

**Fourth Session - Thirty-Eighth Legislature**  
of the  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Justice**

*Chairperson*  
*Ms. Marilyn Brick*  
*Constituency of St. Norbert*

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Eighth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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**LEGISLATIVE ASSEMBLY OF MANITOBA  
THE STANDING COMMITTEE ON JUSTICE**

**Thursday, January 26, 2006**

**TIME – 1 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Ms. Marilyn Brick (St. Norbert)**

**VICE-CHAIRPERSON – Mr. Harry Schellenberg (Rossmere)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

Hon. Mr. Struthers

Ms. Brick, Messrs. Cullen, Dewar, Faurschou,  
Ms. Korzeniowski, Mr. Maguire, Mrs. Rowat,  
Messrs. Santos, Schellenberg, Swan

**APPEARING:**

Mr. Lamoureux, MLA for Inkster

**WRITTEN SUBMISSIONS:**

Mr. Ron Bell, President, Association of  
Manitoba Municipalities

**MATTERS UNDER CONSIDERATION:**

Bill 13–The Conservation Districts Amendment  
Act

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**Madam Chairperson:** Good afternoon. Will the Standing Committee on Justice please come to order.

The first item of business is the election of a Vice-Chairperson. Are there any nominations?

**Mr. Gregory Dewar (Selkirk):** I nominate Mr. Schellenberg.

**Madam Chairperson:** Mr. Schellenberg has been nominated. Are there any further nominations? Seeing none, Mr. Schellenberg has been appointed Vice-Chairperson.

This afternoon, this committee will be considering the following bill: Bill 13, The Conservation Districts Amendment Act.

There are no presenters registered to speak to this bill.

I would like to inform the committee that a written submission has been received from Ron Bell, President, Association of Manitoba Municipalities, for Bill 13. A copy of this brief was made for committee members and was distributed at the start of the meeting.

Does the committee grant its consent to have this written submission appear in the committee transcript for this meeting? *[Agreed]*

Is there anyone in the audience wishing to make a presentation to Bill 13? Seeing none, is it the will of the committee to proceed with clause-by-clause consideration of Bill 13? *[Agreed]*

Does the acting minister responsible for Bill 13 have an opening statement?

**Hon. Stan Struthers (Minister of Conservation):** Madam Chair, I think we can all agree around the table that the conservation districts' concept has been a very good one since the early seventies, with Whitemud Conservation District and Turtle River Conservation District kind of leading the way in terms of the continued parade of conservation districts that have joined that family.

All through the 1970s, 1980s, 1990s, up to the present date, all members of the Legislature, I think, have done a commendable job of supporting the conservation district movement. When you can find an organization that can bring local interests, local landowners, local municipal leaders, government departments all together and make good decisions based on common sense, based on watersheds rather than artificial boundaries, I think we can all agree that that produces much better decisions than a decision that is being made in a building far away from the actual site in which these decisions are intended.

I want to underline this government's commitment to the conservation districts' movement, and I want to recommend the changes that we are proposing here today to The Conservation Districts Amendment Act. It broadens the scope of board representation. We involve community people at the local level. This is a reflection of that same concept at the board level, so I want to commend all of those

who are involved in conservation districts from the very local level right on through to the people who sit on this board and to all members of the Legislature who do support the conservation districts' movement.

With that, Madam Chair, I highly recommend the approval of this proposal.

**Madam Chairperson:** We thank the minister. Does the critic from the official opposition have an opening statement?

**Mr. David Faurshou (Portage la Prairie):** Madam Chair, I appreciate the acting minister's opening remarks, and I will state at the outset that we on this side of the House are supportive of the legislation.

However, we do want to make note that, while it establishes a minimum number of members, it does not establish a maximum number of members, and that is, unfortunately, in keeping with the New Democratic Party way, leaving open-ended for government appointments to boards and commissions. I think that we would be amenable to moving to a formula, based upon the number of conservation districts or a percentage of the area within Manitoba within the number of watersheds, to give guidance as to the number of persons that sit, because we all know that, when boards become large, sometimes unwieldy, it takes a lot more administrative support and costing to operate.

I do want to make mention to the minister as we are in support of the legislation, the concept of conservation districts is one that had birth in the mid-seventies, and I am very pleased to say that we were founding members in the Portage la Prairie area of the Whitemud Watershed. I believe that conservation district has shown leadership, although there has been a change with government level of support in the initial stages. With the Whitemud Watershed, it was looked as a partnership between the Province and municipal governments and organizations that had a direct involvement in the watershed area, specifically Whitemud River.

Now, what has changed in the last little while is the reduced number of resources from the Province to the conservation districts and, as highlighted in the presentation from the AMM, that needed resources from the provincial quarters are absolutely imperative to carry out the mandate of the conservation districts. While in the last five years we have gone from nine conservation districts through to now seventeen, the actual budgeting for support of the

conservation districts' operations has not kept pace. Now, we do recognize that there is a new fund being set up under The Water Protection Act, and it has been indicated by government that some of those resources will be made available to conservation districts to carry out their mandate.

\*(13:10)

I want to make absolutely certain that the minister is aware that conservation districts are struggling at the present time with the current level of provincial support, and I know the honourable minister will carry that forward to the Water Stewardship Minister. Ultimately, it is the Finance Minister (Mr. Selinger) that must recognize the very valued resource that the conservation districts play to municipalities and stakeholders in the various watersheds.

I think it has been demonstrated that conservation districts can carry additional responsibility, as former Minister Friesen provided to the Whitemud Watershed district the responsibility for drainage permits. That in itself is significant, to divest provincial responsibility to a watershed area, and I believe the Whitemud Watershed has fulfilled that responsibility well. However, it has taxed the conservation district's ability to provide for other programming because there are monies now being required to operate the drainage-permitting system in lieu of actually carrying out much needed drainage projects. I know that also, too, the Whitemud Watershed has been on the leading edge of working with stakeholders to recharge dugouts and offer irrigation waters through the conservation district drainage channels.

So I would really like to commend the leadership and the foresight of the Whitemud Watershed, but they are at present really struggling financially because of the additional responsibility granted to them, as well as the needed resources to carry out the programs. I know that other colleagues are aware of other conservation districts, and I am certain the minister is, too, the value that they provide to stakeholders and to a co-ordinated effort between municipalities, which is key in this day and age of co-ordination and co-operation. The conservation districts are providing that vehicle to accomplish that.

So, with those words, I would like to say once again that we do support this legislation and community stakeholder involvement.

**Madam Chairperson:** We thank the member. During the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

Clause 1—pass; clause 2—pass; clause 3—pass. Clause 4.

**Mr. Larry Maguire (Arthur-Virden):** Just a question for the minister in regard to the procedures on this. I agree with our critic on this issue in regard to moving forward, but I just wanted to ask the minister if he could clarify a little bit more why they were seeking another appointee on the commission, and what he feels the role will be of that individual.

**Mr. Struthers:** Really, that question gets to the nub of this proposal today. We believe it is important to have somebody from the community, a Manitoban who has been in connection with a local conservation district, on the board to help advise the minister, along with the deputy ministers who are on the board already. We felt it is really necessary to get the grass-roots, ground-level kind of advice on this board. There has been a position there, a person filling this position for quite a number of years. We want to make sure that our legislation can reflect that.

We just believe it is important to have that community representative there with that unique perspective, and we believe that this will make for better decision making and better outcomes in terms of the whole provincial conservation districts' movement. I am very pleased that all members around this table are supportive of that.

**Mr. Maguire:** I read that this is just for the commission. It is not to be interfering with each of the conservation districts, the 17 of them throughout Manitoba.

**Mr. Struthers:** That is right. This legislation deals particularly with appointing to the commission, and is meant to enhance the role of the commission in relationship to all of the other conservation district boards around the province. We see that as an improvement.

**Mr. Maguire:** The appointment will be done through the minister's office?

**Mr. Struthers:** It will be carried out through the Lieutenant-Governor-in-Council. We want to make sure that somebody with a good local knowledge and

background is put in this position, so it will go through the Lieutenant-Governor-in-Council.

**Mr. Cliff Cullen (Turtle Mountain):** Mr. Minister, you made reference to this person being a potential liaison person with the minister. I just want clarification of what you think the role of this particular individual will be. Will this individual be expected to be a liaison with the minister?

**Mr. Struthers:** The board is an advisory board to the minister, and this position will help in formulating the advice, along with other members of the commission, to advise the minister on policies having to do with conservation districts. It would not be that one person alone advising. He or she would be part of the bigger group advising the minister. We feel that that connection to the community is essential. We think that it has worked well in the past in terms of having a person connected to the local conservation districts, and that would strengthen the decision making that needs to take place.

**Mr. Maguire:** I assume from that, then, Madam Chair, that the minister—is there a process, then, that he will be checking with the conservation districts there to see if public appointments on that would be satisfactory to them, or is there a mechanism for the conservation districts to provide input into who that individual will be, albeit that there is that commission there?

**Mr. Struthers:** Well, I mean, the Minister of Water Stewardship (Mr. Ashton) has always had his door open to suggestions to meeting with groups. I know he has met with many of the conservation districts. I know that the minister has been to the conservation districts' association meetings when they have taken place. He has a good avenue to work directly with this commission and with individual conservation districts. I know he is always open to their kind of advice, including some names of people who may be acceptable to conservation districts. The Minister of Water Stewardship is very open in communicating with these groups, so I have every confidence that that will continue.

**Madam Chairperson:** Clause 4—pass; enacting clause—pass; title—pass.

**Mr. Kevin Lamoureux (Inkster):** Madam Chair, just listening to the comments that have been put on the record, particularly by the minister and the member from Portage la Prairie, I just wanted to reiterate from the written submission, from AMM and Mr. Bell, one paragraph that I think bears

repeating where it states: "While the public representation on the Commission will be improved with this legislation, the fact remains that conservation districts themselves are facing major challenges. This is an issue we hear time and again from our membership and one that was discussed in depth at our recent convention. The Provincial Government is consistently expanding environmental regulations without accompanying financial assistance to those that deliver the services. This means that municipalities and conservation districts are being expected to do more without additional financial assistance. This is creating problems in some districts and can be seen as an impediment to the creation of new districts and the expansion of existing districts."

\* (13:20)

I acknowledge that this bill, Madam Chairperson, does appear on the surface to meet some need for that whole consultation-consensus type of need, if I can leave it at that, but there is something that goes beyond the boards, and that is a financial commitment from the government. This is a concern that has been brought up previously. I just want to get on the record of putting that or emphasizing the financial needs to the minister before it passes this afternoon.

With those few words, we are prepared to see it pass.

**Mr. Struthers:** I take the advice of the Member for Inkster. I want to underline that Bill 13 deals specifically with the appointment on the board of the Conservation Districts Commission. The whole question of funding is something that is ongoing. I know that the minister has spoken with Mr. Bell and the AMM about these kinds of issues on occasions before.

The good news in this that I do not want any of us to forget about is that the people of Manitoba understand how important, how useful conservation districts are. The challenge for all of us, at the provincial level, at the municipal level, at the conservation districts' level, is to keep up with the public on this one, and the members opposite can bet that those discussions occur in terms of providing adequate funding. Our government is not just paying lip service to this. It is something that we understand is important, and that we are and we can show that

we have been improving the financial stability and funding levels with conservation districts.

Are there challenges? Yes, you bet there are. The Minister of Water Stewardship (Mr. Ashton), I think, has made it clear that we are up to dealing with those challenges and moving forward because this is a good concept and a good movement, and we continue to try to strengthen it and improve it.

**Madam Chairperson:** Shall the bill be reported? *[Agreed]*

That concludes the business before this committee. What is the will of the committee?

**Some Honourable Members:** Committee rise.

**Madam Chairperson:** The hour being 1:22, committee rise.

**COMMITTEE ROSE AT:** 1:22 p.m.

#### **WRITTEN SUBMISSIONS PRESENTED BUT NOT READ**

Re: Bill 13

January 19, 2006

I would like to take this opportunity to submit the Association of Manitoba Municipalities' views on Bill 13, The Conservation Districts Amendment Act. As one of the legislated members of the Conservation Districts Commission, the AMM is supportive of the addition of public representatives to the commission as it will no doubt strengthen the commission by providing direct public input into the decision-making process.

While the public representation on the commission will be improved with this legislation, the fact remains that conservation districts themselves are facing major challenges. This is an issue we hear time and again from our membership and one that was discussed in depth at our recent convention. The provincial government is consistently expanding environmental regulations without accompanying financial assistance to those that deliver the services. This means that municipalities and conservation districts are being expected to do more without additional financial assistance. This is creating problems in some districts and can be seen as an impediment to the

creation of new districts and the expansion of existing districts.

As a result of this growing mandate, the AMM feels it is appropriate to re-examine the current antiquated act. The mandate of conservation districts has grown considerably and it is important that the legislation that governs them is up to date to meet the new demands. Conservation districts are now province-wide and are playing an ever-increasing role in Manitoba's water stewardship direction. It is essential that the legislation reflect this new reality.

While the AMM is supportive of greater public participation on the Conservation District Commission, it is imperative that the provincial government also recognizes the outcome of provincial decisions and ensures that Manitoba's conservation districts have the resources needed to meet their ever-expanding mandate.

Ron Bell

President

Association of Manitoba Municipalities