would have to be a political eunuch. I did raise with some of the people that evening that surely it is not the membership of a political Party that should prevent one from being a panelist, but what should not be allowed to happen

is for a political Party to influence the outcome, to influence the decision-making process of that particular panel. With that I am in full agreement.

So there must be among those panelists a sense of their own independence that there is not a quid pro quo demanded of them by the Government of the Day because they have been appointed to this particular panel. That is why the amendment proposed asked for neutral and unbiased panelists and asked for panelists who would have some knowledge and some expertise, because it is becoming a more and more complex field.

Although everybody feels they care about the environment and everybody wants to ensure a good environment, there are not very many people who have the knowledge to judge whether a particular decision would be in the best interests of the environment or would not be in the best interests of the environment.

We wanted to see an amendment made to the legislation that would guarantee that we would study before we built. One of the most important lessons that we should have learned from Rafferty-Alameda—and the last judgment made by a Justice of the Supreme Court in Saskatchewan was in fact that the project had gone ahead too far, it was too late to stop it and so, because it was 95 percent complete, you had to proceed—is that is not good enough any more. We must guarantee that the projects are studied before construction begins, before any Government, no matter what their political stripe, can say, ah, but I have spent \$30 million or \$60 million or \$120 million and, therefore, you cannot stop me now.

Mr. Speaker, we must stop them ahead of time if we are going to ensure that the environment is indeed to be protected, not just for us, because if we have learned nothing from the Bruntland Commission, it should have been that the environment does not belong to us, it is ours simply to use while we live on this earth and we must pass it on to others and to generations that come after us. If we continue to destroy it at the rate that we are destroying it, then we will have passed on a legacy which may be beyond repair. That is not acceptable, Mr. Speaker.

The Government would have liked us to have passed this Bill in December, by the 21st of December, and we finally agreed that no, we would come back for two days, the 16th and the 17th, and

finally to a vote tonight. It will come to a vote tonight and, undoubtedly, the Government, because of its majority, will pass this Bill, but they will pass bad legislation. They will pass legislation in which they have broken faith with the environmental community. They will pass legislation that will not be in the best interests of their children and their grandchildren and their great grandchildren. They will pass legislation which will be a blot and which will be pointed to as a reason why we have not shown our desire to be the leading province in a leading nation in the protection of sustainable development.

Mr. Speaker, I ask the Members to examine their conscience, not their Party stripe or their Party loyalty, their conscience, to ask themselves whether they want to do this, whether they wish to support a piece of legislation which can weaken the process in Manitoba. Do they want to say to the rest of the provinces, we are the leader in weakening environmental standards? Is that the legacy they want to pass on to the other provinces?

I hope, in examining their conscience, they will realize they must not do that and that they vote for the amendment and agree to six months more study on this important Bill.

Mr. Doug Martindale (Burrows): Mr. Speaker, I rise to speak in favour of delaying implementation or further discussion of this Bill for six months.

Why do I support the motion to delay for six months? Because the Government apparently broke an agreement with the environmental groups. The Government apparently agreed to amend the legislation, but no substantial amendments were accepted at the committee stage, even though they were proposed by the environmental groups and by the critics of both Opposition Parties.

Why should Bill 24 be delayed for six months? Because Bill 24 waters down the effect of environmental reviews so that Manitoba will have the lowest common denominator when the environmental assessments are carried out.

I believe it is interesting, Mr. Speaker, to know who appeared at the committee stage. It was a rather impressive group. One might think that amongst presenters there might be a number of groups that do not have very good credentials. In fact, I was impressed with the quality of all the presenters and the quality of all the contents of their presentations.

I think it is worth reading into the record who appeared at the committee stage: the Winnipeg Water Protection Group; the Manitoba Naturalists Society; the Friends of Oak Hammock Marsh; Concerned Citizens of Manitoba; the Manitoba Federation of Labour; the Manitoba Eco-Network; the Canadian Parks and Wilderness Society; Manitoba Environmentalists Inc.; University of Winnipeg Safe; the Consumers' Association of Canada (Manitoba); the Manitoba Environmental Council and at least eight private citizens.

What were the environmental groups recommending? In a letter that was written to the Minister, they outlined what they thought the Government had agreed to in December. They were requesting that Clause 13.1(b) of Bill 24 would be deleted. That is the clause that allowed for the delegation of the environmental assessment process to another jurisdiction. They requested an amendment that would require that any joint assessment permitted as a result of Bill 24 would be at least equivalent to Manitoba's own environmental assessment process and, in addition, meet the following criteria—the criteria are all good criteria.

They are excellent criteria, and they are worth repeating. Those criteria would require notice of the joint assessment to be given to the public through advertisements and the filing of the development proposal in the public registry. There must be public hearings in Manitoba. Some of these would seem to be very simple and straightforward. The environmental groups could not understand. Why would the Government not put them in the Bill? The Minister said, well, we will put them in the regulations. Obviously, there was a problem of trust. Environmental groups were saying, we do not trust you to put them in the regulations; we want to see them in black and white; we want to see them in the Bill.

*(2050)

There is good reason for that. The reason is that regulations can be changed at any time by Order-in-Council. Even though regulations for the environmental Bill are circulated in advance, which is a good idea, there was still this lack of trust in the Government. What they are proposing, I think, caused the environmental groups to say, we want it in the Bill; being in the regulations is not good enough.

The criteria included that members of the joint

assessment panel are to be appointed jointly by the Ministers from the relevant jurisdictions, that panel members are to be impartial and free of any bias or conflict of interest. There must be a program of financial assistance for public participants in the assessment. There must be an opportunity for the Minister or the director, as the case may be, to acquire further information after the report of the joint assessment panel, which information would be used to assist the Minister or director in the decision as to whether or not to grant the licence.

Was this just one or two groups? Were they fringe groups? No. They were substantial groups. There were a lot of them. I read the list of groups that presented into the record. These were reasonable requests presented on behalf of nine environmental groups, the criteria that I read. What happened at the Law Amendments Committee—well, I think that what took place was a farce, a comedy in three acts.

Act I took place in December, when environmental groups requested public hearings in January and received assurances the Minister's Bill would be amended and their recommendations would be taken seriously.

You may remember the scenes in Act I. There were negotiations between the leaders of the environmental groups and the Minister of Environment (Mr. Cummings). There were negotiations between the environmentalists and Opposition House Leaders. You will recall the scene of House Leaders and the Minister of Environment huddled in this House as they negotiated an end to the Session and agreed to a compromise to accommodate the concerns of the environmental groups. You will recall the scene of scrums in the hallway with the Minister of Environment and with the spokesperson for the environmental groups.

Act II was played out in the committee room. Imagine members of the public appearing at the speaking podium and reading brief after brief, sincere in their belief that the Minister was listening intently and taking them seriously.

Act III also took place in the committee room. The suspense was finally broken and the farce became apparent when the Minister distributed his amendments. What a farce! The Government did what they wanted to and ignored the public presentations. They appeared to have made an agreement on amendments. They appeared to be

listening to the public, and then they ignored the recommendations that were given to them.

Normally, Mr. Speaker, a farce would be a comedy, but this is not theatre, this is the environment and environmental assessments that we are talking about here. It really is a tragedy. Why are they doing this? Well, first to follow through on political promises to the western Premiers and to the federal Government. Second, they are in favour of one environmental assessment instead of two in order to save money. Well, there is nothing wrong with wanting to save money. We in this party are in favour of saving taxpayers' money. Almost every presenter said that they were in favour of one environmental review if the only reason was to save money and if certain conditions were met, if they were satisfied that the one environmental assessment was at least as good or better than existing environmental assessment reviews.

Did the environmental groups have that assurance? No, they said that the Bill introduced by the Minister would have the effect of watering down the environmental assessment process in Manitoba. They also raised questions about timing. The federal Government's process is being altered by way of Bill C-78 in Parliament. If the federal process is weakened and is combined with a weakened provincial process, the result will be the appearance of concern for the environment, but in fact a downgrading of concern for the environment.

Mr. Speaker, the Government is ignoring several important political factors at their peril. First, they have alienated numerous environmental groups, whose membership consists of thousands of concerned Manitobans. During the last election the Conservative Party tried to paint themselves green. Who will ever forget the TV commercials of the Premier in a canoe on the river showing himself as a friend of the outdoors and the environment?

When the next election rolls around, the environmental groups will remember Bill 24, and then the Premier will be up the river in a canoe without a paddle. Sympathy or apparent concern for the environment will be described as ecol-babble.

Secondly, the Government ignores at its peril the fact that the public and public opinion are ahead of most politicians and certainly ahead of this Government when it comes to concern for the environment. It is not just environmental groups that are concerned and are falsely portrayed as tree

huggers, but the majority of the public want the highest possible standards and for the Government to show more leadership on all environmental issues.

Thirdly, children and youth are very concerned about the environment. If you were to attend the Winnipeg and the Manitoba science fairs, you would see numerous projects on the environment. A Grade 11 student in my youth group said that she would be prepared to commit acts of civil disobedience in order to stop destruction or degradation of the environment. Mr. Speaker, when children and youth as a group express considerable concern in the environment and environmental preservation and enhancement, the Government ignores this concern at their peril.

In conclusion, I speak in favour of a six-month delay on Bill 24. Bill 24 was hasty; Bill 24 is inadequate. Bill 24 ignores the concerns of environmental groups and waters down the environmental assessment process. Let us get rid of Bill 24 and bring it back with substantial improvements which enhance the environmental assessment process and protect the environment. Thank you.

Mr. Steve Ashton (Thompson): I wanted to put a few remarks on the record. I had the opportunity to sit in the committee hearings, the last committee session that went till two in the morning, listening to presentations and debating in depth a number of changes to the Act that had been brought in by the Government itself and by the Opposition Parties. What I guess I found interesting, Mr. Speaker, was the fact that the more things change, the more they stay the same.

You know, I thought we had made some progress in terms of recognition of the importance of protecting our environment. I thought we had moved from the point a number of years ago where indeed environmentalists, anyone that was concerned, naturalists, were described in not very flattering terms by Members opposite. I remember sitting in a committee hearing, a former Member of this House characterizing environmentalists as people who would drive up into provincial parks in their Volvos, eating granola bars. He then listed off a half dozen other caricatures. That was Bob Banman, the former Member for La Verendrye, whom I respected in many other ways, but not in his opinion of environmentalists.

Mr. Speaker, that was the view of just a few years ago, in this House, of many Members of the Conservative Party. Then something happened. I suppose it might be the increase in identification of the environment as a major issue of concern by members of the public. All of a sudden, everyone wanted to be green in the environmental sense, except the Minister of Natural Resources (Mr. Enns), who feels that only the NDP is green, or thereabouts. By the way, I believe he meant that as an insult. He meant that as an insult, and if he expected it to be taken as one, I know he will be very, very disappointed in the sense that was taken as a compliment by the New Democratic Party.

I thought, at least from the rhetoric that was coming from the Government benches, that they had learned specifically that it is important to listen. The bottom line is, here was a great opportunity for them to prove it. A Bill was introduced; it was hastily introduced. It was introduced in a very sloppy manner, had not been referenced in the throne speech. The Minister was unable to introduce it himself. We ended up, I would say, on second reading with something of a fiasco. We in the Opposition said what, Mr. Speaker? Did we just bow under to the pressure from the Government? No. We said, this Bill deals with the environment. It is a very important issue; it has to be dealt with properly. There has to be full and complete consultation, and we have to have proper public hearings. We held firm on that.

* (2100)

We had a negotiated agreement that results in our being here today, after two days of public hearings, debating this Bill as the only item of business on the agenda, apart from the emergency debate that was introduced today. Where have we come since we discussed this matter a number of weeks ago? Has the Government listened? Well, you know, they believe they have. They believe they have, and I notice the Minister nods his head. He says he has listened. Well, I sat in the committee. I drove in from Thompson. I sat there for a good number of the presentations, and I talked to Members who were in the committee before. None of the committee presentations, none, supported the approach of the Minister. Virtually, all of them called for major changes in approach.

Mr. Speaker, did the Minister respond? No. In fact, the environmental groups, I talked to them when they left the committee hearings. They were

incensed by the fact that the Government had not only not listened but had backtracked from commitments it had made to environmentalists a number of weeks ago. When it appeared that the Bill might be blocked, they were willing to talk to the environmentalists; when it appeared, through the agreement, that they could get away with having two quick committee hearings and then pass the Bill through, all of a sudden they were not quite so interested in listening.

Mr. Speaker, I have talked to them and I note for media coverage that environmentalists have said that they do not trust this Government. They do not trust this Government on environmental issues. They certainly will not trust them if they deal with matters in the same way in the future.

Mr. Speaker, where are we today? We are no further ahead than we were a number of years ago. We have a Government that, now ensconced with a majority, feels that it can sit back and listen if it needs to listen for its own self-interest in terms of the timing of a Session, but if it is not in its interest, if it can use the power of its majority, it will turn a deaf ear to the concerns of environmentalists.

Well, that is what they are doing. Where does that leave us in this province? I think it has to leave us in the situation where we have to have a fair amount of concern. We have seen, federally with the Conservative Government there, the impact that can be had on a Government that does not have a relationship of trust with the environmentalists, does not have a relationship of trust with those members of the general public concerned about the environment. We have seen how susceptible they are, whether it be on Rafferty-Alameda, to those types of pressure. We are beginning to see it here in Manitoba. Ducks Unlimited, the Oak Hammock Marsh project—well supported by Members of the Government. I know a number of Members of the Government who have a very strong personal interest in that, and they would not deny it. But I think any objective analysis, anybody who is listening to environmentalists, naturalists, are quite aware of the very specific and very reasoned and very serious concerns expressed about that project.

That is, indeed I believe, an indicator of things to come, because if this Government on the environment Bill can turn its back on environmentalists as it already has done so in terms of the Oak Hammock Marsh, what next? Who will get the ears of this Minister in terms of policy? Who

will get the ear of this Premier? Who, Mr. Speaker? Will it be the same process that we saw in Ottawa with back-room deals affecting the environment of this country? Will it be the same process here in Manitoba?

We will find out, Mr. Speaker. We will find out, but the Government should not expect us to accept their rhetoric, which is increasingly hollow. It rings very hollow. They should expect that we will put up a fight on Bills such as this. That is why I note that our critic was in the process, indeed, of moving the exact same motion. That is why we have no problem in dealing with this exact same motion. There can be nothing, I believe, more logical at this point in time since the Government did not get it right the first time on the second reading and did not get it right in committee and did not get it right in report stage, and has not gotten it right on third reading. We will give them another chance, we will give them six more months. They can come back in and try it all over again. If they are prepared even to drop the Bill, we are allowing them to go through first reading again, so perhaps they can get that done properly.

This Government has bungled this. They have turned this matter into a matter that has become a litmus test with the environmental movement of this province. The results of those tests are in, and the results are that there is not any trust left. There is certainly not from those members of the public and the environmentalists that made presentations at the committee hearings on Wednesday and Thursday of last week. The Minister should check that. So we will give them another chance, this Government another chance. We will give them a chance by voting for the six months hoist. I would suggest that the best thing they could do for the environmental movement and for the environment generally would be to support this motion, because with another six months—well, Mr. Speaker, perhaps, they would not get it right six months later as well, but at least in the meantime the Minister would have a chance to do some real consulting and not just turning a deaf ear to the environmentalists and the many members of the general public who have expressed very major concerns about the provisions of this Bill. Thank you, Mr. Speaker.

Mr. Gary Doer (Leader of the Opposition): I would like to join in the debate on the motion to withdraw the Bill and take a good, sober second look, if we could say that, over the next period of time, Mr. Speaker.

A six-month hoist, as the motion has been termed before, is a motion that the New Democrats have proposed before in legislation, and we certainly support it on this occasion, dealing with Bill 24.

A six-month hoist can be used to do two things. One is to kill a Bill or defeat a Bill and allow a Government to come back and have a radically new Bill to deal with the problems of Manitobans dealing with that piece of legislation or to have a proposal that is perceived by the majority of the public to be unsound, unworkable and insufficient to be returned back by the Government to review it over a period of time so they can get it right the next time they bring it before the Chamber.

If ever there was an occasion that was meritorious for a six-month hoist, it is Bill 24 as it is presently before this Legislature and the people of this province. The Minister knows that, and the Members opposite know that, and all Members on this side know that.

Mr. Speaker, there has been an excellent presentation from other Members in this Chamber. The Member for Radisson (Ms. Cerilli) and the Member for Burrows (Mr. Martindale) and the Member for St. James (Mr. Edwards) and the Member for River Heights (Mrs. Carstairs) and the Member for Thompson (Mr. Ashton) talked about the public hearing process.

(Mrs. Louise Dacquay, Deputy Speaker, in the Chair)

Can the Minister honestly say in this House today that the public consultations with the people who are most affected in the environmental movement, people who are across all political lines, whose first loyalty is to the environment of this province, the many, many groups that worked very hard and studied very long on this issue, were wrong when they proposed numerous amendments to improve this Bill? Were they wrong in the reasons they gave? Were they wrong to suggest that before in December to the Government? Is the Government infinitely wise and are they solely right and all those other 20 or 25 organizations representing thousands of Manitobans that are involved in the environment movement wrong? Think about it.

When you look at the whole list of people, these are not the people who are to be taken lightly, Madam Deputy Speaker. These are people who study legislation and criticize Governments of all political stripes, where appropriate, and give credit

to members of all political stripes when they have done the right thing.

In fact, some of those members are part of the Premier's own round table. He now has people in his own round table who are being very critical of the Government's environmental Bill and the provisions in that Bill, because they are, and clearly this amendment to the existing environment Bill is, an erosion of the rights Manitobans have in the environment. That is plain and simple, not our word, but the word of many groups crossing over thousands of Manitobans that are involved in this issue on a day-to-day basis.

Make no mistake about it, Madam Deputy Speaker, this is not just groups that appear before the Legislature. These are groups of people who listen and speak to hundreds of environmental groups that are springing up across this province in neighbourhoods, in co-ops on the environment movement, on various public action groups. These are groups and organizations that are grass-roots organizations. These are not a few isolated people on this issue. These are grass-roots people speaking about a grass-root concern.

* (2110)

So I say to the Government, yes, a majority is a majority is a majority, but you know majorities can be eroded when they fail to listen to the majority of Manitobans. I would suggest on this issue the Government did not plan to listen to the people of Manitoba.

The Member for Wolseley (Ms. Friesen) has talked about the principles of the environment and how we should be looking at this environmental Bill in terms of a philosophical context. Madam Deputy Speaker, I think the Member for Wolseley put it well when she said that the thrust of the Brundtland Commission, the thrust of the environmental movement, the thrust of countries moving toward the environment in a positive way are talking about the principle of thinking globally and acting locally.

Madam Deputy Speaker, how does the Premier square that idea with thinking globally and acting in an opting-out way on our environment? How can they possibly justify local grass-roots input into the environment at the same time they are allowing in this province a situation where we can opt out of the environment? If ever there was a province that should not lead the way of opting out and eroding the environment Bill, it is Manitoba.

Look at our experience on the Rafferty-Alameda dam. Look at our experience on downstream water. Look at how we got shafted by the province of Saskatchewan and the federal Government working in concert together. Is that who we want to opt out to, Madam Deputy Speaker?

We even now hear testimony from members of the International Joint Commission, experts who have worked at the International Joint Commission, that the precedent that this Government allowed to happen with Rafferty-Alameda dam in their goal of loyalty to their Conservative cousins in Ottawa and Saskatchewan has established an unbelievable precedent in terms of international covenants dealing with water transfer.

Madam Deputy Speaker, that should not be allowed to happen in a province like Manitoba that has had to rely on the IJC in the whole Garrison Diversion issue, as we will have to rely on the IJC in the Mid-Dakota project.

What a horrible precedent to be involved in, and yet we are leading with our chin again by proposing the opting-out legislation, as the Member for Wolseley has so correctly stated. We should be thinking globally and acting locally, and we are working in the opposite direction.

Then the Member for Flin Flon (Mr. Storie) touched upon the other issues inherent in this Bill, Madam Deputy Speaker. I do not know who to blame on this, because the Member for Flin Flon talked about the treachery that he perceived as part of these proposed amendments to the environment Bill. Those are strong words, because I talked to members of the environment community, and I talked to people who had a whole list of improvements that were necessary to improve this Bill, a whole list of improvements that were needed to improve this Bill.

Now should this be part of a deal to get out of the House or not get out of the House, or should we be dealing with the environment Bill because it is better for Manitobans and it is better legislation for our province? That is the question that has to be answered.

Madam Deputy Speaker, I do not know whether it was the Minister of Environment (Mr. Cummings) who pulled these amendments that their department agreed to with a great deal of environmental membership in their meetings.

I do not know whether the Premier (Mr. Filmon)

overruled the ministry of Environment, because we certainly hear from a lot of people in the Minister's own department. They are very saddened and disappointed that amendments that they thought were necessary to strengthen this Bill have been pulled. They are, quite frankly, ashamed that this has happened, Madam Deputy Speaker.

Quite frankly, they do not blame the Minister of Environment. They think it happened at Cabinet with the Premier calling the shots. They think the Premier overreacted to a newspaper article, got his back up and wanted to say, well, I am boss. I got a majority. I am going to pull away these amendments and show everybody who is in charge here.

Now he is in charge. He can make the decisions, Madam Deputy Speaker, but surely let us not erode his credibility, his Government's credibility and our legislative credibility on substance of Bills, because it is better for our province. Let us not do that. Let us sort of prove our majorities in different ways and different times on different issues, but let us not, as the Member for Flin Flon (Mr. Storie) said, practise in, I am in charge here. He is sort of the Alexander Haig of the environment movement in terms of pulling the Bill from underneath the Minister of Environment (Mr. Cummings).

I do not know whether that is true or not. I do not know whether the people we talked to in the Minister's department are accurate or not. I know that they are ashamed that this happened, and they are worried about their long-term credibility of working with the environmental movement, something that Government should think about because they too should be concerned about their own credibility, Madam Deputy Speaker.

This is not an issue between our Party, the Liberals and the Government; this is an issue between you and the environmental grass-roots network of this province. That is who it is between, Madam Deputy Speaker. The Premier (Mr. Filmon) said in the briefing that took place a couple of months ago for the sustainable development centre—the Premier said at that point that Manitoba had the best environmental laws in Canada, and Manitoba had the toughest and most stringent standards in Canada under an environment Act anywhere in the country. I thought that was rather interesting, because we had alleged that for the last couple of years. Perhaps the Premier forgot, or perhaps the Premier was being generous, but the Premier will note that we were the ones who

introduced The Environment Act as it stands prior to the dealing with this Bill 24 this evening.

Madam Deputy Speaker, I believe the Premier was correct. I believe The Environment Act at the time was the best in the country, and that is why it was the only thing we proclaimed during the election of '88. We were not stupid. We knew what was happening to us only too well, but we did not want to see all the consultation and all the work being eroded by not introducing The Environment Act. There have been criticisms of that environment Act, and I agree with them. We did not go the next mile and get a truly independent environmental tribunal process that we need to do in the future. We did not deal appropriately with the whole rights of intervenor funding as we have with the Public Utilities Board.

Madam Deputy Speaker, we had an opportunity to go ahead into the 1990s on a couple of those key issues today with this Bill. We had a chance to go from a 1960 environment tribunal system to a 1990 system. The Premier had the opportunity and the privilege to go ahead on these issues. We would have supported the Premier and have supported the Government. We would have even applauded the Government if they would have chosen to do that, but the Government has chosen to go backwards. Those are not our words; those are not our analyses. Those are not the analyses of partisan politicians. Those are the complete and accurate analyses that have been conducted with very, very in-depth reviews by the grass-roots, neighbour-to-neighbour environmental movement right across this province.

Madam Deputy Speaker, the Government had a choice. It could have kept to its commitment of the highest standards. It could have taken the choice of amending the Bill fully to deal with some of the changes that were necessary for Manitobans. Surely the Government is not saying that House logistics should determine the merit of an environment Bill. Is that what we are saying? Because in terms of House logistics, we have tried to co-operate as much as we could. We do want the Government to get back on schedule. We did want a public hearing process on the environment Bill. We did want to deal with our legislative agenda in the fairest way, but surely there can be no argument by the Premier (Mr. Filmon) and the Minister of Environment (Mr. Cummings) that if we would have done it this way, you would have these amendments and had done it that way, you would have those

amendments. What an absolute betrayal to the environmental grass-roots movement in this province.

Madam Deputy Speaker, the Government has a fundamental issue with the grass-roots environmental movement. Do you want to break your bond? Your word is your bond; your word is the only thing you have left at the end of the day. That is why, quite frankly, we did not move for an emergency debate today, as much as we would love to on the health care system, because we gave our word to the Government. We gave our word, and we keep it. We do not like it sometimes, especially when we are trying to juggle three different balls at the same time, the environment Bill, the House ending and the emergency debate dealing with health care, the emergency situation.

* (2120)

It is difficult to keep your word in that case. It is especially difficult, Madam Deputy Speaker, to keep our bond with the public of Manitoba when we are so much engrossed in a major tragedy in our world, with the conflict, the war and the gulf crisis. It is so difficult to keep our bond with the public perhaps, because the public is dealing with and is preoccupied with the whole issue of peace and world peace. We too, on this side, are praying for, working for and will speak for peace in our world and long-lasting new order in our universe.

Having said that, Madam Deputy Speaker, it is your bond and your trust with those groups. I think you are making a big mistake in watering down the environment Bill. I think you are breaking the trust with Manitobans, not with us, not with partisan politicians, but you are breaking a trust. You only get one chance; you only break your word once with groups. You only have one chance. You cannot give the groups the impression that these are the amendments necessary to improve the Bill, then laugh later on, because you have a one-day Session, and you are home and dry in a House logistical sense. You cannot do that, because you only got one chance.

Madam Deputy Speaker, I think the Government has blown that one chance. I think the Government should vote with our hoist. Let us do this Bill right. Even the Minister of Finance (Mr. Manness), the House Leader, knows we were back and forth on this Bill. We did not know one day to the next whether it would even be tabled in the House. We

did not know one day to the next what Bill would be tabled in the House. We did not know one day to the next what amendments would be made in this House. Let us hoist this Bill for six months. Let us do it right for the people of Manitoba in terms of the environment. Thank you very much.

Hon. Glen Cummings (Minister of Environment): Madam Deputy Speaker, it gives me pleasure to say a few words to close debate on this Bill.

As far as I am concerned, what we have—

An Honourable Member: On the six-month hoist.

Mr. Cummings: Yes. We will close the debate on the six-month hoist, and then you can have your vote later. The fact is, Madam Deputy Speaker, I feel very confident that what we are bringing forward in Bill 24 is leading an approach into the future of environmental assessment in this country.

The people of this province and the people of Canada are becoming increasingly concerned that environmental assessments deal, not with environmental matters, but simply worries more about procedural wrangling. Legal wrangling becomes a concern rather than dealing with real environmental issues.

We know that every province, every territory and the federal Government agree that there needs to be harmonization in environmental assessment across this country, and there needs to be interjurisdictional co-operation. That includes the NDP Government in Ontario. That includes the Liberal Governments in the Maritimes. It includes the federal Government as well. We need to bring some reality to environmental assessment. It puts into The Environment Act amendments that will allow this province to enter into joint assessments with other jurisdictions. It lays out clearly under what general conditions those agreements need to be struck.

Nothing in these amendments interferes with Manitoba's ability to require the same standards that I require under our Act, and nothing in this Bill amends or reduces our ability to make a decision. That, Madam Deputy Speaker, is what gives me a great deal of concern and pain, that there are a number of people, including the Members opposite, who will not accept the fact that there is nothing here that amends The Manitoba Environment Act in such a way as to cause us to forgo or have to give up any jurisdictional responsibility in terms of decision making. Nothing amends this Bill in order to reduce

our need to have the highest possible standard put in place for an assessment.

There is a considerable discussion about what should be in the Act and what should be included in amendments. That is a legitimate discussion. That is a legitimate disagreement as far as I am concerned.

When you are leading, very often it is going to attract the interest of those who are concerned. I do not, for one minute, question the concern of those organizations and those groups that brought forward the very concerns that the Members opposite were putting out in debate this evening. There is no doubt that this is fraught with emotion and it is fraught with mistrust, but I have to tell you that we intend to act very consultatively on the regulatory processes that will go forward in the development of regulations which go with these amendments.

You know, it gives me a great deal of anguish that there are people who are saying that we did not listen or that we listened and we did not act, or that perhaps somehow we have broken a trust. I can tell you that there are very few Ministers who have taken the trouble that I have to develop trust and bonds with various groups that have shown an interest in environmental matters.

I grew up very quickly one day when I instructed the department to open up the files and give access to everything that was in the file regarding an incident at Shoal Lake. I said, we have nothing to hide. It was the previous administration which probably would have made the mistake. If there was one made, let us have a look. Let us give them everything that is there. They came back and they said, well, we did not find what we were looking for; that means you must have exercised a cover-up.

Now how much more trust can I express to those who want to come to a dialogue with the Ministry of Environment? We want to dialogue, and we will continue that dialogue. We take full responsibility for our intent to have this legislation brought into law so that we can provide some clarity and some reasonable course of action for major projects that are coming up in this province.

We think it is fair and reasonable that those who want to present concerns on issues at assessment processes have an opportunity to receive some financial support. That financial support should be provided by the proponent, and we are suggesting

that it is during the environmental assessment process related to major projects that those proponents can be required to look at intervenor funding.

We have said from the beginning that the case of intervenor funding will go out to regulatory discussion. What have we to compare it with in this province? Is there some other model of intervenor funding that we are discarding? Are we weakening the Act because we are putting provision in for intervenor funding? Where is the provision that is there now? Who on that side can say that he has been the champion for intervenor funding for last half dozen years? Not one, Madam Deputy Speaker. -(interjection)- Half dozen years, I said.

The fact is that this Government has come light-years ahead in terms of environmental conditions that prevailed in this province when we brought forward the fact that we intend to make sure there are clear environmental assessments done of the Conawapa project. The Limestone project, which caused a considerable amount of environment impact in this province, was not assessed until after the fact, light-years ahead when it comes to pulp and paper licensing in this province. Rather than the years when we allowed Manfor to pollute, Manfor to manage poorly, we have now worked to bring that legacy to the people of this province under control.

It is today's generation and the future generations who will continue to pay for the legacy of Manfor, for the waste, for the mismanagement and for the pollution. Environmental operating licences should have applied. They should have been applied if for no other reason but to bring some decent management to that operation. No one should ever suggest that this legislation, however, is a trade-off. There is no suggestion on my part that providing intervenor funding should be a trade-off for joint assessment.

Intervenor funding is clearly a step towards recognizing that the public has a role to play in environmental assessment. I do not think there is anyone on either side of this House who would deny that opportunity and that right. The approach of this Government has been open in ensuring that the public has an opportunity to become involved. When we come to licensing megaprojects, projects with significant environmental impacts, significant, detailed technical issues which need to be

discussed, we have no qualm about saying that intervenor funding needs to be provided.

(Mr. Speaker in the Chair)

* (2130)

When I look across this country and I see time after time where jurisdictions have argued and fought over jurisdictional responsibility between the provinces and the federal Government, between territories and the federal Government, I can tell you that is not the approach of this Government.

We have been co-operative, Mr. Speaker. In fact, if I could borrow the words of Mr. Justice Muldoon, and I said this in committee, he implored the provinces to embrace warmly the federal interim guidelines. Well, that is what joint process does. It invites the federal Government to accept its responsibility at the same time as the province accepts its responsibility in the same area.

It seems to me that the -(interjection)- well, the Member opposite would like to take this considerable amount of time to diverge from the real issue, but it seems to me that when he wants to talk about licensing, and very often there is a debate that is brought forward regarding the issue of whether or not the federal Government and Saskatchewan, under this scenario that we are looking at in this Act, would have had difficulty.

The fact is that the federal Government did not apply their jurisdictional responsibility in Saskatchewan. If they had done that, and that is what we are inviting them to do under this process, a federal environmental review would have been done, and the questions that have been raised continually day after day would not be a problem for this Government or for any other Government in this country.

The Province of Manitoba has a significant vested interest to make sure that the federal interest and the provincial interest are heard and heard clearly. We have never tried to elbow out the federal interest, and Bill 24 says to our Government that where you have a role to play, take that responsibility. It says to the Province of Manitoba, where you have a role to play, accept that responsibility and, where those jurisdictional responsibilities overlap, then let us undertake a joint assessment.

That is the kind of philosophy that is behind this Bill. That is the kind of philosophy that says that we want to have it here today in order to show that we are prepared to provide leadership in this area. The

Government is willing to stand behind this amendment and see it through so that we can clearly indicate to all jurisdictions, the time has come to stop wrangling on behalf of the lawyers and spend our time dealing with environmental impacts.

No matter how we cut it, Mr. Speaker, I think there may very well be a new time in federal-provincial relations where the provinces need to start recognizing the responsibility of the federal jurisdiction, and the federal jurisdiction has to start recognizing its responsibility. The fact is that environment is one area where all jurisdictions, all men and women of good will realize they have a responsibility that they have to exercise. One of the greatest complaints that is seen today is that there is too much bureaucratic entanglement.

The Bill does not say that decisions will be made one way or another. It only says that there must be a clear decision-making path. That is all we expect from the Bill and that is what the public expects from us.

Mr. Speaker: Is the House ready for the question? The question before the House is on the motion of the Honourable Member for St. James (Mr. Edwards),

THAT the motion be amended by deleting all the words after "THAT" and by substituting the following: Bill 24, The Environment Amendment Act; Loi modifiant la Loi sur l'environnement, be not now read a third time, but that it be read a third time this day six months hence.

Agreed?

Some Honourable Members: No.

Mr. Speaker: No? All those in favour of the motion, will please say aye.

Some Honourable Members: Aye.

Mr. Speaker: All those opposed, will please say nay.

Some Honourable Members: Nay.

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

Mr. Kevin Lamoureux (Second Opposition House Leader): Mr. Speaker, could we have a recorded vote, Yeas and Nays.

Mr. Speaker: Call in the Members.

The question before the House, on the motion of the Honourable Member for St. James (Mr. Edwards),

THAT the motion be amended by deleting all the

words after "THAT" and by substituting the following: Bill 24, The Environment Amendment Act; Loi modifiant la Loi sur l'environnement, be not now read a third time, but that it be read a third time this day six months hence.

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

YEAS

Alcock, Ashton, Barrett, Carr, Carstairs, Cerilli, Cheema, Chomiak, Dewar, Doer, Edwards, Evans (Interlake), Evans (Brandon East), Friesen, Gaudry, Harper, Hickes, Lamoureux, Lathlin, Maloway, Martindale, Plohman, Reid, Santos, Storie, Wasylycia-Leis, Wowchuk.

NAYS

Connery, Cummings, Dacquay, Derkach, Downey, Driedger, Ducharme, Enns, Ernst, Filmon, Findlay, Gilleshammer, Helwer, Laurendeau, Manness, McAlpine, McCrae, McIntosh, Mitchelson, Neufeld, Orchard, Penner, Praznik, Reimer, Render, Rose, Stefanson, Sveinson, Vodrey.

Mr. Clerk (William Remnant): Yeas 27, Nays 29.

Mr. Speaker: I declare the amendment to the motion lost.

Is the House ready for the question?

Some Honourable Members: Question.

Mr. Speaker: The question before the House is third reading of Bill 24, The Environment Amendment Act; Loi modifiant la Loi sur l'environnement. Is it the pleasure of the House to adopt the motion? Agreed?

Some Honourable Members: No.

Mr. Speaker: No? All those in favour of the motion, please say aye.

Some Honourable Members: Aye.

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

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Yeas have it.

Mr. Steve Ashton (Opposition House Leader): Same, on division, Mr. Speaker.

Mr. Speaker: On division.

* (2140)

Hon. Clayton Manness (Government House Leader): Mr. Speaker, I move, seconded by the Minister of Justice (Mr. McCrae), with leave of the House, that when the House adjourns today it shall stand adjourned until a time fixed by Mr. Speaker upon the request of the Government.

Motion agreed to.

* (2150)

Mr. Speaker: I am advised His Honour is about to enter the Chamber. All rise.

ROYAL ASSENT

Acting Sergeant-at-Arms (Mr. Garry Clark): His Honour the Lieutenant-Governor.

His Honour George Johnson, Lieutenant-Governor of the Province of Manitoba, having entered the House and being seated on the Throne, Mr. Speaker addressed His Honour the Lieutenant Governor in the following words:

Mr. Speaker: May it please Your Honour:

The Legislative Assembly, at its present Session, passed a Bill, which in the name of the Assembly, I present to Your Honour and to which Bill I respectfully request Your Honour's Assent:

Bill 24—The Environment Amendment Act; Loi modifiant la Loi sur l'environnement.

To this Bill the Royal Assent was announced by the Clerk of the Legislative Assembly as follows:

Mr. Clerk (William Remnant): In Her Majesty's name, His Honour the Lieutenant-Governor doth assent to this Bill.

(His Honour was then pleased to retire.)

Mr. Speaker: This House is now adjourned.

LEGISLATIVE ASSEMBLY OF MANITOBA

January 21, 1991

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PROCLAMATION

“George Johnson”
Lieutenant Governor

CANADA
PROVINCE OF MANITOBA

ELIZABETH THE SECOND, by the grace of God of The United Kingdom, Canada and Her other Realms and Territories, QUEEN, Head of the Commonwealth, Defender of the Faith.

PROCLAMATION

To our beloved and faithful the Members elected to serve in the Legislative Assembly of our Province of Manitoba, and to each and every of you — GREETING.

WHEREAS the Legislative Assembly of the Province of Manitoba now stands adjourned;

AND WHEREAS it is deemed appropriate to request His Honour the Lieutenant Governor by a Royal Proclamation effective on the sixth day of March, 1991, to prorogue the First Session of the Thirty-Fifth Legislature of the Province of Manitoba and to summon the said Legislature for the dispatch of business on the seventh day of March, 1991;

NOW KNOW YE THAT, for divers causes and consideration, and taking into consideration the ease and convenience of our loving subjects, we have thought fit, by and with the advice and consent of our Executive Council of our Province of Manitoba, to hereby prorogue the First Session of the Thirty-Fifth Legislature of the Province of Manitoba effective on Wednesday, the sixth day of March, 1991, and to convene the Second Session of the Thirty-Fifth Legislature of the Province of Manitoba on Thursday, the seventh day of March, 1991, at the hour of 1:30 o'clock in the afternoon for the dispatch of business in our Legislative Assembly of our Province of Manitoba, in our City of Winnipeg, there to take into consideration the state and welfare of our said Province of Manitoba and therein to do as may seem necessary.

HEREIN FAIL NOT.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent, and the Great Seal of Our Province of Manitoba to be hereunto affixed;

WITNESS, His Honour George Johnson, Lieutenant Governor of Our said Province of Manitoba;

AT OUR GOVERNMENT HOUSE, at Our City of Winnipeg, in the Province of Manitoba, this twentieth day of February, in the year of Our Lord one thousand nine hundred and ninety-one, and in the fortieth year of Our Reign.

BY COMMAND,

“J.C. McCRAE”,
Minister of Justice and Attorney General.

“George Johnson”
Lieutenant-gouverneur

CANADA
PROVINCE DU MANITOBA

ELIZABETH II, par la grâce de Dieu, REINE du Royaume-Uni, du Canada et de ses autres royaumes et territoires, Chef du Commonwealth, Défenseur de la Foi.

PROCLAMATION

À nos bien-aimés et fidèles députés élus à l'Assemblée législative de Notre province du Manitoba, et à chacun d'entre vous, SALUT.

ATTENDU QUE l'Assemblée législative de la province du Manitoba est actuellement ajournée;

ET ATTENDU QU'il est jugé opportun de demander à Son Honneur le lieutenant-gouverneur de lancer une proclamation fixant au six mars 1991 la date de clôture de la première session de la trente-cinquième législature de la province du Manitoba et convoquant la Législature pour la reprise des travaux le sept mars 1991;

SACHEZ DONC MAINTENANT QUE, pour divers motifs et de l'intérêt de Nos aimés sujets, Nous avons jugé à-propos, sur l'avis et du consentement de Notre Conseil exécutif pour la province du Manitoba, par les présentes de clore la première session de la trente-cinquième législature de la province du Manitoba le mercredi six mars 1991 et de vous convoquer à l'ouverture de la deuxième session de la trente-cinquième législature le jeudi sept mars 1991, à treize heures trente, en Notre Assemblée législative pour la province du Manitoba, en Notre Ville de Winnipeg, pour la reprise des travaux, ce afin de porter votre attention sur l'état et le bien-être de la province du Manitoba et de poser les actes appropriés.

CE À QUOI VOUS NE DEVEZ FAILLIR.

EN FOI DE QUOI Nous avons fait délivrer les présentes Lettres patentes et à icelles fait apposer le Grand Sceau de Notre province du Manitoba.

TÉMOIN: Son Honneur George Johnson, lieutenant-gouverneur de Notre province du Manitoba.

EN NOTRE PALAIS DU GOUVERNEMENT, en Notre Ville de Winnipeg, dans la province du Manitoba, ce vingtième jour de février, l'an de grâce mil neuf cent quatre-vingt-onze, dans la quarantième année de Notre Règne.

PAR ORDRE.

“J.C. McCRAE”,
Le ministre de la Justice et procureur général,