

**First Session - Thirty-Ninth Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Social and Economic Development**

*Chairperson*  
*Ms. Erna Braun*  
*Constituency of Rossmere*

**Vol. LIX No. 3 – 6:30 p.m., Monday, October 29, 2007**

ISSN 1708-6698

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Ninth Legislature**

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**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT**

**Monday, October 29, 2007**

**TIME – 6:30 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Ms. Erna Braun (Rossmere)**

**VICE-CHAIRPERSON – Ms. Bonnie Korzeniowski (St. James)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

Hon. Messrs. Lemieux, Mackintosh, Rondeau, Selinger

Mses. Blady, Braun, Messrs. Briese, Fauschou, Ms. Korzeniowski, Messrs. Maguire, Schuler

**APPEARING:**

Mr. Leonard Derkach, MLA for Russell

**WITNESSES:**

Bill 15–The Biofuels Amendment Act

Mr. John Skowronski, Canadian Petroleum Products Institute

Mr. Roy Eyjolfson, Bifrost Bio-Blends.

Mr. Brian Chorney, Canadian Canola Growers Association

Mr. Glen Koroluk, Private Citizen

Mr. Ken Thomas, Provincial Biodiesel Board

Mr. David Levin, Private Citizen

Bill 11–The Children's Advocate's Enhanced Mandate Act (Various Acts Amended)

Mr. Peter Markesteyn, Private Citizen

Bill 17–The Firefighters, Peace Officers and Workers Memorial Foundations Act

Mr. Alex Forrest, United Fire Fighters of Winnipeg

Mr. Eric Glass, Paramedic Association of Manitoba

**MATTERS UNDER CONSIDERATION:**

Bill 7–The Insurance Amendment Act

Bill 9–The Securities Amendment Act

Bill 11–The Children's Advocate's Enhanced Mandate Act (Various Acts Amended)

Bill 15–The Biofuels Amendment Act

Bill 17–The Firefighters, Peace Officers and Workers Memorial Foundations Act

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**Madam Chairperson:** Good evening. Will the Standing Committee on Social and Economic Development please come to order.

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

**Ms. Sharon Blady (Kirkfield Park):** Madam Chair, I would like to nominate Ms. Korzeniowski.

**Madam Chairperson:** Thank you. Are there any other nominations?

Hearing no other nominations, Ms. Korzeniowski is elected Vice-Chair.

This meeting has been called to consider the following bills: Bill 7, The Insurance Amendment Act; Bill 9, The Securities Amendment Act; Bill 11, The Children's Advocate's Enhanced Mandate Act (Various Acts Amended); Bill 15, The Biofuels Amendment Act; Bill 17, The Firefighters, Peace Officers and Workers Memorial Foundations Act.

We have a number of presenters registered to speak this evening as follows: Bill 11: Dr. Peter Markesteyn; Bill 15: Glen Koroluk, Ken Thomas, John Skowronski, Roy Eyjolfson, David Levin, Brian Chorney; Bill 17: Alex Forrest, Eric Glass.

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

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

As well, I would like to inform presenters that in accordance with our rules a time limit of 10 minutes has been allotted for presentations, with another five minutes allowed for questions from committee members.

Also, in accordance with our rules, if a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

On the topic of determining the order of public presentations, I will note that we do have out-of-town presenters in attendance, marked with an asterisk on the list. With this consideration in mind, then, in what order does the committee wish to hear the presentations?

**Ms. Bonnie Korzeniowski (St. James):** In the order as listed.

**Madam Chairperson:** Is it agreed?

**Mr. David Faurichou (Portage la Prairie):** I believe the custom has been to entertain out-of-town presenters first in the order which they are presented on the list. So, in keeping with our past practice, I believe the out-of-town presenters should be heard first.

**Madam Chairperson:** Is it the will of the committee to go with out-of-town presenters? *[Agreed]*

I would like to inform all in attendance of the provisions in our rules regarding the hour of adjournment. Except by unanimous consent, a standing committee meeting to consider a bill in the evening must not sit past midnight to hear presentations unless fewer than 20 presenters are registered to speak to all bills being considered when the committee meets at 6 o'clock.

As of 6 this evening, there were nine persons registered to speak to these bills. Therefore, according to our rules, this committee may sit past midnight to hear presentations.

How late does the committee wish to sit tonight?

**Ms. Korzeniowski:** Until the work of the committee is done.

**Madam Chairperson:** Is the committee agreed? *[Agreed]* Thank you.

Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in committee. The

proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name. This is the signal for the *Hansard* recorder to turn the mikes on and off.

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

### **Bill 15—The Biofuels Amendment Act**

**Madam Chairperson:** I now call on John Skowronski, Bill 15. He represents the Canadian Petroleum Institute.

Do you have any written copies for distribution to the committee?

\* (18:40)

**Mr. John Skowronski (Canadian Petroleum Products Institute):** Yes, I do.

**Madam Chairperson:** Please proceed with your presentation.

**Mr. Skowronski:** Madam Chair, thank you for inviting me down and allowing me to present.

I want to make a small presentation regarding Bill 15, The Biofuels Amendment Act. We've had the opportunity to work with Manitoba, have reviewed it, and have a small amendment which I think would improve the bill.

By way of introduction, who is CPPI? We're a petroleum downstream association representing about 80 percent of the refiners in Canada as well as the marketers. We have about 17 refineries. All but two refineries in Canada are not members. Most of our interests are in environmental and economic issues as well as health and safety. Our western members include some names that you'll recognize, companies such as Husky, Chevron, Imperial Oil, Parkland, Shell and Petro-Canada.

In terms of Bill 15, the amendment, we believe that the opportunities around the biodiesel definition, that there's an opportunity to broaden that definition to enable future potential options for biodiesel products. We also believe that the petroleum industry in the downstream is a very efficient infrastructure operation that benefits all consumers. We think that there's a lot of merit to be aligned with other jurisdictions in terms of definition not to limit Manitoba in terms of what things may happen.

Similarly, right now, I think a lot of the biofuels and biodiesel-type products are geared around

biomass, but we don't know what the future will hold and there's a lot of new innovation that's under way. So, modification to the terminologies include the term "renewable alternative to diesel" in the definition. We think that would broaden the definition for biodiesel in Manitoba and would definitely provide less restrictions for Manitobans as we move down the road with these regulations.

We turn to the next page. The request for consideration is in section 2(1). The bolded statements are the recommended additions. So, currently, biodiesel means an ester-based oxygenated fuel that is derived from vegetable oils, animal fats, or other biomass material. We recommend that in addition to that, we add the phrase, or other renewable alternative to diesel. If this amendment is accepted, it would also affect section 5(17)(a.1) by the addition of (iv) which would be the same term, "renewable alternative to diesel."

That's the extent of my presentation.

**Madam Chairperson:** Thank you for your presentation. Do members of the committee have any questions for the presenter?

**Mr. Ron Schuler (Springfield):** Yes, thank you very much. John, I'd like to welcome you to this committee and it's great to see that you came out. It's always important to hear individuals come forward and let us know what they think of the legislation. We debated it a lot in the House and it's great to come to committee. It's a really good opportunity.

The question I have for you is: Were you at all approached on this bill? Were you briefed on it? Were you asked—your association, were they ever asked their opinion on this legislation?

**Mr. Skowronski:** Yes, we have. We have talked with Manitoba, some of the bureaucracy over time around the bill. I dialogued with them.

**Mr. Schuler:** So, basically, other than this amendment which I guess might have escaped you, are there any other problems you have with the legislation or do you believe that this legislation should now proceed?

**Mr. Skowronski:** That it should proceed? We have no objection to it proceeding.

**Hon. Jim Rondeau (Minister of Science, Technology, Energy and Mines):** Thank you very much for your time and your coming here today

because I know it's always important to work together on any initiative.

**Madam Chairperson:** I will now call on Roy Eyjolfson, Bifrost Bio-Blends Ltd.

Please proceed with your presentation.

**Mr. Roy Eyjolfson (Bifrost Bio-Blends):** Good evening, Madam Chair, Honourable Jim Rondeau, committee members, fellow presenters, ladies and gentlemen.

On behalf of Bifrost Bio-Blends, I would like to express our appreciation for the opportunity to present our views and opinions at these hearings with regard to legislation currently proceeding through the Manitoba Legislature.

First, I'd like to start with a brief background on Bifrost Bio-Blends Ltd., who we are, where we're at and our current status. Bifrost Bio-Blends Ltd. is a Manitoba registered corporation located in Arborg, a community that is in the Manitoba's Interlake region approximately 100 kilometres north of Winnipeg. The company is made up of 25 investors, 14 of which are Canola producers. It was formed with the purpose of producing biodiesels from locally-grown Canola.

Our plant is currently sized to produce between 2.5 and 3.5 million litres of biodiesel per year from about 8,000 tonnes of Canola. Crushing capacity has been incorporated into the plant to provide raw oil for converting the triglycerides in the Canola oil—transesterification—to a biodiesel that meets the North American ASTM 6751 fuel standard. This capacity is only 25 percent of where we want to be and was dictated by financing the company was able to put into place. Plans are being developed to expand our operation to the production level we initially wanted. We are currently in the process of moving into our plant, installing Canola crushers and the process equipment, and we hope to begin operating within the next few weeks.

The advantages and disadvantages of renewable fuels is constantly under debate as to whether or not the conversion of starch to produce ethanol or plant-based oils to produce biodiesel will contribute to reducing greenhouse gases. It is not my purpose to debate this within this presentation other than to say that any effort to reduce CO<sub>2</sub> emissions that can mitigate the effects of global warming and climate change is better than doing nothing.

We are excited about being involved in an industry that, while not new from a global

perspective, is relatively new to Canada and Manitoba. I use the term "relatively new," to recognize that producing biodiesel from animal renderings has been done for several years in Canada, and communities across the country have been making biodiesels from waste vegetable oil for even longer. We were also excited that we have a chance to embrace and implement the concept of value-added in rural Manitoba agriculture. Canola grown around our plant will be converted to a renewable fuel that the same producer that delivered the grain can use as a fuel to power his equipment. All of this will occur in his own backyard.

Regarding the legislation currently passing through Manitoba's Legislature, we would encourage the committee to consider the following for incorporation into the act and/or subsequent legislation:

A mechanism to ensure that Manitoba-produced biodiesel is utilized in Manitoba. This likely is not only our concern but the concern of anyone in the province considering the construction of a biodiesel plant. The lack of this mechanism would likely be a disincentive for smaller rural operations.

The term "biofuels" is a broad and all-encompassing term, and we recommend that biodiesel produced to meet the North American recognized ASTM 6751 standard be defined as a product blended with petroleum-based diesel.

A stepped incremental approach to incorporating biodiesel blends would benefit the industry in its developing stages. These increasing increments of biodiesel content beginning in 2008 can be put in place to overlap and dovetail with the production capacity as it grows in Manitoba.

Capitalize on research and experimentation conducted in our climate using different biodiesel blends to establish a minimum quantity of biodiesel content in petro-based fuels.

Ethanol in gasoline and biodiesel in diesel be kept separate and distinct from one another as biofuels. As mentioned above, the term "biodiesel" is an all-encompassing broad term. The production of ethanol as a biofuel in Manitoba will soon exceed 30 million U.S. gallons per year when Husky in Minnedosa comes on-line. With biodiesel production in the province being essentially zero U.S. gallons per year, ethanol as a biofuel could overwhelm diesel as a biofuel as if the two are not kept distinct and separate.

\*(18:50)

Province participation in the formation of a biodiesel producer association, with a diminishing level of involvement as the industry develops. The thought process behind this embraces the original concept presented by the Manitoba Biodiesel Advisory Council, whereby several biodiesel plants would exist in the provincial oilseed-producing regions. The agricultural regions in the province can then realize the socio-economic benefits of these ventures.

Education of the public about the benefits of biodiesel will be necessary. This education should not only extol the benefits, but also what to expect when using biodiesel.

In closing, I would like to say that, regardless of what many experts are saying, climate change is becoming more evident every day: glaciers melting, open water in the Arctic, to mention a couple that are very close to home. If even a fraction of what has been broadcast and published is true, the consequences are still frightening. Something must be done.

We are excited to be involved in a new Manitoba industry that can make a contribution in reducing the effects of greenhouse gases. Each barrel of crude oil burned contributes CO<sub>2</sub> that wasn't in our atmosphere before it came out of the ground. If we can reduce the impact of CO<sub>2</sub>s by producing a biofuel that is carbon neutral, then we have contributed.

Thank you for the opportunity to participate in the regulatory process.

**Madam Chairperson:** Thank you for your presentation.

**Mr. Schuler:** Again, Roy, thank you very much for coming out to committee and putting your presentation in front of us.

I would also like to ask you: When the government was proposing this legislation, were you shown any draft? Did they talk to you about what they were planning on doing? Did you have any input into the legislation?

**Mr. Eyjolfson:** I was contacted. The source of my information was just off the Internet, off the Manitoba government Web site. So that's where I reviewed the proposed amendment.

**Mr. Schuler:** Certainly, you've listed quite a few areas that you think there are some changes that should be forthcoming.

Would you recommend to this committee that the legislation proceed even if—and I know that there are probably some amendments coming after we've heard all the presenters—but let's say none of these are going to be considered. Do you think the legislation should still go forward?

**Mr. Eyjolfson:** I think it should. Yes.

**An Honourable Member:** Thank you.

**Mr. Rondeau:** I'll let him go first.

**Mr. David Faurichou (Portage la Prairie):** The plant that you operate, what is its location? In Arborg proper, or is it out on a farmstead out in the proximity of Arborg?

**Mr. Eyjolfson:** The plant that we've constructed is exactly one mile south of Arborg. It's in an area that's been designated as a Bifrost development park or development area, and we've purchased property in that and constructed the building.

**Mr. Faurichou:** I'd appreciate taking a look at it sometime. I'm very, very keen.

Is this emanating out of the pilot plant that Paul Bobbee had on his farmstead?

**Mr. Eyjolfson:** Paul is one of our shareholders and one of the individuals that has given me the most assistance in bringing the project to where it is. So, while it doesn't have any of the equipment that Paul used in his pilot project, Paul is definitely involved.

**Mr. Rondeau:** Thank you very much for your very well thought out presentation.

I have to say I've seen pictures of your operation. Congratulations. You're moving along, and I really appreciate your commitment to increasing the value-added in Manitoba rural agriculture. I also would like to thank you for your suggestions because I see it's not just for the legislation, it's also for the industry, some of your ideas. I think you've really made a commitment, and I thank you very much for your time and coming down to Winnipeg and doing this because I know it took a lot of effort.

**Madam Chairperson:** I will now call on Brian Chorney, Canadian Canola Growers.

Do you have written copies for distribution?

**Mr. Brian Chorney (Canadian Canola Growers Association):** No, I don't.

**Madam Chairperson:** Then please proceed with your presentation.

**Mr. Chorney:** Good evening, everyone. My name is Brian Chorney, and I'm here representing the Canadian Canola Growers Association. I'm also a member of the Manitoba Canola Growers Association, which represents 10,000 growers within the province.

I would like to talk about three things today. First is the impact of biodiesel to the Canola growers in particular; the second being the environmental aspects of biodiesel; and third, looking at the food-versus-fuel debate and talk about that as well.

When you look at the Canadian consumption of diesel fuel, it's approximately 28 billion litres. If it was blended to a 5 percent biodiesel blend, it would consume approximately 2.6 million tonnes of Canola. This is approximately 28 percent of the 9.1-million-tonne crop that Canadian Canola grew in 2006. Manitoba consumption of diesel fuel is approximately 850 million litres, and if it was then blended to a B5 blend, it would consume 100,000 tonnes of Canola. That's approximately 5.5 percent of the 1.8 million tonnes of Manitoba Canola grown in 2006.

I raise this point to highlight why we are focussed on policy development to move this forward both in a national and a provincial level. We are freight-advantaged in Manitoba to supply Canola oil or biodiesel to the eastern Canadian market. We have ample feed stock supply to service this market and we would prefer to supply biodiesel from the value-added perspective.

Ontario and Québec consumption of diesel fuel is 11.3 billion litres, and if blended to a B5 blend, it would be approximately 1.3 million tonnes of Canola. With that, if Manitoba is successful at supplying 50 percent of that market, it would consume 36 percent of the Canola crop grown in 2006. So it has a dramatic impact on Canola growers, so we are very committed to the legislation that's being proposed.

Are there downsides? Recent media reports have focussed on two key areas of concern about biodiesel: one, the use of food crops for fuel; and the net environmental benefit of biofuels relative to petroleum.

First, a bit of background on Canola. It's 43 percent oil, 57 percent meal, and biodiesel shouldn't be confused with ethanol at all. Although

both are biofuels, biodiesel is produced from oils such as soy, palm or Canola, while ethanol is produced from cereals such as corn or wheat.

So from a biodiesel perspective, you should think Canola, and think diesel trucks or buses or tractors. I guess that's the market we're looking at.

Will using Canola oil as a feed stock for biodiesel cause food shortages? No, there are several reasons why the new demand for Canola created by biodiesel will not reduce the availability of Canola for food use. One we'd like to talk about is that if you look at our history, in 2004 and 2005, we had a carryout of 1.59 million tonnes. In 2005 to 2006, we had a carryout of 2 million metric tonnes. For 2006 to 2007, we had a carryout of 1.5 million metric tonnes. If you look at the 2 percent biodiesel blend we're looking at across Canada, it only consumes about 1.3 million metric tonnes of Canola.

\*(19:00)

Canola oil is a prized and healthy oil by consumers in developed countries such as Canada, the United States and Japan, and all are capable of absorbing the small increases in food costs that could result from the higher grains and oilseeds prices. Although we have some developing markets, for example Mexico and China that will also purchase Canola, the demographic of the Canola consumer in these countries is very close to those in the developed world, meaning that they have sufficient disposable income to purchase higher-value oils such as Canola.

Moving on, I guess we are going to be able to produce more Canola, as farmers with hybrids that are coming forward with better technology that's being developed, as we move forward. Currently, I think the production figure for this year is coming in at about 8.4 million metric tonnes. The target for the Canola Council of Canada is to get 15 million metric tonnes by 2015, and we've planned out how we're going to get there. There are many steps that we have to take.

When you look at the food side of it, with the biodiesel, one thing we struggle with in the Canola industry is, with the increased processing that is going to be happening from the crushing side of the business, we have a lot larger volume of Canola meal out in the marketplace, and we're struggling with the lower price of the Canola meal that's going to be out there. That's an advantage to livestock producers

such as dairy, cattle, or poultry or pork that they can use it in their businesses.

I guess the other thing we wanted to talk about was the environmental side of it. If you look at biodiesel, the Canola Council of Canada commissioned a study in 2006 to look at the whole life cycle analysis of what's the energy balance and where are we going with that and how do we compare with other. The results of that study showed a 2.5 to 1 energy balance, which is very positive, and published numbers previous to that have been close to 3.2 to 1. I think we tried to take on everything into account. So, from an energy balance perspective, we're very comfortable with it moving forward.

So, from a farmer's perspective, it's a very potentially large domestic market that we're very interested in supplying. From the food side, I think we are committed to be able to supply both the fuel and food requirements, and from the environmental side, I think it's a win for Manitoba and Canada. Thank you.

**Madam Chairperson:** Thank you for your presentation.

Do members of the committee have any questions?

**Mr. Schuler:** Yes, and Brian, thank you to you, as to the other presenters, for putting together a presentation and coming forward to this committee. I have two very simple questions.

Number 1, were you consulted on Bill 15?

**Mr. Chorney:** I guess the Canadian Canola Growers sat on the Canola advisory council when it was established a number of years back. So, yes, we were consulted.

**Mr. Schuler:** Without saying it, I guess you basically said that you would support Bill 15 going forward and coming into legislation. You'd like to see it pass.

**Mr. Chorney:** Yes.

**Mr. Larry Maguire (Arthur-Virden):** Thanks, Brian, for your presentation as well. I just wondered, did you have any thoughts on other areas that a bill like this should have some impact on, or is there an area from your industry that you would like to see included, other than what's already in the bill in regard to the Ethanol Fund and other issues.

**Mr. Chorney:** I think we're comfortable, at this point, with letting it move forward as it is, and there's always time for amendments later.

**Mr. Faurichou:** I appreciate, Brian, you attending this evening. In regard to Canola production, the current Canola varieties that are grown in Manitoba lend themselves only to a summer diesel application. Are you looking to supporting Dr. McVetty and the research into Canola varieties that will ultimately see longer chain carbon units in order to address the winter diesel consideration?

**Mr. Chorney:** Well, at low blends, like, we're looking at the B2 and the B5 blends, the impact on the cold weather aspect of it is very, very low. Actually, biodiesel produced from a Canola feedstock or Canola methyl ester is actually one of the best, from a cold flow perspective when you look at it compared to soy or some of the other products.

Yes, we will always continue to strive for improvement, but, I guess, wanted to go on record that we're one of the best as it is.

**Mr. Faurichou:** Yes, indeed, in comparison to other vegetable crops.

The promotion, though, and, obviously, the research does require some monies. Are you engaged as Canola growers to support further research of new varieties that would eventually see to a higher percentage of Canola-based biodiesel being produced?

**Mr. Chorney:** As Manitoba Canola growers, we do invest in all different types of research, and we are very much committed to the biodiesel marketplace. The challenge we face as a growers organization is generally the varieties themselves come from the seed companies. For us to invest in varietal research, generally we wouldn't have the wherewithal to take it to the marketplace in the end.

**Mr. Rondeau:** Just one question. First, what happens to the Canola after it's crushed, and what happens to the meal afterwards?

**Mr. Chorney:** The meal ends up—I guess a large percent of it ends up in the dairy industry right now. It is a very sought-after meal for that particular market. It actually increases milk production. So we are very fortunate to have that as a marketplace for it.

**Mr. Rondeau:** Thank you very much for your presentation and your time, sir.

### **Bill 11—The Children's Advocate's Enhanced Mandate Act (Various Acts Amended)**

**Madam Chairperson:** We'll now return to the list and Bill 11, Dr. Peter Markesteyn.

**Mr. Peter Markesteyn (Private Citizen):** Madam Chair, members of the committee, I appreciate the fact that I was allowed and empowered to speak to you on behalf of the children of Manitoba. I became aware that there has been a proposal to change the function of the Medical Examiner's Office and some of the functions to be shifted to the Child Advocate's office. I have grave concerns about this, and I have put it together in a written submission which has accompanied my address to you.

As a history of this involvement of the Medical Examiner's Office, which came in place after many children's deaths in this province, called by the then-minister of Child and Family Services to do a review on the office and offices of Child and Family Services, this was done after a failed attempt of two people, Professor Grant Reid and Eric Sigurdson who had failed to produce a report that was worthwhile, so they did a second one. When they came to our office, they said, well, why is it not done by you? You've got all the information. You had all the police reports. You had access to all the material required to do this function.

\* (19:10)

It was then decided by the minister that this be done by our office. Unfortunately, the function of the office under section 10 of the Medical Examiner's act was never properly funded, in fact, to a degree, that I suggested to the then-Minister of Justice that this be done so-called extra budgetary, meaning that the budget would not come from the Department of Justice as there was a movement on the way to move the entire office of the Chief Medical Examiner away from the Department of Justice. So, apart from that, there is a history of trying to move the function of this death examination of Child and Family Services away from our office.

My concern is that, should this now go to the Office of the Child Advocate, there is an inherent, serious problem with conflict of interest. I am aware, as I am also—I still am, actually, a delegate of the Child Advocate of another province, of the problems that are present when a Child Advocate's office investigates Child and Family Services. As I said, when I was asked to take over that position in another province, in Newfoundland, I told them that

an investigator should not be an advocate, and that an advocate is not an investigator. If that function is mixed, serious problems have resulted in a very expensive inquiry in the province of Newfoundland where the Child Advocate chose to undertake an examination of Child and Family Services, failed promptly which resulted in a very expensive inquiry which I held in that province.

There is absolutely, I have been told, by external reviews of the Chief Medical Examiner's office, there is nothing wrong with the way that that office functions with regard to the so-called section 10. It's doing fine, except for lack of resources. There is not sufficient funding for the task at hand. If one has a car that doesn't function properly because of the lack of fuel, you just put in more fuel; you don't buy another car. To give this to the Child Advocate to investigate also, in my opinion, will result in a conflict of interest with Child and Family Services and the Child Advocate's office. You cannot at one day come and ask for their co-operation with regard to a child and, at the same time, the next day, arrive to investigate that office. This is a conflict that resulted in very bad relationships in other provinces and was the case here some time ago.

The Office of the Chief Medical Examiner is independent. When I was appointed, the independent stressed the fact that I was not a civil servant. Although I did have deputy minister status, I was at arm's-length of government. The office is entirely independent, has no conflict at all, ever, with Child and Family Services. Contrary, I so humbly submit with the Child Advocate.

There has been an address to what we can do if the Child Advocate has provided service. Well, the Child Advocate, I hope, would have provided services in many of those cases. It is not addressed in this legislation what should be done if the Child Advocate should have done, should have provided services. I addressed that in Newfoundland to the great chagrin of the Child Advocate, who said it was not my mandate. Of course, it was. There is a serious problem that can be fixed simply, simply, by providing adequate resources to an independent, existing structure within the Medical Examiner's office.

I've reason to believe that the government is prepared and has funding set aside for this. In my opinion, it's going in the wrong direction.

There has been a suggestion that the quality of work done by the Office of the Chief Medical

Examiner was at issue. That suggests there is no need to move the reports elsewhere. The Office of the Chief Medical Examiner, over the years, has developed his expertise in these matters and has the legislative framework and the internal systems to support a high quality in section 10 of its report.

The solution is to entrust the mandate for wide reviews in the Office of the Chief Medical Examiner with provision for adequate resources and for the Child Advocate to become involved in the monitoring process of the section 10 report's recommendations.

After the two review reports were released just over a year ago, an editorial in the *Winnipeg Free Press* raised just this point. If resources are what are needed, why not give them to the Chief Medical Examiner's Office? If the conditions under which reports are written need to be changed, this can also be done.

On behalf of the children of Manitoba, I respectfully ask that this be done. Thank you.

**Madam Chairperson:** Thank you for your presentation.

Do members of the committee have any questions for the presenter?

**Mr. Stuart Briese (Ste. Rose):** Thank you for your presentation, Doctor. It's quite enlightening to me to hear you speak on it. It's something that we have been quite concerned about, is the conflict of interest that would probably go with this movement of section 10 from the Chief Medical Examiner to the Child Advocate's office.

Are there any other particular parts of this bill that you have concerns with outside of the conflict area?

**Mr. Markesteyn:** The change, it says here in the new act: must review the circumstances surrounding the death. That is already being done. In fact, I respectfully suggest that the Office of the Children's Advocate has no expertise in this matter at all.

It is not the task of an advocate to start investigating children's deaths' circumstances. That's an extensive, very difficult thing to do, because the death may be the result of a lack of medical care apart from social services, for which there is no expertise, to my knowledge, in the Child Advocate's office.

**Mr. Briese:** I know that one of the concerns that was there was that there is some backlog of cases in the Chief Medical Examiner's Office over a number of years. I take it that what you're saying is that's a lack of resources. If the resources were put there, that would be taken care of.

**Mr. Markesteyn:** Indeed.

**Hon. Gord Mackintosh (Minister of Family Services and Housing):** Thanks very much for coming today, Dr. Markesteyn. Just to assure you on a couple of your major points, the funding issue is being addressed. The bill is accompanied by a very significant increase. I think it's about \$380,000, more than doubling the resources for section 10 reviews, recognizing the concern that you raised and has been ongoing.

As well, we're just introducing a relatively minor amendment but for greater certainty to ensure that the reader of the bill understands that the medical cause of death remains the sole jurisdiction of the Chief Medical Examiner. That addresses another point that you raise in here.

But the services and circumstances around the services would be something that the Children's Advocate has as the focus.

Further, just in terms of the conflict, whether it's services provided or services not provided by the Children's Advocate, like, for example, there'd been contact with the Advocate's office but no action was taken, then in our view that would come under subsection 8 that's in the bill.

So those are a response to some of the issues, but we'll look at your presentation further.

**Mr. Markesteyn:** I respectfully mention to you, Mr. Minister, that it's not only medical causes of death. There are other causes of death than medical. There are homicidal, suicidal, accidental and undetermined of which, respectfully, the Child Advocate has no experience at all.

\* (19:20)

**Madam Chairperson:** Thank you very much.

#### **Bill 15—The Biofuels Amendment Act**

**Madam Chairperson:** We will now turn to Bill 15 and our first speaker. I will call on Glen Koroluk, private citizen. Please proceed with your presentation.

**Mr. Glen Koroluk (Private Citizen):** Thank you, Madam Chair, honourable members of this committee. Thank you for the opportunity in allowing me to make a brief comment on the proposed legislative amendment to The Biofuels Act.

My name is Glen Koroluk, and I am here on behalf of the family farm at the Beyond Factory Farming Coalition, a national coalition committed to promoting socially responsible agriculture, and we weren't consulted and we'd like to see this bill scrapped. I'm also an associate member of the National Farmers Union and we support their policy work on the agrofuel issue.

First off, I would like to say that, morally and ethically, I do not support the conversion of land from food production to fuel production so that we as a society can feel good about driving our automobiles on a daily basis. The pretence that food-based agrofuels blended with gasoline or diesel provides an environmental benefit is a false one. It does not challenge the need for automobile-dependent societies such as ours to reduce our single vehicle trips, to reduce our desire for larger, less fuel-efficient vehicles, and to improve our ability to convert to a truly clean fuel and energy society.

While I realize that, as a global society, we currently produce more food than we require, there are severe inequalities on this planet which have led to many countries having an unmanageable food deficit. This leads us to a second main point of contention in that a food-for-fuel economy will only exacerbate the problem of global food insecurity.

The United Nations Food and Agriculture Organization now estimates that there are over 850 million people on the planet who do not get enough to eat on a daily basis. Every year, more than six million children still die from hunger-related illnesses before their fifth birthday.

On August 22, 2007, a special rapporteur to the UN General Assembly submitted an interim report on the topic of right to food, whereby governments, including Canada, committed to reducing by half the number of malnourished persons around the world by 2015. The August 22nd report calls for all nation states to immediately establish a five-year moratorium on all initiatives that convert food into fuel and recommends that agrofuels are to be produced from non-food plants, agricultural wastes, and crop residues in order to avert massive rises in the prices of food, water and land, and the diversion of these resources away from food production. The

special rapporteur also insists that second-generation technologies that utilize non-food feedstocks should be based on family agriculture rather than agro-industrial methods.

This leads us to a third area of concern in that a food-based agrofuel industry will further lead us to the industrialized model of production in this country which will place greater ownership of these industries in the hands of large agribusiness corporations and the giant oil and gas transnationals. Major global corporations who are investing and will become beneficiaries of the agrofuel sector include ADM, Cargill, Louis Dreyfus, British Petroleum, Shell, Chevron, Gulf Oil and Husky Oil. Corporations who control key agrofuel feedstocks include Bunge, Dupont, Syngenta, Bayer and Monsanto. In the U.S., there has been a consolidation of the ethanol manufacturing sector whereby the larger companies have been buying out the smaller, mostly farmer-investor facilities.

To bring this home, the made-in-Manitoba plan of an 8.5 percent mandate for a grain-based ethanol blend has given Husky Oil a monopoly in the province as their 130-million-litre per year plant in Minnedosa will be able to supply the entire market. Manitoba's intention to introduce a biodiesel mandate and subsidy will only give market share advantages to Bayer and Monsanto, who are global leaders in the field of agricultural biotechnology. These corporations continually seek to control patents on genetically engineering technology which contractually bind farmers to the use of genetically engineered seeds. Globally, less than 20 percent of the world's Canola production is genetically modified, and almost all the global GE Canola is grown in Canada. After a decade since the introduction of GM crops, only four countries plant 99 percent of the world's GM crops. The United States represents about half of the area grown, while Argentina, Canada and Brazil account for the balance. Commercial GM crops are currently limited to soy, corn, cotton, and Canola.

Driven by the reckless move to mandate biodiesel content into regular diesel across Canada, the Canola Council of Canada now predicts that Canola tonnage will increase by over two-thirds in the next eight years, from 8.5 million tonnes to 15 million tonnes, all of which will be genetically engineered and mostly grown in the Prairies.

Without any long-term studies and research on the potential human and environmental implications,

the Central Plains of North America have become a giant laboratory for genetically engineered, herbicide-resistant crops, such as Roundup Ready Canola and Liberty Link Canola

The heavy reliance on the herbicide glyphosate has led to the increase of volunteer Canola plants, or plants that have become tolerant to the herbicide. This, in turn, leads to the increased use of other chemicals such as 2,4-D to kill off the volunteers which are now showing up in neighbouring fields through wind-travel pollen.

Expanding Canola acreage and moving away from proper crop rotations in order to serve a growing market will thus mean more monoculture in our agricultural system. Monocultures decrease genetic biodiversity within the crop and on the field and are unstable in the long term. GE monoculture typically requires a great deal of research and development support to keep them going and, in this way, creates an opportunity cost to further innovation.

As a fourth main contention, it's now becoming evident that food-based agrofuels are not necessarily more environmentally friendly than fossil fuels. A recent report commissioned by the Swiss institute, EMPA, for the federal offices of energy, environment, and agriculture in Switzerland conclude that, while some agrofuels may reduce greenhouse gas emissions in comparison with gasoline or diesel, the cultivation and processing of some of the raw agrofuel feedstocks causes serious environmental impacts to occur and thus clearly worsens the ecological balance for most agrofuels.

The Swiss institute performed a full life-cycle assessment of a number of agrofuels and compared the environmental footprint with those of transport fuels derived from petroleum and gas. The whole environmental impact was calculated using indicators measuring the damage to human health, ecosystems, and the depletion of natural resources and aggregated in a single indicator. Of the almost 30 agrofuel feedstocks analyzed, ethanol rye, ethanol potatoes, ethanol corn, biodiesel soy and biodiesel Canola rank as the most ecologically damaging.

The GHGenius model, which Canada and Manitoba utilize to justify environmental benefits deriving from wheat-based ethanol and Canola-based biodiesel, was borrowed from life-cycle emissions worked on by Dr. Mark Delucchi at the University of California. The Canadian model is flawed as it underestimates the fossil fuel use for the machinery

and equipment used to produce a feedstock crop. It minimizes land-use changes in converting permanent cover and perennial cover to cropping systems, which are more energy intensive and emit greater greenhouse gasses. It provides an overly generous co-product greenhouse gas credit for displacing other feed grains, and, as an example, Manitoba and Husky are still trying to figure out what to do with the dry distillers grain at the Minnedosa plant.

The model underestimates fertilizer use and subsequent nitrous oxide releases into the atmosphere. Nitrous oxide is 296 times more powerful as a greenhouse gas than carbon dioxide, and growing Canola requires an abundant amount of energy in the form of nitrogen fertilizers.

Chemist and Nobel Prize winner Paul Crutzen assembled a team of researchers recently in Europe to investigate the potential global warming benefits of agro-biofuel production. They found that 3 to 5 percent of the nitrogen in fertilizer was converted and emitted into the atmosphere, which is twice as much nitrous oxide as previously realized. The scientists concluded that agrofuels from corn and Canola can contribute as much or more to global warming in nitrous oxide emissions than cooling by fossil fuel savings.

According to a recent article in the *Environmental Health Perspectives Journal*, humans are changing the nitrogen cycle globally faster than any other major biogeochemical cycle, and the largest human generated source of reactive nitrogen is nitrogen fertilizer.

\* (19:30)

The Round Table for Sustainable Development of the Organization for Economic Co-operation and Development summarizes recent research in Europe and says: When such impacts as soil acidification, fertilizer use, biodiversity loss, and toxicity of agricultural pesticides are taken into account, the overall environmental impacts of ethanol and biodiesel can very easily exceed those of petrol and mineral diesel. Their conclusion is that the current technologies of choice—crop-based ethanol and biodiesel—to deliver a major contribution to the energy demands of the transport sector without compromising food prices and the environment is very, very limited.

This leads us to our last main point of contention. At what cost will governments support the agrofuel sector through the use of mandates and

subsidies? The Global Subsidies Initiative of the International Institute of Sustainable Development estimate that the cost of obtaining a unit of CO<sub>2</sub>-equivalent reduction through subsidies to agrofuel is extremely high, well over \$450 per tonne of CO<sub>2</sub>-equivalent avoided for corn-based ethanol in the United States. For Canada, the cost per tonne of CO<sub>2</sub>-equivalent avoidance ranges from \$250 to \$1,900 for ethanol and \$250 to \$450 for biodiesel. They suggest that governments can spend the equivalent money and achieve far more reductions with other effective greenhouse gas reduction initiatives and strategies.

We are now seeing some of the unintended consequences, cost-wise, of the rapid expansion and subsidization of the global agrofuel sector. Corn prices doubled over the last two years and wheat futures are trading at their highest level in a generation. Higher feed prices in Canada have triggered the implementation of a \$165-million farm recovery plan in Alberta to bail out their livestock sector who are facing rising feed costs. The Manitoba government is now asking the federal government to implement a special 2007 advance CAIS payment for the province's struggling hog sector.

Perverse subsidies, whereby one arm of the government has to subsidize a program because of a subsidy implemented by another arm of government, demonstrate that monoculture cropping, specialization and consolidation in the agricultural sector is not sustainable, either ecologically or economically.

I will conclude tonight by reading a passage by Dr. Miguel Altieri of the University of California and author of *Agroecology: The Science of Sustainable Agriculture*.

"The energy crisis—driven by over consumption and peak oil—has provided an opportunity for powerful global partnerships between petroleum, grain, genetic engineering and automotive corporations. These new food and fuel alliances are deciding the future of the world's agricultural landscapes. The biofuels boom will further consolidate their hold over our food and fuel systems and allow them to determine what, how and how much will be grown, resulting in more rural poverty, environmental destruction and hunger." Thank you.

**Madam Chairperson:** Thank you for your presentation.

Do members of the committee have questions for the presenter?

**Mr. Ron Schuler (Springfield):** Yes. Thank you, Glen, for your presentation. I think it's important to always get varying views on an issue like this. You did answer my question before the microphone was on, so I'll ask it again.

Have you been consulted on this legislation, and is there any redeeming part to this legislation at all?

**Mr. Koroluk:** No, and the government has avoided our organization, in fact. I'd like to see this whole legislation scrapped, as well as The Biofuels Act, Bill 2, from four years ago.

Leading authorities and thinking organizations across the planet right now are calling for the end of subsidies, for one, and they're also calling for the end of converting food to fuel. Manitoba is a small player. We're a small province in the middle of a continent, but we have a moral responsibility to play in terms of food security for other countries on this globe.

**Hon. Jim Rondeau (Minister of Science, Technology, Energy and Mines):** Thank you very much, Glen, for your presentation and the time it took to put it together. I appreciate it.

**Madam Chairperson:** Thank you.

I will now call on Ken Thomas, Provincial Biodiesel Board.

Please proceed with your presentation.

**Mr. Kenneth Thomas (Manitoba Provincial Biodiesel Board):** Thank you.

I'm here this evening in my capacity as chairman of the Provincial Biodiesel Board, but I will also speak briefly from my experience as manager, Fleet Services, Manitoba Hydro. I will speak in support of this legislation, specifically to two key matters regarding biodiesel, licensing of producers and mandates.

We have seen considerable public interest in biodiesel. Large fleets, small truck operators, farmers, mines and school divisions are only some of the people eagerly anticipating broad based availability of biodiesel.

Manitoba Hydro first began using biodiesel in June 2005. We have used Manitoba produced Canola biodiesel and imported soy-based biodiesel. We have had no issues or problems with this fuel, summer or

winter. We have also provided biodiesel to the Winnipeg School Division for some of their school buses, again without incident.

Biodiesel is a proven product, and it works even in our climate. But it must be noted Manitoba Hydro has not had issues because we have insisted that all product we buy be accompanied by certification that it has been tested to the relevant ASTM standard. It is essential that biodiesel be tested to rigorous standards. We cannot afford to have any problems arising from poor quality fuel. As I am sure you are aware, the Manitoba Hydro laboratory in Selkirk can provide the necessary testing facility and should be fully functional for the complete suite of biodiesel tests in early 2008. We can provide the testing at an affordable price.

This legislation contains provisions to ensure that all biodiesel sold in Manitoba meets appropriate quality standards, that all producers obtain licences from the government of Manitoba, and those licences are contingent on maintaining proper testing procedures for all product sold in the province. I must emphasize these provisions are critical for the future of the biodiesel industry in Manitoba.

Another critical issue is that of mandate. To properly address this we must first acknowledge that biodiesel is a very versatile fuel in that it can be blended with regular diesel at various levels, depending on application and ambient temperatures, and can even be used at 100 percent under certain circumstances.

Our mining industry can gain substantial benefits in air quality and reduced air handling costs by using B100 underground all year round. Our agricultural sector can use blends of B20, or higher in some cases, from seeding to harvest. Various fleets will wish to use different blends depending on the season. The wholesale price of biodiesel and the rack price of regular diesel can vary, and the benefits of lower-priced biodiesel can be exploited and the premium if biodiesel is higher cost can be mitigated by varying the levels of the blends.

In order to support the use of various blends, it is important that any mandate be structured on a pool basis, for example, a total of 20 million litres, which is equivalent to B2, rather than mandating B2 as a specific level or blend. The details of how and where blending occur remains to be finalized, but these can be worked out and implemented through the regulations which this legislation will enable.

We must also note that, in addition to the renewable and environmental benefits from reducing greenhouse gases and pollutants, there are other important benefits that can be leveraged from a successful biodiesel industry. Some of these include new jobs for Manitobans, many in rural areas, increased and diversified markets for our farmers, and, most importantly, millions of dollars for fuel imports that currently leave our province will remain here for the benefit of Manitobans. However, those benefits will only be realized from the development of a Manitoba industry based on the production of biodiesel, more properly referred to as esters.

\* (19:40)

There are, however, other options for making renewable diesel fuel from vegetable oils, one of which involves cracking the molecules in the oils. It is this process that is favoured by the large petroleum producers. The oil companies would prefer that we not mandate at all, but, if we mandate, then they prefer we mandate generic renewable diesel fuel which would leave the door open for solutions other than esters or biodiesel.

What would this mean? If Manitoba were to mandate 20 million litres of renewable diesel fuel, under the cracking scenario, the major oil refineries could simply purchase 20 million litres of Canola oil, possibly in Alberta or Saskatchewan, crack it at their refineries and blend it into some diesel bound for Manitoba. That would fulfil the mandate and might result in upward pressure on Canola prices to the benefit of some of our farmers. However, none of the other benefits of a biodiesel industry would be realized. The mandate would be of minimal benefit to Manitobans, but, rather, might make us simply a guaranteed market for renewable fuels from Alberta and Saskatchewan.

To truly realize the benefits of biodiesel, the government must support policies and programs that support local production. Initially, this should include a requirement for ester-based biodiesel, with the ability to adopt other renewable diesels that benefit Manitobans as they become commercialized.

In response to the upcoming federal requirements, the oil industry may eventually produce fuel blended with low levels of vegetable oil cracked at the refineries. We will have to wait and see how that develops. However, if that transpires, there will still be a role for biodiesel-made and blended in Manitoba.

The fuel companies work best at large volumes of standard fuels and do not want to be blending locally or at small volumes of different blends. Manitoba biodiesel can still be used at B100 where appropriate, or blended to levels above the federal requirements.

Therefore, it is essential, in the view of your biodiesel board, that the mandate contain these two critical factors. It must be regulated on a pool basis to provide for flexibility in blending the fuel, and it must, at least initially, clearly specify esters or biodiesel and not generic renewable diesel fuel.

In closing, I do not believe biofuels are the ultimate or only solution to our vehicle and mobile equipment needs. There are many applications in these sectors and many potential solutions, especially in hybrid and other forms of electric drive. But I believe we are a long way from seeing the complete demise of the internal combustion engine. Biofuels can play an important part in limiting the harmful effects of those engines, as well as providing other benefits to Manitoba.

This is an important bill for the future of our province; indeed, of our planet. I recommend it for your favourable consideration, and thank you for the opportunity to address you on this matter.

**Madam Chairperson:** Thank you for your presentation.

Do committee members have questions for the presenter?

**Mr. Schuler:** Thank you very much, again, for coming out. We always appreciate the presentations. Yours is definitely a little different than the previous presenter. I think that's excellent for this committee to have balance and different ideas and that kind of thing. So we certainly appreciate fact that you come out and make a presentation.

I take it you and your organization have been consulted on this legislation. Again, the reason why I ask, it's important for the committee to know how broadly based the consultations were on this legislation. It's helpful, certainly, for myself on this side of the table to know.

The other thing is, is there anything that you feel could be improved on in the legislation? Again, as you stated, I take it you're in full support of the bill.

**Mr. Thomas:** I think the legislation as it exists today is sufficient, but it would leave the door open for us to do other things through regulations as time goes

on. Regulations, I think, would be the appropriate place to do some of those other things.

**Hon. Greg Selinger (Minister of Finance):** Thank you for the presentation. I thought it was quite constructive. In your view, Ken, does this approach that you recommend here address the concerns raised by the previous presenter, Glen Koroluk? I thought you had suggestions that specifically went to his concerns. In your view, does it address those concerns?

**Mr. Thomas:** I have a hard time answering that because he had a number of concerns. I think that in terms of what we're looking for is a multitude of small local plants, and we believe that that's the right solution for Manitoba, and I think we also were looking at combining biodiesel with other technologies. I don't think we're going to ever have a 100 percent biodiesel in everything in Manitoba, but I think it plays an important role.

**Mr. Larry Maguire (Arthur-Virden):** Thank you very much, as well, Ken, for your presentation. Just in regard to the production of opportunities in the province, and we have considerable grain-based methods whereby we could produce the product. When we get to the needs of the province, though, there may still be others who would wish to continue to produce and look at the export market. What would your view be in regard to the existence of those types of plants and the further promotion of them as well? Certainly, we have an opportunity for farm-based plants, and we've got opportunities for some of the larger facilities in biodiesel as well and perhaps more likely on the ethanol side. But what would your view be in how they should be treated in regard to their export capabilities?

**Mr. Thomas:** We would certainly encourage that. We would hate to see that come at the expense of the smaller local producers, but obviously other provinces will not be able to grow sufficient crops to meet all of their needs, so it would be appropriate for us to be contributing in some way.

**Mr. Rondeau:** Thank you, Ken, and just one quick question. How has your experience been on biodiesel with your fleet so far?

**Mr. Thomas:** It's been excellent. We have used B20 all summer. We just recently cut back to B10 in preparation for the winter. Last winter we ran B5 all winter, had no issues. We're planning on running B10, and this we're in the process now of making preparations to haul biodiesel blends over the winter

roads into one of our northern diesel sites, so we will get a real good test from doing that.

**Mr. Rondeau:** I understand from some of the mines that held it, the biggest problem is they get the munchies while they're down below, and they smell fried food which gives them another problem, but we won't get into that. But thank you very, very much for your presentation and the time it took to make it.

**Madam Chairperson:** Thank you.

David Levin, private citizen. Please proceed with your presentation.

**Mr. David Levin (Private Citizen):** Thank you, Madam Chair, and thank you, Mr. Rondeau, and esteemed Canadian members for the opportunity to address this issue of Bill 15.

I come to you today as a private citizen, but I'm a professor at the University of Manitoba, and I actually moved here last September of 2006 to join the Faculty of Biosystems Engineering to create a new research program in bioengineering for biofuels and bioproducts. So I speak to you also as sort of a technical expert on bioethanol and renewable hydrogen production, although hydrogen is not an issue today. I don't know too much about biodiesel, but there have been many presenters talking about biodiesel today.

So basically I thought I would just give you a little perspective on the whole bioethanol issue. The present world population is 6.7 billion people as of this year. By 2030 it is going to be 8 billion and energy demands are globally going to increase by 52 percent. These are the latest figures from the International Energy Agency.

\* (19:50)

In Manitoba, we're a small province in the middle of the continent as the former speaker said, but we spend about \$1.4 billion on liquid fuels, actually the fossil fuels that leave the province in the form of gasoline, diesel and natural gas. At the same time, we're facing this global crisis of increasing carbon content in the atmosphere, which is contributing to global climate change, and we need to find alternatives to fossil fuels to reduce carbon emissions and to keep some of the money that we earn here in Manitoba at home. I think biodiesel and bioethanol are great solutions to this problem.

Now, when you think about it, there are different ways of making bioethanol, and I'll address bioethanol specifically here. Ethanol is produced by

fermentation of sugars and those sugars can come from sugar cane, as they do in Brazil. They can come from starch, from grains, such as corn or wheat. They can come from potatoes or cassava or they can come from cellulose. Cellulose is the fibres that make up paper or wood. Actually, the Holy Grail of ethanol production would be to make fuel from fibres, from cellulose, but we're not there yet. The conversion efficiencies are not as good as they could be. You get about 700 litres of ethanol per dry tonne of sugar cane, yet 400 litres of ethanol per dry tonne of corn, starch or grain. From wheat, it's about 365 litres per tonne, but from cellulose, it's still around 300 litres per tonne.

So we're not quite there yet, but research and development and innovation will eventually get us there. In the meantime, we have a growing ethanol industry in Canada, particularly here in the Prairies, and it needs to establish itself in order to compete. Brazil is the largest ethanol producer in the world and the United States has recently caught up. They both produce about 18 billion litres of ethanol.

Canada currently produces 0.6 billion litres, about 600 million litres, and most of that is produced by Husky from wheat grain in the prairies here. The Lloydminster plant produces 130 million litres. The Minnedosa plant, which will be on-line very soon, produces another 130 million litres. So together they will produce 260 million litres, and that will pretty well saturate the local domestic market. But keep in mind that the U.S. has a mandate of having a capacity for 38 billion litres by 2020. Currently, they make 18 billion and they will have to import from other countries like Brazil or Canada, which is right next door.

So, even though Husky will be producing enough for local consumption, there's still plenty of room for other players—for co-op and local operators to get into the game and produce ethanol that would be perhaps exported south or to other provinces—to do this.

Now, the other thing is there are a lot of criticisms about bioethanol, the food-versus-fuel issue. Well, the fact is that the wheat grain that's used for ethanol production in the Prairies is the No. 2 and No. 3 quality wheat, not No. 1, not the bread-quality or baking-quality wheat. It's the feed-grain wheat. The total of Husky production for both Lloydminster and Minnedosa will be—both of them use 350,000 tonnes. So that's 700,000 tonnes of grain.

That's 2.8 percent of the total wheat harvest for the prairies as of last year.

Now, at the university, part of our research team is developing high-starch, low-protein content winter wheat which already has—winter wheat has a 40 percent higher yield than spring wheats. If you're going to a high-starch content grain, then that reduces the need for nitrogen fertilizers. These are also low-till or zero-till crops which reduces the amount of energy you expend on the ground, preparing the ground for planting.

So we're going to see a major evolution in the technology over the next five years. We're going to have dedicated bioethanol crops that are high-starch content. It will have higher yields of ethanol, lower energy inputs which will improve the energy balance. They won't compete with food because it's not a No. 1 or bread-quality wheat. Probably it won't even compete with—once the high-starch content crops are available, they won't compete with the feed industry either. We'll eventually see cellulosic ethanol catch up to grain ethanol, and that eventually may displace that technology.

So there's going to be an evolution, but the industry needs help to establish itself to be competitive. It's going to be difficult for them to compete with Brazil anyway for production of ethanol, so to establish an ethanol industry here in the Prairies we need a bill like Bill 15 and so I'm totally in support.

**Madam Chairperson:** Thank you for your presentation.

Do any of the committee members have questions for the presenter?

**Mr. Schuler:** Thank you very much for coming forward and presenting. I will ask you the two standard questions which you've answered the second one already.

Did you have an opportunity to be consulted on this legislation?

**Floor Comment:** No.

**Mr. Schuler:** You have to wait until I finish and then they have to recognize you. It's one of these rules of committee.

Is there anything in the legislation that you would suggest to the committee that perhaps we could be looking at insofar as an amendment, or do you think it should just be passed the way it is?

**Mr. Levin:** Firstly, no, I had not been consulted with it. I don't know how long the consultation process had been going on but I just arrived in the province over the last year so, didn't know anything about it until last week when somebody from the provincial government called me and asked me to come and make a presentation.

In terms of the actual legislation itself, as far as I can see, it looks like a good package. But it's not my area of expertise, so I leave it in your capable hands.

**Mr. Maguire:** Thank you very much for your presentation as well, David. One question is, then, you just touched on it, that we don't need high-protein wheat in regard to the production of ethanol. In your estimation what—if you're breeding for starch then what percentage of yield increase could be attainable in Manitoba under the present conditions of the prairies.

**Mr. Levin:** Well, what I understand from my plant science colleagues is that winter wheat already has a 40 percent higher yield than spring wheat and that they're looking at a 20, 25 percent increase in yields with their new varieties that they're producing.

**Mr. Maguire:** Just one last question in regard to the establishment of the plants for production. You were talking about the Ethanol Fund being used and an opportunity to help establish those plants. With the changes that you foresee five years down the road, are we better to—and I'm assuming that we would be better to build those plants now and make the changes that will come about as the new feed stocks and research comes available or you wait five years and build the plants then?

**Mr. Levin:** No, I agree completely; the time to start is now. We need to start building those plants. We need to establish the industry, get them competitive and then they'll be in a position to evolve as the technology evolves. It can't evolve if they're not in business.

**Mr. Selinger:** Thank you for your presentation. That was quite constructive. Basically, what I pick up from you here is we've got to get started and then continue to evolve and become more efficient and use more R&D to extract greater energy balance out of the products that we're producing. Is that correct?

**Mr. Levin:** Yes.

**Mr. Selinger:** We used to have a sugar beet industry in Manitoba. Are sugar beets more efficient in terms of energy balance?

**Mr. Levin:** I'm not sure in terms of energy balance but the problem with sugar beets, there is too much moisture. There is a lot of water in the sugar beets which you have to deal with, and that increases the cost of production.

**Mr. Selinger:** And the other as you said I think earlier, the Holy Grail of ethanol production is cellulose-based ethanol production. We have a major company, I believe in Ottawa, Iogen, that's working on that. Do you have any sense of how they're doing in getting there?

**Mr. Levin:** Yes, actually, Iogen is actually building a cellulosic ethanol plant in Iowa with incentives from the U.S. Department of Energy. This will be a full-scale cellulosic ethanol production plant, and again this will be one of the first cellulosic plants at a full scale. The technology will evolve and they'll get better as R&D investments take place. I think that's something else we have to emphasize is that we need that R&D here in Canada, in Manitoba in particular, to help our developing industry move forward.

\* (20:00)

**Mr. Selinger:** The big moral dilemma that comes out of biofuels is the substitution effect for foods. We've seen riots in Mexico, for example, as corn prices went up. Do you think the Canadian industry can avoid those kinds of dilemmas with the recommendations you have here? Could we avoid the moral dilemma of displacing food for fuel and have the best of both worlds?

**Mr. Levin:** Yes. I believe that the problem is that the people who make this argument are looking at the U.S. model. In the U.S. last year, 2005-2006, 12 percent of the corn harvest was diverted to ethanol production. It's predicted to be up to 23 to 25 percent by 2015, for example. Now, corn is in every food possible that we manufacture and consume here in North America and most of Europe.

But in Canada, again, because we're using the No. 2 and 3 quality feed wheat—and it's a very small portion of the total wheat harvest—we're not really directly competing for food production. We may be competing, or the ethanol industry may be competing with livestock finishing, but there are increases in grain prices globally, not just wheat, not just corn, but across the board, which are driven by rising oil prices. The price of a barrel of oil is over \$90 as of this week. It will continue to rise, and that's going to drive everything in terms of increasing costs.

Another point was that one of the previous speakers mentioned that grain prices were at an all-time high, a generation high. Well, that's actually not true. I actually downloaded all the feed grain prices for the last 14 years from the Winnipeg Commodity Exchange and then plotted them out. Right now, feed grain is trading at about \$165 a tonne, but in 2000 it was \$250 a tonne. That's long before this whole issue of biofuels, and food versus fuels was an issue. It actually happens that the Canola prices peaked at the same time in the year 2000.

So prices vary from year to year on the basis of the supply and demand. Yes, fuel, ethanol and biodiesel are another demand, but in terms of ethanol, in the Prairies, from wheat, it's a very small increase in demand on the overall picture.

**Madam Chairperson:** Time for questions has expired.

Is it the will of the committee to give leave for further questions? *[Agreed]*

**Mr. Selinger:** So I heard you made the argument that if we use No. 2 and No. 3 grades of wheat, we can avoid direct competition with wheat that would be used for food. What about the argument of the use of the land? Would biofuels and ethanol compete for the use of the land for food?

**Mr. Levin:** Well, from my understanding, the wheat's being produced anyway. Right? So the farmer has an option to sell his wheat to the feed industry or he has an option to feed it to the fuel ethanol industry, and that's the choice the farmer's going to make based on the price that he's offered. Since that grain is being produced anyway, it's not really an increased use of the land. It's another market that the farmer has.

**Mr. Selinger:** If I understood you correctly, you said the main driving factor for the increase in food prices is the high price of petroleum and oils. So, if, in fact, we generate another source of energy, that could take pressure off the rising price in foods on the other side. Would you agree with that analysis?

**Mr. Levin:** Yes. I would agree with that.

**Mr. Leonard Derkach (Russell):** Mr. Levin, just for clarification, could I ask you just to clarify the feedstock that you're talking about for ethanol? There is a difference between No. 2 and No. 3 wheat in Canada and feed wheat. It's not necessarily true that if you, in fact, produce feed wheat you're not taking

acreage out of the production of wheat for human consumption.

**Mr. Levin:** Okay. So, perhaps, let me clarify then. What I understand, Husky purchases No. 2 and No. 3 wheat, which, I am told—I'm not a farmer, right, so my knowledge is limited, and I'm learning—the feed wheat is wheat that's grown and sold to livestock finishing. Right? No?

**Mr. Derkach:** Well, it can be.

**Mr. Levin:** So, anyway, what I understand is Husky purchases No. 2 and No. 3 wheat, and that can be sold for feed for livestock finishing. That's how I was using the term.

**Mr. Derkach:** Well, yes, I think we're getting into some detail here that perhaps is somewhat confusing, but let it be known that there is a difference in growing a feed wheat for the ethanol industry and a difference between No. 2 and No. 3 red spring wheat, which can still be used for human consumption. It is not grown for animal feed and is not grown for the ethanol industry; No. 2 and No. 3 wheat are red spring wheats, or spring wheats, that are grown for human consumption.

**Mr. Levin:** I stand corrected.

**Mr. Rondeau:** Thank you very much for coming. Thank you for coming to Manitoba. We look forward to working with you in the future, and thank you very much for your presentation.

#### **Bill 17—The Firefighters, Peace Officers and Workers Memorial Foundations Act**

**Madam Chairperson:** We are now looking at Bill 17, and I will now call on Alex Forrest, United Fire Fighters of Winnipeg.

Do you have any written copies for the committee?

Please proceed with your presentation.

**Mr. Alex Forrest (United Fire Fighters of Winnipeg):** Thank you, Madam Chairperson, committee members.

It is a great honour for me to be here today to discuss Bill 17, the monuments legislation. I would like to thank the committee for the time you are giving me today to speak on this important issue. My name is Alex Forrest. I'm a firefighter with 19 years of experience with the Winnipeg Fire Department, and I am president of the United Fire Fighters of

Winnipeg. I am here today on behalf of the 1,500 members of my union.

This legislation will create a foundation and a monument for firefighters in the province of Manitoba who have died in the line of duty. They died serving the citizens of this great province. It is a special honour for me to speak on this bill because this legislation will also pay tribute to our brothers and sisters in the peace officer services and, of course, to all people of labour who have died in the course of their work.

It is only fitting that all three monuments will be together in the grounds of the Legislative Building or surrounding area. For me and hundreds of other firefighters, this legislation is for the more than 75 firefighters of the province of Manitoba who have given the ultimate sacrifice, 63 Winnipeg firefighters alone, in the 125-year history of the Winnipeg Fire Department.

This legislation is for firefighters such as Art Smith, Don Melville, Rob Shearer and Bob Stewart, who all died in 1926 after the historic Winnipeg Theatre collapsed during a fire evacuation. As well as the four deaths, 15 firefighters were also severely injured, and many could not return to work.

This legislation is for John Coul, a Winnipeg firefighter who was part of a 20-person Winnipeg Fire Department contingent sent to London during World War II to help fight the fires of the London Blitz. He died serving his fire department, his province and his country.

This legislation is for a great firefighter by the name of Rick Stoyko, who was a major spokesperson for proper WCB coverage for firefighters with occupational cancer. In 2001, he became the first Manitoba firefighter to be accepted by WCB as a line-of-duty death, the result of occupational cancer. Since then, more than 25 firefighter deaths have been accepted by WCB as being a result of occupational cancer.

This legislation is for firefighters such as Tom Nichols and Harold Lessard who died while leading rescue operations just a few months ago. This year, four firefighters have died in the line of duty in the province of Manitoba, two from the city of Winnipeg and two wildland firefighters.

These brave individuals need to be recognized properly, and this legislation will allow us to do that. On behalf of the firefighters of Manitoba, I would

like to thank Premier Gary Doer and the government of Manitoba for this legislation. Thank you.

**Madam Chairperson:** Thank you for your presentation.

Do members of the committee have questions?

\* (20:10)

**Mr. Larry Maguire (Arthur-Virden):** Thank you very much, Alex, for your presentation tonight and taking the time to come and appear before our committee on this momentous, I think, opportunity to recognize those who have given the ultimate sacrifice in regard to the saving of the lives of others.

I just wanted, as my colleague has asked in other areas, to have you indicate the contact that the government may have had with you in regard to the preparation of this type of a bill.

**Mr. Forrest:** Yes, we've actually been working on a monument through the City of Winnipeg, through the Province for probably just over eight years. So this has been something that we have been trying to come to fruition for years. It's only been, in light of the last few months and what happened with Tom and Harold, that it's really come forward, but it was worked on much earlier than that.

**Mr. Maguire:** Certainly, their dedication, both my leader and I had the opportunity of hearing and speaking with them and many of you at the Peace Gardens in regard to the 9/11 ceremonies prior to their unfortunate deaths a year ago, or I mean in February. So my comment is that, in regard to the memorials being placed on or near the legislative grounds and the foundations being established, of which we're supportive, are you supportive of the way it's being designed in regard to the three foundations and memorials that would be put in place, and can you elaborate on that for me?

**Mr. Forrest:** Yes, we're very proud of this legislation. I think what it does is it goes to every person who works in the province of Manitoba. It allows us to, police, firefighters and all people of labour will be recognized. As a matter of fact, I believe this is the first mine monument for labour that I have seen, that I'm aware of, in Canada. So I really give my appreciation. As being on the Executive of the Manitoba Federation of Labour, I think it's only appropriate that all people that die at work are recognized properly.

**Mr. Maguire:** Just one last comment or question, if you could answer. The Emergency Measures service

personnel then, one of these designates firefighters, one for police officers and one for other workers, and you feel that that's an appropriate mechanism to go, but there may be other groups who want recognition in those areas as well, but I know you people have been working for some time on the specifics of what has come forward here. Can you let me know your feelings on that?

**Mr. Forrest:** Yes. There are so many occupations in Manitoba that are dangerous. What this does is, I think, it strikes a balance out there. It allows everybody to be recognized, whether—just a few months ago, or few weeks ago, we had the tragedy in Winnipeg in which we had cable workers that were killed; we had a CUPE worker that was killed tragically; my members were there trying to revive the gentleman that died at a bridge accident. So it is very important that all workers are recognized. I think that that's what this legislation does, is I think it really sends a message to labour that their work is recognized and that any profession can be dangerous.

**Mr. Leonard Derkach (Russell):** Thank you for your presentation, Mr. Forrest. Certainly, this is an opportunity to recognize those not only in fire departments, but also in the other three, or other two general areas who have given their, the ultimate sacrifice. But the firefighters often find themselves working alongside other emergency services personnel, and when we talk about the tragic car accidents that we see in this province from time to time, that people who are employed in the emergency services, whether it's the rescue units or whether it's the ambulance units also put their lives at risk, and a fatality, especially on busy highways, and some have also been injured and killed in those kinds of circumstances.

My question to you is whether or not your association, your union, would accept an amendment whereby emergency services personnel, namely, ambulance people, could be recognized in the same way under this legislation.

**Mr. Forrest:** Yes. It's really not my place to comment on another occupation, like I think there are other people. My organization does represent emergency medical as well, within the city of Winnipeg. If you look at the people who have died in the line of duty, what I have been concerned with are the firefighters because that's who I represent. So it's really, it would be really inappropriate of myself to comment on ambulance or any other profession,

whether they be steelworkers or hydro workers, et cetera.

**Madam Chairperson:** Time has expired for questions.

Does the committee give leave to extend?  
[Agreed]

**Mr. Derkach:** Madam Chair, I'll keep it brief.

Mr. Forrest, you have commented, in fact, on other occupations. You have commented on labour, and you've commented on the police. Therefore, I thought it would only be fair to ask you about other emergency services personnel whom you don't represent, but, indeed, who, also, I think, have a right to be recognized, and whether or not you would be willing to accept an amendment that would recognize those essential services, emergency services personnel, who have also paid the ultimate sacrifice in giving and serving their communities in this province.

**Mr. Forrest:** Yes, like I said before, I represent firefighters. Within the city of Winnipeg, we've had 63 firefighters—I'm not aware of the number of ambulance individuals who had died, so I really don't know the numbers. So it's very difficult for me to talk about the ambulance service in any way. I believe Mr. Glass is going to be presenting, and he also represents the ambulance individuals. For myself, what I find is, I hope this doesn't become an issue of one profession against another profession. I really hope that what this legislation does is make sure that it reaches out to everybody. I think that's what it does by having police, fire and all of labour, so that every single person, if they die at their job, will be recognized at one of those three monuments. I think that's the important feature of that.

**Hon. Ron Lemieux (Minister of Infrastructure and Transportation):** Well, thank you very much, Mr. Forrest, for your presentation and your passionate points that you made this evening. We really thank you for taking the time to come forward and to present to all of us. Thank you very much.

**Madam Chairperson:** I will now call on Eric Glass, Paramedic Association of Manitoba.

Do you have written copies for the committee? Please proceed with your presentation.

**Mr. Eric Glass (Paramedic Association of Manitoba):** Madam Chairperson, committee members, I'd like to thank you, first of all, for the opportunity to present here tonight. I'd like to

acknowledge an excellent presentation done by Alex Forrest and his UFFW members on this legislation as well. Just for the committee's information, I'd also like to acknowledge and thank a number of paramedics that are in the room with me tonight from Winnipeg and rural communities, including Beausejour

By way of introduction, the Paramedic Association of Manitoba is a voluntary-membership professional association representing emergency medical services personnel licensed to practice in this province. Representative of both rural and urban practitioners, we strive to promote excellence in pre-hospital emergency health care and within our profession.

The Paramedic Association of Manitoba is a chapter of the Paramedic Association of Canada, the professional organization representing over 14,000 paramedics and practitioners across Canada. Our association is not a union or a labour organization. The mission statement for the Paramedic Association of Manitoba defines our organization as "a professional association comprised of licensed pre-hospital practitioners across Manitoba, with a strong voice in EMS issues, that promotes the well-being, safety and appropriate medical treatment of our patients."

It is my pleasure, as the chairman of the Paramedic Association of Manitoba, to address the Social and Economic Development Committee on the subject of Bill 17, The Firefighters, Peace Officers and Workers Memorial Foundations Act. In August of 2006, when the Honourable Gord Mackintosh first publicly acknowledged the government's commitment to see permanent memorials built to recognize police officers, firefighters, and paramedics who perished in the line of duty, we applauded his announcement.

Today, as we meet to discuss Bill 17, I once again congratulate the government for moving to recognize the many Manitobans from all walks of life who die each year in occupational mishaps.

In December of 2006, I was invited to meet with Mr. Michael Balagus to discuss possibilities for including paramedics in proposed memorial foundation legislation. At that time, he indicated that preliminary plans called for three memorials to be erected on the legislative grounds, one to recognize peace officers, a second to honour fallen firefighters, and a third that would pay tribute to other workers. In that very brief meeting, I acknowledged his

concern about adding additional memorials to the proposal and agreed that paramedics may rightfully be served by exploring options to work within the planned framework, providing there was a means to appropriately recognize our profession.

Respectfully, I can tell you that paramedics across this province were very disappointed to see the legislation introduced last April without recognizing the dangers faced day in and day out by our profession. It's disheartening to see Bill 17 equally quiet in this respect.

The role of paramedics is to respond to emergencies, provide medical services and transport patients to medical facilities. In many cases, the initial emergency care provided by paramedics will be the deciding factor between life and death, temporary or permanent disability, a brief hospital confinement, or prolonged hospitalization for a patient. When responding to emergencies, paramedics may not always be given an advanced understanding of the extent of the physical environment and subsequent emergency issues to which they will be exposed. In a critical situation, paramedics often experience unexpected and shocking events for which most people would not be prepared. Paramedics are very often required to deliver their services in unregulated, uncontrolled, unpredictable and often hazardous environmental situations.

While identified within the health-care community due to the medical care scope of our practice, paramedics serve alongside police and firefighters in attending at and dealing with emergency situations and settings. Paramedics must be prepared to respond to unfolding emergency situations and settings beyond the medical situations to which we are initially responding. We will often be required to work within an emergency setting that is being dealt with by the other emergency services occupations. Examples of calls to which paramedics would attend include working fires, domestic disputes, assault, motor vehicle accidents, psychiatric emergencies, overdoses, and alcohol abuses, to name a few.

In March of this year, paramedic Michael Jolin was fatally injured in an industrial accident while working at an oilfield site in northern Alberta.

Just two weeks prior to Jolin's death, 30-year-old Paul Patterson died when he was ejected from his paramedic response unit as it slid off an icy highway

and rolled into a ditch. Patterson was responding to a motor vehicle collision near Chatham, Ontario.

In May of 2006, B.C. paramedics Kim Weitzel and Shawn Currier were killed in the line of duty while they responded to a drowning call at a decommissioned mine site near Kimberley, British Columbia. Weitzel and Currier entered an abandoned water treatment building frequented monthly by mining staff to test water samples and were almost immediately overcome by a lack of oxygen.

Twenty-six-year-old flight paramedic Andrea Thompson collapsed and died suddenly while responding to a medivac call in Dryden, Ontario.

John Rossiter, a paramedic with Emergency Health Services in Nova Scotia, was killed when his ambulance was struck by a tree uprooted by Hurricane Juan in September of 2003.

Closer to home, Manitoba EMS providers Keith Barrie and Manueal Caudros were killed in Beausejour in July of 1995 when their ambulance collided with a semi-trailer while responding to a nearby medical emergency at night. A third paramedic suffered very serious injuries in that same accident.

In the past 13 years, at least 20 Canadian paramedics have been killed while on duty, oftentimes working in situations and environments the general public is warned to avoid.

An American study presented in October of 2000, entitled *Occupational Fatalities in Emergency Medical Services: A Hidden Crisis*, reported an annual fatality rate of 12.7 deaths per 100,000 emergency medical services providers. This statistic in the same report compared with 14.2 annual fatalities for police and 16.5 for firefighters. Occupations outside of these three emergency services roles had an estimated 5.0 deaths per 100,000 workers in a one-year period. This study concluded an occupational fatality rate for emergency medical services providers that far exceeded that of the general population and was comparable with that of other emergency public service professionals.

Regardless of the occupational environment, every Manitoban fatally injured while on duty in their workplace is worthy of our utmost respect. But the reality is that when an emergency arises there is a public expectation that police officers, firefighters and paramedics will be there when they are needed most.

I respectfully submit to this committee for your consideration that the extreme circumstances within which paramedics operate and the very nature of the work we do deserves recognition similar to that of the other emergency services occupations.

It is our view that a single memorial recognizing all emergency service occupations would be appropriate. If that is not an acceptable option, then Bill 17 should be amended to allow for a paramedic memorial to acknowledge the ultimate sacrifice made by paramedics like our fallen Beausejour colleagues.

Thank you for your time.

**Madam Chairperson:** Thank you for your presentation.

**Mr. Maguire:** Yes, Mr. Glass, thank you very much for your presentation. Your first contact you indicated was that one of the government personnel contacted you in December of 2006 in regard to this bill?

**Mr. Glass:** That's correct. Our first indication that the legislation would go forward was the public acknowledgment that Minister Mackintosh made earlier in that year. As a result of correspondence that we had with his office and the Premier's office, we were invited to meet with Mr. Balagus.

**Mr. Maguire:** A concern was raised. Can you indicate to me what the concern was from the government personnel in regard to adding an additional memorial to this proposal?

**Mr. Glass:** My understanding was, quite simply, that there was a concern that every occupation in the province could ultimately come forward and ask for their own memorial. We certainly understood and respected that.

**Mr. Maguire:** Given that you perform an emergency measure service as an association, and, albeit the deaths locally here in Manitoba, Mr. Barrie and Mr. Caudros, may not be of the volume that Mr. Forrest has just indicated from the firefighters' association, but we recognize all deaths as serious and in need of recognition. Your feeling is that a similar recognition should be provided to that of other emergency service occupations.

Would you recommend to us that the best way out of these two options that you feel—I see that you are either looking at a single memorial recognizing them all or that there be allowed a paramedic memorial? Do you have a preference on that?

**Mr. Glass:** In our view, we're not concerned which of the two options was chosen. We also have great respect for the work that the police officers and the firefighters have done in consultation on this legislation. We don't want to stand in the way of that. So, unless there was some consent from those organizations that this was an appropriate measure, then, ultimately, we would recommend that a third memorial be added to that emergency services group and that the paramedics have a memorial as well.

**Mr. Maguire:** So that would be a fourth memorial. As this bill allows three, one for other workers, police, and firefighters, you'd be looking at a fourth memorial as well.

Your association, then, if there was agreement by the government, wouldn't be against a combination of yourselves with either the firefighters or the police as recognition in those areas?

**Mr. Glass:** Again, I don't want to speak for what the other emergency services occupations may consider appropriate. It's our view that recognizing all three together would be acceptable and appropriate, but, if the others are not amenable to that, we're not going to stand in the way of the work that they've done.

**Mr. Derkach:** Well, thank you for your presentation, Mr. Glass. This is certainly something that I have heard from other paramedics and people involved in your industry and your association from around the province. Can you tell me what the downside would be in having your professional group recognized with a memorial since you provide basically the same essential emergency services that firefighters do and the police do?

**Mr. Glass:** I don't see that there would be a downside.

**Mr. Derkach:** In your discussions with Mr. Balagus, who represented the government in your discussions, did he indicate to you why it was that your association was isolated in terms of being recognized as one of the three essential components in the event of a tragedy, an accident or an emergency?

\* (20:30)

**Mr. Glass:** No, he didn't.

**Mr. Derkach:** Well, from my perspective, it appears—and this doesn't take anything away from the firefighters or the police, because I think it's appropriate to recognize them, as this bill is going to do. However, it is just common sense, when you look at the associations that provide those immediate

responses to an emergency, they are always the police, the firefighters, and emergency personnel, paramedics and ambulance people. It seems to me that we are missing one of those essential—and we are ignoring one of those essential components in an emergency when we ignore paramedics and just group them with other workers. I think it's unfair.

I would just like to ask whether or not your association would be prepared to support an amendment where your organization would be recognized alongside firefighters and police.

**Mr. Glass:** We would be prepared to support that.

**Madam Chairperson:** Time for questions has expired. Is it the will of the committee to give leave to continue? *[Agreed]*

**Mr. Ron Schuler (Springfield):** Eric, great to see you out again at committee. I know you've done this before.

As the official opposition Labour critic for eight years until a couple of months ago, I've had a lot to do with the issues dealing with firefighters and the police officers and with the paramedics. When this bill was introduced, Bill 17, I was actually quite excited, because I thought, this is a really neat thing for us to be doing as a province. I think it's been a long time coming. Maybe it took a 9/11 for us to really appreciate what it is that the emergency services do for us.

I am one individual who appreciated it long before that, have been in an apartment block that was burning and the fire department came, you know, at the right time. They came fast. That's when you appreciate emergency services. So, when I hear the argument, and I've heard it, that, for instance, whether it's plumbers or electricians or roofers or whatever, individuals who work also on projects get injured, are sort of the same, I would say, no, because I'm fine if my plumber or the roofer can't make it for a week. I probably have a little bit more difficulty if the fire department, police, or the paramedics don't show up in a timely fashion. I think you know that in East St. Paul we've had this issue with paramedics and half an hour being too long.

So I think there is a little bit of difference when it comes to emergency first responders. Certainly, I as one MLA would like to see an amendment put forward. I would like to thank you for coming forward and making the case. I think it's something that should be done, and I'm glad that you raised this issue.

**Mr. Glass:** Thank you.

**Mr. David Faurshou (Portage la Prairie):** Thank you for your presentation.

Just to clarify, how many members of your association do you have currently licensed in the province of Manitoba?

**Mr. Glass:** There are 1,200 licensed emergency medical services providers; about a thousand of those operate in paramedic services, and we represent 500 of them right now.

**Mr. Lemieux:** Well, thank you very much, Mr. Glass, for your presentation. We do appreciate it, and all the members here do appreciate your organization as well.

I just want to mention to you that I intend to propose an amendment to this bill this evening that would allow, by regulation, for any group of workers to establish a memorial foundation. We've heard from other groups that they wish to establish their own memorial foundation, and this amendment will enable them to do so as well.

**Mr. Glass:** Thank you very much.

**Madam Chairperson:** Thank you.

That concludes the list of presenters I have before me. Are there any other persons in attendance who wish to make a presentation? Seeing none, that concludes public presentations.

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

**Mr. Faurshou:** By numerical order.

**Madam Chairperson:** Is that agreed? *[Agreed]*

During the consideration of a bill, the table of contents, the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee for the longer bills, I will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is this agreed? *[Agreed]*

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

### **Bill 7—The Insurance Amendment Act**

**Madam Chairperson:** Does the minister responsible for Bill 7 have an opening statement?

**Hon. Greg Selinger (Minister of Finance):** No, I don't, but I do have an amendment I would like to propose, three amendments, actually, as we move through.

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

**Mr. David Faurshou (Portage la Prairie):** No.

**Madam Chairperson:** Thank you.

Shall clauses 1 and 2 pass?

**Mr. Selinger:** I would like to propose

*THAT Clause 2(b) of the Bill be amended*

*(a) by replacing the part before the proposed definitions with the following:*

*(b) by replacing the definitions "accident insurance", "automobile insurance", "court", "credit insurance", "endowment insurance", "fire insurance", "guarantee insurance", "hail insurance", "life insurance", "livestock insurance", "marine insurance", "public liability insurance", "sickness insurance" and "weather insurance" with the following:*

*(b) by striking out the proposed definitions "accidental death insurance", "disability insurance", and "mutual insurance".*

**Madam Chairperson:** It has been moved by Mr. Selinger

*THAT—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

The motion is in order. The floor is open for questions.

Before we go to the amendment, shall clause 1 pass?

**Some Honourable Members:** Pass.

**Madam Chairperson:** It is duly passed.

The motion is in order. The floor is open for questions on the amendment.

Is the committee ready for the question?

**Some Honourable Members:** Question.

**Madam Chairperson:** The question before the committee is as follows:

*THAT Clause 2(b) of the Bill be amended—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

Amendment—pass; clause 2 as amended—pass; clauses 3 through 5—pass; clauses 6 through 9—pass; clauses 10 and 11—pass; clauses 12 through 15—pass; clauses 16 through 19—pass.

Shall clauses 20 through 23 pass?

**An Honourable Member:** No.

\* (20:40)

**Mr. Selinger:** Yes, I have an amendment to propose. It is the following:

*THAT Clause 20(a) of the Bill be replaced with the following:*

*(a) by replacing the definitions "beneficiary" and "declaration" with the following:*

**"beneficiary"** means a person—other than the insured or the insured's personal representative—who is designated or appointed in a contract or by a declaration, and to whom or for whose benefit insurance money payable under the contract is to be paid; (« bénéficiaire »)

**"declaration"** means an instrument, signed by the insured,

(a) with respect to which an endorsement is made on the policy,

(b) that identifies the contract, or

(c) that describes the insurance, the insurance fund or a part of either of them,

in which the insured designates his or her personal representative or a beneficiary as a person to whom or for whose benefit the insurance money payable under the contract is to be paid, or in which the insured changes or revokes the previous designation; (« déclaration »).

**Madam Chairperson:** It has been moved by Mr. Selinger

*THAT Clause 20(a)—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense. The motion is in order.

The floor is open for questions.

Is the committee ready for the question?

**Some Honourable Members:** Question.

**Madam Chairperson:** The question before the committee—

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

Amendment—pass; clause 20 as amended—pass; clauses 21 through 23—pass; clauses 24 through 26—pass; clauses 27 through 30—pass; clause 31—pass; clauses 32 through 34—pass; clauses 35 and 36—pass; clauses 37 and 38—pass; clause 39—pass.

Shall clause 40 pass?

**An Honourable Member:** No.

**Mr. Selinger:** Yes. I move

*THAT Clause 40 of the Bill be replaced with the following:*

*Coming into force—royal assent*

*40(1) Subject to subsection (2), this Act comes into force on the day it receives royal assent.*

*Coming into force—proclamation*

*40(2) Sections 2, 18, 20, 22, 25 and 30 and subsections 32(2) and 36(2) to (5) come into force on a day to be fixed by proclamation.*

**Madam Chairperson:** It has been moved by Mr. Selinger

*THAT Clause 40 of the Bill—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense. The motion is in order.

The floor is open for questions.

**Mr. Faurschou:** I would like to ask the minister why the differential within coming into force between the sections.

**Mr. Selinger:** It allows us flexibility in bringing forward regulations and proclaiming them at different times so we can get them done as quickly as possible and not have to wait for them all to be ready and do them at the back end.

**Mr. Faurshou:** So then each section, when the regulations are ready to go, could be proclaimed?

**Mr. Selinger:** Yes.

**Madam Chairperson:** Is the committee ready for the question?

**Some Honourable Members:** Question.

**Madam Chairperson:** The question before the committee is as follows:

*THAT Clause 40 of the Bill be replaced with the following—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

Amendment—pass; clause 40 as amended—pass; enacting clause—pass; title—pass. Bill as amended be reported.

#### **Bill 9—The Securities Amendment Act**

**Madam Chairperson:** Does the minister responsible for Bill 9 have an opening statement?

**Hon. Greg Selinger (Minister of Finance):** No.

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

**Mr. David Faurshou (Portage la Prairie):** No.

**Madam Chairperson:** Clauses 1 and 2—pass; clause 3—pass; clause 4—pass; clauses 5 through 8—pass; clauses 9 and 10—pass; clauses 11 through 15—pass; clauses 16 through 20—pass; clauses 21 and 22—pass; clauses 23 through 27—pass; clauses 28 through 32—pass; clauses 33 and 34—pass; clauses 35 through 38—pass; clause 39—pass; clauses 40 and 41—pass; clause 42—pass; clause 43—pass; clauses 44 and 45—pass; clauses 46 through 48—pass; clause 49—pass; clauses 50 through 52—pass; clause 53—pass; enacting clause—pass.

Shall the title pass?

**Mr. Faurshou:** I would like to ask the minister, in regard to the recent announcements by the federal government to harmonize and provide for, basically, a passport across the nation as it pertains to the offering of securities, are you preparing even further amendments to come forward to the Legislative Assembly?

**Mr. Selinger:** Yes. The passport system has been under the leadership of the provinces, and there are further amendments coming forward. We hope to bring them forward early in the next session and pass

them as soon as possible, because we are working toward single point of entry for anybody issuing.

For example, in Manitoba, you could issue it here for the whole country and avoid all the duplicative costs. It will move us into a position where we have fluid capital markets with local protections.

**Mr. Faurshou:** So, by your response then, are we looking at a further amendment to the act before we recess for Christmas?

**Mr. Selinger:** Subject to the support of the opposition, that would be our preferred approach, yes.

**Madam Chairperson:** Title—pass. Bill be reported.

#### **Bill 11—The Children's Advocate's Enhanced Mandate Act (Various Acts Amended)**

**Madam Chairperson:** Does the minister responsible for Bill 11 have an opening statement?

**Hon. Gord Mackintosh (Minister of Family Services and Housing):** I think this has been clear that, of course, this is implementing the recommendations from the external reviews.

As well, we've got a minor amendment for the first clause.

\* (20:50)

**Madam Chairperson:** We thank the minister.

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

**Mr. Stuart Briese (Ste. Rose):** Just a comment that we had one presenter here tonight, Dr. Peter Markesteyn. He certainly echoed the concerns we've been raising about this bill, and I hope it's being duly noted by the minister and we'll be able to have some more debate on this at third reading, I guess. That's all the comment I want to make.

**Madam Chairperson:** We thank the member.

Shall clause one pass?

**Mr. Mackintosh:** I move

*THAT Clause 1(2) of the Bill be amended*

*(a) by replacing the proposed clause 8.2.3(1)(a) with the following:*

(a) must review the standards and quality of care and services provided under this Act to the child or the child's parent or guardian

and any circumstances surrounding the death that relate to the standards or quality of the care and services;

*(b) in the proposed subsection 8.2.3(2), by striking out "not to determine the cause of the child's death, but".*

**Madam Chairperson:** It has been moved by Mr. Mackintosh

THAT—

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense. The motion is in order. The floor is open for questions.

**Mr. Leonard Derkach (Russell):** Yes. May I ask the minister to explain his amendment?

**Mr. Mackintosh:** One of the concerns that was raised by Dr. Markesteyn is addressed here, I understand. The Chief Medical Examiner and the Children's Advocate looked at the original subsection and they thought just for greater certainty or to make it more clear, they would like to see a better expression that the Chief Medical Examiner is still exclusively responsible for determining the manner and cause of death. So what this does it sets it out in a positive way rather than the former wording. Of course, then, the focus of the Child Advocate's reviews will be on the circumstances related to services or care. So this just clarifies what was the intention, and I understand that there is a consensus, then, by the independent offices on the amendment.

**Mr. Derkach:** Well, I have a question of the minister regarding the recommendations surrounding the circumstances of a death. My understanding is that the Medical Examiner has the ability to comment on those aspects as well. So is the minister saying now we're going to have one set of recommendations on issues regarding circumstances surrounding a child's death from the Medical Examiner's office and then we're going to have another set of recommendations coming out of the Children's Advocate office?

**Mr. Mackintosh:** The expertise of the Chief Medical Examiner is the manner and cause of death and looking at medical circumstances largely, but related to the manner of a child's death. I might add, too, by the way, that the Chief Medical Examiner has expressed concerns about the section 10 powers residing in his office which really is focussed on the services provided, social services provided to a child,

and how they may be improved and how similar deaths could be prevented in the future.

So the Children's Advocate will be given responsibility for looking then at the social services, the services provided to a child who has died. So the focus of the reviews would be different.

**Mr. Derkach:** Well, this is somewhat confusing to me, and I certainly haven't spent a lot of time trying to digest, I guess, the scope of the bill, but if the Medical Examiner makes recommendations, my understanding is that those recommendations would then flow to the government and to either the agency or to the minister in terms of action or recommendations that flow out of the investigation. Then it is incumbent upon either the agency or the government to take action to correct those aspects that the Medical Examiner will comment on.

I don't understand how it is that the Children's Advocate office will then be making recommendations on similar issues and how those services are going to be improved when, in fact, it's not the Children's Advocate who has responsibility for improving those services, but also for making recommendations. The scope of the Children's Advocate has always been to look after living children, and so, to my own way of thinking, this almost puts the Children's Advocate in a conflict.

I just want to ask the minister if he can, I guess, clarify how these two bodies are going to work to address the circumstances of a child's death so that, in fact, they don't put either one in conflict of what their position is supposed to be regarding their services to children while the child is alive.

**Mr. Mackintosh:** Well, in terms of the ambit of the Chief Medical Examiner, again, the focus there is on the manner and cause of death. For example, was it asphyxiation? Those results, then, can be shared with the Children's Advocate, and I suspect that that would be the case, particularly where there may be more complexities. But the section 10 review is essentially a review of the services provided to a child and how they could be improved, how a death could be prevented by way of a different provision of services, so I see that the legislation contemplates a markedly different provision of services from the Medical Examiner and the Children's Advocate. Although the actual manner and cause of death may be referred to by the Children's Advocate, that is not her ambit. Her ambit is the social services, and I think that's really the backbone of why the recommendations were made as they were by the

Ombudsman and the Children's Advocate; it is to leave the Medical Examiner with those medical issues. The manner and cause of death is really the phrase that best characterizes the work of the Chief Medical Examiner. Nothing will change there. The Medical Examiner, after all, looks at all child deaths, not just section 10, not just children in care deaths, and he will continue to do that.

Where there have been provisions of services a year earlier, then the Advocate will look at the services, and I think that's a very different skill set. I think that's why the external reviews made the recommendation to move that away from the Chief Medical Examiner. I can say that the Chief Medical Examiner has supported this in principle going back several years, that this be moved away from the CME's office.

**Mr. Derkach:** I'm not trying to be mischievous here in any way. I just need clarification because this has been a topic of some discussion out in the field. Certainly, as representatives of constituencies, this is an issue that is of significant interest to people who have experienced trauma in their situations. So I ask the questions so that I can speak more intelligently about it as well.

My question is that, if you have a Chief Medical Examiner who examines the circumstances surrounding a death and the death, who then provides a series of recommendations, those recommendations, then, my understanding would be, would go to the Children's Advocate, who would look at them and then address on how circumstances can be altered so that living children are not put at risk in the future.

So, to my way of thinking, the Children's Advocate has responsibility to incorporate the recommendations of the Medical Examiner into either children in care or other children who may be living in an environment that should be altered so that they don't experience what maybe has occurred in a child's death.

I don't understand why it is that the Medical Examiner's scope under section 10 perhaps wasn't expanded to allow his office to examine these other aspects but then to ensure that those recommendations are first delivered to the government and then also delivered simultaneously to the Children's Advocate for future consideration so that living children would never have to enter into that danger zone again.

So I don't understand how the two are going to function without perhaps at times either confusing issues, and, secondly, it just seems to be a more complicated process than allowing the Children's Advocate to act on recommendations of the—and to discuss with the Chief Medical Examiner the reasons for the recommendations that have been made.

\* (21:00)

**Mr. Mackintosh:** Well, the amendments go to that issue. As I say, they were worked on by the CME, the Children's Advocate, and the legal counsel. In order to clarify the difference, I think that it punctuates it to a greater extent than the original bill had set out.

I just want to remind the member too, though, that the CME continues to reserve the power to call an inquest. As well, the Children's Advocate certainly could rely on any recommendations made by anybody, including the Chief Medical Examiner, when it comes to a particular child. So we see this can certainly work in tandem, but again the skill set's quite different, the mandate's different.

*Madam Vice-Chairperson in the Chair*

**Mr. Briese:** Just another concern that I had is the medical examiner, Chief Medical Examiner does have some legal authority to, at least it's my understanding, to demand reporting from various authorities and agencies. I don't see in the bill, unless I'm missing it, anything that really provides those authorities. The Chief Medical Examiner can do that, if nothing else, by ordering an inquest.

I would like to know exactly what powers the Child Advocate's got, especially when you consider that on some of the First Nations there is a difference in the responsibilities of the federal and the provincial government.

**Mr. Mackintosh:** The bill didn't have to address that because in the original act, The Child and Family Services Act, the Children's Advocate is given the powers that the member describes and indeed exercises that with regard to First Nations, I understand, on a regular basis. So that doesn't have to change.

**Madam Vice-Chairperson:** Is the committee ready for the question?

**Some Honourable Members:** Question.

**Mr. David Faurshou (Portage la Prairie):** In the presentation we heard this evening, a lot of very pertinent questions were asked. Obviously, the

presenter does not have the ability to ask committee of questions, but as a committee member I would like to pose a couple of questions that were included in the presentation.

The proposed legislation does not include probationary services or education and it is unclear if the phrase "publicly funded social service" significantly includes either of these two services.

Could the minister perhaps address that question?

**Mr. Mackintosh:** Well, of course, if a child is in care and it's a section 10 case, then social services provided under probation or education, according to the legislation, would be included. That would be my read of it.

**Mr. Faurchou:** In addition, the proposed legislation is not clear as to which mental health services would be reviewed. Are children's psychiatric services in hospitals excluded as a hospital by definition of social services, despite receiving public funding? Would the services of school psychologists be included or excluded from a review process?

Similarly, would addiction treatments provided by a hospital as part of psychiatric services to children be reviewed or not?

**Mr. Mackintosh:** I think the bill, to me, looks very clear. It just says that any publicly funded mental health or addiction treatment services that were provided. So my reading is that that would all be included within the description. The bill does not restrict at all any definition of mental health or addiction treatment services.

**Mr. Faurchou:** How will the issue of federally funded services be addressed for children residing on First Nations? The Chief Medical Examiner has access to both health and education records with respect to First Nations children.

**Mr. Mackintosh:** So does the Children's Advocate, and exercises that regularly as part of her mandate under The Child and Family Services Act; I think it's section 8.3.

**Mr. Faurchou:** Do you have any concerns as to the statement that advocates should advocate and should not—an investigator should not be an advocate and an advocate should not be an investigator?

**Mr. Mackintosh:** First of all, I understand that the Children's Advocate does have a role similar to this outside of Manitoba.

But just in terms of the statement, first of all, the Children's Advocate does investigate and advocate. That's intrinsic to her work. In order to advocate, she has to know the facts and gather evidence. So I don't accept that whatsoever. Indeed, the Children's Advocate's powers are very clearly backed up by the powers to investigate. It's one of the backbones of the Children's Advocate's function, not just in Manitoba.

Of course, the bill does deal with any conflicts. For example, if there's a concern that the Children's Advocate should have provided services but did not, then on my read of that, 8.2.3(8) deals with that. You know, if there was a call to the Children's Advocate's office and she didn't respond, then there would be a conflict that had to be managed under that management section. So conflicts are managed here under the bill. It was an issue that had to be addressed.

**Mr. Faurchou:** Are you considering then changes to the responsibilities and duties as required of the Medical Examiner? Currently, under the legislation, the Medical Examiner, it is his or her responsibility to inquire or investigate into the circumstances surrounding the death of children here in the province of Manitoba.

Would it not then also be a consideration of responsibility overlap and potentially provide a situation where the two interests would collide and potentially become not only in an overlap situation but may offer some argument as to whose priority it should be in reporting the various components of an investigation?

**Mr. Mackintosh:** The clarity is provided by way of, of course, the amendments to The Fatality Inquiries Act in the bill, but second of all, the amendment, again, as I said to the Member for Russell (Mr. Derkach) just clarifying to an additional degree the focus of their respective reviews: on the one hand, the CME being manner and cause of death; Office of the Children's Advocate, the standards and quality of care, of services.

We think that that is adequately addressed in the legislation.

**Mr. Faurchou:** Well, I must reiterate we have a presenter this evening that has the experience, not only dealing here in Manitoba but nationwide, and has expressed a significant concern that there does exist the potential with overlap. There may be a concern as to which investigating body would

effectively be the one reporting on the components of an investigation. Unless it's clearly spelled out, I would suggest that we perhaps take heed of the presenter's concerns and look very cautiously before we move further with the bill.

\* (21:10)

**Mr. Mackintosh:** I can advise the member that as the legislation was developed and indeed even after the introduction of the first bill, the Children's Advocate to the Chief Medical Examiner were involved in discussions, just to ensure that any issues of unnecessary duplication were addressed. They came together in agreement with the amendment, just to clarify, that's set out in the amendment that's currently before the committee.

I mean, these are issues that have been canvassed. Of course, the external reviews, first of all, looked at that. Second of all, the two independent offices of the Medical Examiner and Children's Advocate had some ongoing discussions about it. The result is the amendment that's proposed.

**Madam Vice-Chairperson:** Is the committee ready for the question?

**An Honourable Member:** Question.

**Madam Vice-Chairperson:** The question before the committee is as follows: Moved by the Honourable Mr. Mackintosh,

*THAT Clause 1(2) of the Bill be amended*

*(a) by replacing—*

**An Honourable Member:** Dispense.

*That Clause 1(2) of the Bill be amended*

*(a) by replacing the proposed clause 8.2.3(1)(a) with the following:*

*(a) must review the standards and quality of care and services provided under this Act to the child or the child's parent or guardian and any circumstances surrounding the death that relate to the standards or quality of the care and services;*

*(b) in the proposed subsection 8.2.3(2), by striking out "not to determine the cause of the child's death, but".*

**Madam Vice-Chairperson:** Amendment—pass; clause 1 as amended—pass.

Shall clause 2 pass?

**Some Honourable Members:** Pass.

**Mr. Derkach:** Excuse me, Madam Chair.

We've passed the amendment, but I did have a question on 8.2.3(2) of the first clause: Purpose of review. The clause as it reads says: "The purpose of the review is not to determine the cause of the child's death, but to identify ways in which the programs and services under review may be improved to enhance the safety and well-being of children and prevent deaths in similar circumstances."

I know I'm not the critic, but I do want a clarification as to where the Medical Examiner's role ends and where the Children's Advocate role begins. I think it's clear here that the Children's Advocate role is to identify ways and programs. Does that mean that the Medical Examiner no longer involves himself or herself in that part of the investigation?

**Madam Vice-Chairperson:** Excuse me, but clause 1 has already been passed.

**An Honourable Member:** I had my hand up, but you didn't acknowledge me, Madam. I thought you were passing the amendment.

**Madam Vice-Chairperson:** Then we passed clause 1 as amended.

Is there leave of the committee for—what? Is there leave?

**An Honourable Member:** There's leave.

**An Honourable Member:** Go ahead.

**An Honourable Member:** Ask the question.

**Madam Vice-Chairperson:** Shall clause 1 as—Mr. Derkach.

**Mr. Derkach:** I've asked my question. I don't want to repeat it. I think the minister knows what I was asking.

**Mr. Mackintosh:** That subsection was again clarified just to focus in on the mandate of the Children's Advocate here which is to look at programs and services, how could they be improved? Where were their gaps? Were there standards that weren't followed? Was there quality that was a shortcoming? So that is the role now of the Children's Advocate when it comes to section 10, child death.

The role of the Chief Medical Examiner is the manner and cause of death. So you're really getting into the medical side of things when you move over to the medical examiner's office, but he can call an inquest. He can give views on deaths, like he can on

any death. The focus is clearly set out in the legislation now.

**Mr. Derkach:** Section 8.2.3(4), Children's advocate not to determine culpability.

Can I ask the minister, if it is evident that, in the death of a child, the death was caused by a guardian, a foster parent, or someone in control of that child, how can the Children's Advocate then not express culpability when looking at recommendations as to the environment of children, perhaps, that are left in that environment?

**Mr. Mackintosh:** That section is from The Fatality Inquiries Act, and that currently is also the mandate of the Chief Medical Examiner. That is not to make opinions with regard to culpability.

As well, as I recall, that is also the nature of an inquest.

**Madam Vice-Chairperson:** Clause 2—pass; clauses 3 and 4—pass; clause 5—pass; enacting clause—pass; title—pass. Bill be reported.

*Madam Chairperson in the Chair*

#### **Bill 15—The Biofuels Amendment Act**

**Madam Chairperson:** Okay. Bill 15. Does the minister responsible for Bill 15 have an opening statement?

**Hon. Jim Rondeau (Minister of Science, Technology, Energy and Mines):** Just a few brief moments at this late time. Basically, The Biofuels Act has been moving along, but this is moving this industry forward again. It's establishing licensing. We heard some of the presentations; it's incorporating a lot of what we heard from the discussions, and it also is moving forward with some amendments on the transition of the fund into the new regime.

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

**Mr. Ron Schuler (Springfield):** Yes. I will try and keep my comments brief as well. We know that this industry is important to Manitoba. We've heard all kinds of presentations today that have pointed out what it could mean for rural development, what it could mean for agricultural communities. Also, appreciated the fact, we had an individual who came and presented a different side, though I may not necessarily agree with everything he said, maybe the committee would be on the same page as I. I think it

was still very good to have various competing presentations at committee.

I do have one issue that I will be raising with the minister. I would like to have him comment on it, and that has to do with the fact that the initial legislation which was passed in 2003 has major parts of it yet unproclaimed. I guess the concern we have as we go forward, and I suspect there might be some amendments forthcoming, is how come we are amending legislation that still remains basically unproclaimed in part, if not in major part? I think that's a concern.

What we would like to know from the minister is: When will the initial legislation be proclaimed? Why is it being held back? If there was a timing issue, then, perhaps, we should have waited with this legislation for the original legislation to be proclaimed. Certainly, we would like to hear as a committee the minister comment on that particular issue, and sometime this evening would be just fine. Thank you.

**Madam Chairperson:** We thank the member. Shall clauses 1—

**An Honourable Member:** Do you want me to answer that?

**Madam Chairperson:** No.

**An Honourable Member:** Okay.

**Madam Chairperson:** Not at this time.

**An Honourable Member:** No. No. No. Excuse me. Point of order, Madam Chair.

#### **Point of Order**

**Madam Chairperson:** State your point.

**Mr. Leonard Derkach (Russell):** Well, my point is very blunt, and that is, as a Chair, you have no right to say to the minister, "No, you can't answer a question."

**Madam Chairperson:** We were in opening statements. As soon as we get to the clauses, we can ask the questions.

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\* (21:20)

**An Honourable Member:** I'll answer the first question.

**Madam Chairperson:** Mr. Rondeau.

**Mr. Rondeau:** I can answer his during the first part of the bill. Basically, what we're doing now is we were one of the first out of the gate as far as the ethanol legislation. This piece, sort of, deals with where the industry's going now. There've been some changes, like biodiesel's up and new and running; pool average is new; the way the funds are paid out has changed. What we're doing is we're modernizing it with this act. So together, with the pool average instead of a certain percentage, the whole idea about making sure that you have a licensing regime, the whole idea of who gets the subsidy versus the producer, versus the distributor, versus the end user, all those things were being addressed, because we were one of the first out of the gate with ethanol. Then we didn't even believe that the biodiesel was on the horizon and, all of a sudden, biodiesel is there.

So what we did in this piece of legislation is we're moving forward into where the industry's going. Because the industry's going forward quickly, things have changed. So we expect the act to be proclaimed with these amendments in January. But these amendments become important because, like biodiesel, when the original act was proclaimed, it was an ethanol act; it wasn't a biodiesel act. So this is more incorporating the biodiesel and the ethanol and moving it forward like the other provinces have done.

**Mr. Schuler:** We want to keep this short. I know everybody's time is very precious so I'll just again—just to be very clear because, again, industry is watching. A lot of individuals, surprisingly enough, actually do read *Hansard*, so it's important that we have it very clear on the record. The government is looking at then, with the amendment, proclaiming the entirety sometime in January 2008.

**Mr. Rondeau:** We're looking at proclaiming it very shortly. The reason why we're waiting is because right now we have the Minnedosa plant that's stopped production and starting again. So they're ramping up from 30 million to 130 million litres, or 40 million to 130 million litres. So what you will see in the amendments is a transition plan; you'll see a different definition on the amendments on what is ethanol, or what is a biodiesel or a biofuel.

So there are some changes coming that came from our discussion with the industry. We wanted to make sure they were incorporated in this bill because, whether it's this government or a future government, this whole industry is changing quickly, and we wanted to make it inclusive.

**Mr. Derkach:** To the minister, there are plants in Manitoba that are awaiting response from the government with regard to issues surrounding biofuel production.

I guess my question follows on what my colleague has just asked. In terms of the period of time between the passage of this bill and the proclamation, in terms of addressing the needs of the industry and whether in the interim there isn't a pause put on the industry like there was on the hog industry, because that would be devastating for our province in terms of moving ahead in the production of biofuels.

**Mr. Rondeau:** I thank you for that question because, as an industry, the department has been very busy with the industry. I know that I get updates. In fact, I know that a member opposite has brought a group or two into my office to discuss it.

So one, we've been accessible; two, I have an excellent department that gets it and works with people and actually facilitates their progress. So we've been doing that. We're one of the few jurisdictions that have seen that not only as a green fuel, but also as an economic driver in rural Manitoba and in Manitoba. We also see it as positive for the farmers. So we're looking at it not just as a green fuel, but a triple win: one for the environment, two for the economy, three for farmers, hallelujah. So that's where we're going.

**Mr. David Faurichou (Portage la Prairie):** I listened with interest to the presenters this evening and couldn't help but thinking about the improvements that could be made through plant sciences section, through a research centre. Ongoing work is taking place to improve through varietal development the enhanced properties specific to the ethanol and biofuels industry.

I'm wondering whether the minister and the department ever considered the potential of the fund providing for resources that could potentially offer some very exciting and significantly improved varieties for the purpose to which this bill is designed.

**Mr. Rondeau:** Again, that's another very good question. I understand MAFRI, the U of M, the feds are looking at this to nail it down, so we're moving that forward.

**Madam Chairperson:** Shall clauses 1 and 2 pass?

**An Honourable Member:** No.

**Mr. Rondeau:** Madam Chair, I have an amendment for clause 2.

**Madam Chairperson:** Before we address clause 2, shall clause 1 pass.

**Some Honourable Members:** Agreed.

**Madam Chairperson:** Clause 1 is accordingly passed.

**Mr. Rondeau:** I move

*THAT Clause 2(1) of the Bill be amended by replacing the proposed definition "biodiesel" with the following:*

"biodiesel" means

- (a) an ester-based oxygenated fuel that is derived from vegetable oils, animal fats or other biomass material; or
- (b) a prescribed renewable fuel that may be used to power a diesel engine or for heating. (« biodiesel »)

**Madam Chairperson:** It has been moved by Mr. Rondeau

*THAT*—dispense?

**An Honourable Member:** Dispense.

**Madam Chairperson:** Thank you.

The motion is in order. The floor is open for questions.

Is the committee ready for the question?

**An Honourable Member:** Question.

**Madam Chairperson:** The question before the committee is as follows—

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

Amendment—pass; clause 2 as amended—pass; clause 3—pass.

Shall clauses 4 and 5 pass?

**Mr. Rondeau:** I have an amendment for clause 5, Madam Chair.

**Madam Chairperson:** Before we deal with clause 5, shall clause 4 pass?

**Some Honourable Members:** Agreed.

**Madam Chairperson:** Clause 4 is accordingly passed.

**Mr. Rondeau:** I move

*THAT Clause 5(8) of the Bill be amended by replacing the proposed subsections 6.4(2) and (3) with the following:*

#### **Credits to Ethanol Fund**

**6.4(2)** The following amounts are to be paid or credited to the Ethanol Fund:

- (a) for each of the first eight 12-month periods to which the denatured ethanol sales mandate applies, the amount determined by the following formula is to be paid or credited to the Ethanol Fund from the taxes collected under *The Gasoline Tax Act* for that period:

$$\text{Credit} = R \times L$$

In this formula,

R is the applicable rate, determined as follows:

- (i) for the first two 12-month periods, \$0.20 per litre,
- (ii) for the next three 12-month periods, \$0.15 per litre,
- (iii) for the last three 12-month periods, \$0.10 per litre;

L is the least of

- (i) the number of litres of denatured ethanol that were manufactured in Manitoba during the period,
- (ii) the number of litres of denatured ethanol included in gasohol that was sold during the period and on which the tax under *The Gasoline Tax Act* was collected and not refunded, and
- (iii) the number of litres of gasoline and gasoline-based fuels that were sold by fuel suppliers during the period and on which tax under clause 2(1)(d) of *The Gasoline Tax Act* was collected and not refunded, multiplied by the prescribed percentage that applies in determining the denatured ethanol sales mandate for that period, or, if another percentage is prescribed, by that other percentage;

(b) any portion of a grant repaid to or recovered by the minister;

(c) interest earned on amounts credited to the Ethanol Fund.

**Additional credit—before mandate begins**

**6.4(3)** For December, 2007, and for each month after that until the denatured ethanol sales mandate begins to apply, there is to be paid or credited to the Ethanol Fund, from the taxes collected under *The Gasoline Tax Act* for that month, the amount determined by the Minister of Finance to the equivalent \$0.025 per litre of gasohol to which the rate reduction under subsection 2(2) of that Act applied in the same month one year earlier.

\* (21:30)

**Madam Chairperson:** It has been moved by Mr. Rondeau

*THAT Clause 5(8) of the Bill—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

The motion is in order. The floor is open for questions.

Mr. Rondeau, and then I'll take others.

**Mr. Rondeau:** Basically, what this is is that this is the transition from the 40 million litres to 130 million litres. It's the transition fund till we get to there, so the changes to the formula for capping money to be credited to the fund. Bill 15's formula for capping credits to the Ethanol Fund allows for a lower percentage than the ethanol mandate percentage to be prescribed for the cap. The amendments provide for this other percentage not to have a lower percentage. Now the ability to set a cap that could be higher than the mandate percentage adds flexibility to the fund formula that would be beneficial during a mandate or a ramp-up. So you can ramp up, depending on how much of this fuel is used.

Clarifications are also being made to the formula for crediting to the Ethanol Fund to better reflect both the amount of ethanol produced in Manitoba and the amount of ethanol sold to meet the mandate. These changes will not alter the amount of money going into the fund or the amount of the incentive, but rather ensure that Manitoba ethanol producers receive the benefit of the incentive and avoid any potential problems that may be associated with distinguishing between Manitoban and imported ethanol. So it's crediting the people who are producing and selling into the Manitoba market. What we're trying to do is make sure that it ramps up, at the same time the consumption of ethanol

equals the production of ethanol, and the credit is helping fund, funding Manitoba production.

**Mr. Schuler:** I guess the concern I have with this particular amendment is it's seemingly a substantial change. It's 9:30 at night. I don't suspect a lot of the industry is here right now. Is this a change that industry was calling for? Have they been consulted on this?

We know this legislation all has to be through by next week; Thursday it all goes through. That's a lot of consultation if they haven't been.

Could the minister indicate to this House, who was it that called for this within industry, who has been consulted, et cetera?

**Mr. Rondeau:** I'm pleased that you asked that question.

Basically, this part was done in consultation with the industry to make sure that it worked with the ramping up. What we were doing was we were closing down the original plant and ramping up to the new plant. We couldn't, by legislation, exactly tell how that ramp-up would occur, because it's a big operation. So this was done in consultation with Husky. It was done to help facilitate the transition to the new fund. They actually have talked about this. My department has made them aware of what this is doing, and they're supportive, I understand.

**Mr. Stuart Briese (Ste. Rose):** Just one question. How does this relate to legislation you already have that says that all the gas taxes collected in the province should go to highways and transportation?

**Mr. Rondeau:** This is an ethanol bill. It's not discussing the finances or the budget. What we're doing here is we're giving a production credit; that's what this is doing.

One of the concerns on this transition on the mandate is, all of a sudden, you have this big plant, and we can't tell exactly how it's going to ramp up on January 1, so we're working with the plant to make sure that the production and the credit are fair, supporting the industry, and working with the industry.

**Mr. Briese:** It certainly appears to me that it's credits from the gasoline tax that are going to subsidize ethanol.

**Mr. Rondeau:** I find it interesting, because in my other role as Minister of Mines I find that I get a lot of support for off-road vehicles that are very, very

supportive of biodiesel. I know in the north in a lot of the logging they also are supportive of the biodiesel, and a lot of the farms.

So this whole bill is talking about the biofuels in the province and working with production on it. I think it helps the economy, and I'm pleased that we're working not only with farmers, and the industry, and the environmental issues to move this forward.

**Mr. Derkach:** To the minister, Madam Chair: Obviously, there is tax being diverted from gasoline to ethanol from what this bill seems to imply. Not that there's anything wrong with that in principle, but I do recall that statements in the House have been made by senior ministers and the Premier (Mr. Doer) himself regarding every cent that is collected under the gasoline tax goes back to roads and infrastructure, and that's, certainly, something we support. However, if, in fact, there is a need to support the ethanol industry, as I agree with, this money, perhaps, should not be coming out of something that has already been promised in terms of where its allocation is.

**Mr. Rondeau:** Just to let the member know that previously there was a 2.5-cent-per-litre tax incentive for ethanol. What this has moved forward is a production grant, so it's the same thing.

**Mr. Derkach:** I guess we could sit here all night and argue about who said what, but I'm just, I guess, referencing a commitment that was made by the Premier and the Minister of Finance (Mr. Selinger), I believe.

But I have a different question which relates to ethanol production, and the question has to do with the whole issue of production for Manitoba or for export. Can the minister tell me whether or not production of ethanol for export via pipeline to the United States or mixing with gasoline at a mixing station at a pipeline, whether that ethanol production must also be, I guess, available for subsidy under this bill, or is it strictly ethanol that is used for consumption in Manitoba?

**Mr. Rondeau:** Madam Chair, this fund is for fuel sold to fuel suppliers in the province.

**Madam Chairperson:** Is the committee ready for the question?

**An Honourable Member:** Question.

**Madam Chairperson:** The question before the committee is as follows—

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

*THAT Clause 5(8) of the Bill be amended by replacing the proposed subsections 6.4(2) and (3) with the following:*

**Credits to Ethanol Fund**

**6.4(2)** *The following amounts are to be paid or credited to the Ethanol Fund:*

*(a) for each of the first eight 12-month periods to which the denatured ethanol sales mandate applies, the amount determined by the following formula is to be paid or credited to the Ethanol Fund from the taxes collected under The Gasoline Tax Act for that period:*

$$\text{Credit} = R \times L$$

*In this formula,*

*R is the applicable rate, determined as follows:*

*(i) for the first two 12-month periods, \$0.20 per litre,*

*(ii) for the next three 12-month periods, \$0.15 per litre,*

*(iii) for the last three 12-month periods, \$0.10 per litre;*

*L is the least of*

*(i) the number of litres of denatured ethanol that were manufactured in Manitoba during the period,*

*(ii) the number of litres of denatured ethanol included in gasohol that was sold during the period and on which the tax under The Gasoline Tax Act was collected and not refunded, and*

*(iii) the number of litres of gasoline and gasoline-based fuels that were sold by fuel suppliers during the period and on which tax under clause 2(1)(d) of The Gasoline Tax Act was collected and not refunded, multiplied by the prescribed percentage that applies in determining the denatured ethanol sales mandate for that period, or, if another percentage is prescribed, by that other percentage;*

*(b) any portion of a grant repaid to or recovered by the minister;*

*(c) interest earned on amounts credited to the Ethanol Fund.*

**Additional credit—before mandate begins**

**6.4(3)** *For December, 2007, and for each month after that until the denatured ethanol sales mandate begins to apply, there is to be paid or credited to the*

*Ethanol Fund, from the taxes collected under The Gasoline Tax Act for that month, the amount determined by the Minister of Finance to the equivalent \$0.025 per litre of gasohol to which the rate reduction under subsection 2(2) of that Act applied in the same month one year earlier.*

Amendment—pass.

Shall clause 5 as amended pass—

**An Honourable Member:** One last amendment.

**Madam Chairperson:** Mr. Rondeau.

**Mr. Rondeau:** I just have one final amendment which sort of ties the other two together.

I move

*THAT Clause 5(17) of the Bill be amended*

*(a) in Clause 5(17)(a), in the proposed clause 19(1)(a.1), by striking out "and" at the end of subclause (ii), adding "and" at the end of subclause (iii) and adding the following after subclause (iii):*

*(iv) a renewable fuel, for the purposes of the definition "biodiesel" in section 1;*

*(b) in Clause 5(17)(b), by replacing the proposed clause 19(1)(b.6) with the following:*

*(b.6) prescribing a percentage for the purpose of subclause (iii) of "L" in the formula in subsection 6.4(2);*

**Madam Chairperson:** It has been moved by Mr Rondeau

*THAT Clause—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense. The motion is in order.

The floor is open for questions.

\* (21:40)

**Mr. Rondeau:** These amendments are consequential amendments resulting in the proposed changes to the definition of biodiesel and the formula relating to the Ethanol Fund. So it'll fit with the other two amendments.

**Madam Chairperson:** Is the committee ready for the question?

**Some Honourable Members:** Question.

**Madam Chairperson:** The question before the committee is—

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

Amendment—pass; clause 5 as amended—pass; clause 6—pass; clauses 7 and 8—pass; enacting clause—pass; title—pass. Bill as amended be reported.

#### **Bill 17—The Firefighters, Peace Officers and Workers Memorial Foundations Act**

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

**Hon. Ron Lemieux (Minister of Infrastructure and Transportation):** Thank you, I do, just a brief statement. I know it's late, but I just want to make a couple of quick comments. I'm certainly pleased to speak about Bill 17.

The proposed legislation sets up foundations that commemorate firefighters, peace officers, workers who have lost their lives at work while in the line of duty. But I want to mention, as I did before, that I intend to propose an amendment to this bill this evening that would allow, by regulation, for any group of workers to establish a memorial foundation. We've heard from other groups that wish to establish their own memorial foundation, and this amendment will enable them to do so.

So the proposed legislation will create foundations with the power to raise funds toward the design, placement and ongoing maintenance of the commemorative monuments. The foundations will work with the Province to ensure the placement of the monuments shows respect for the fallen workers and complements the function and overall appearance of the grounds of the Legislature, or near the Legislature. Thank you.

**Madam Chairperson:** We thank the minister.

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

**Mr. Larry Maguire (Arthur-Virden):** Just a comment as well, Madam Chair, that we look forward to seeing the actual wording of the amendment when the minister brings it forward but feel strongly that firefighters, police officers, paramedics, are all emergency services personnel and all essential services and go to any kind of a catastrophe that they're faced with in the same

manner. They all take risks in regard to the service that they're providing in helping save the lives of others and putting their lives on the line. So we felt they should all be recognized equally. Therefore, that's why I was asking some of the questions earlier this evening of the presenters about what would their preferences be in regard to how a foundation and a monument might be set up for, in this particular example, paramedics as well.

With that, I look forward to going through the bill.

**Madam Chairperson:** We thank the member.

Shall clauses 1 and 2 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** Wait a minute. Okay, clause 1 is fine.

**Madam Chairperson:** Shall clauses 1 and 2 pass?

**An Honourable Member:** No, not 2. Clause 1.

**Mr. Maguire:** Just in relation to foundations established under No. 2, would this be where the minister is going to bring in his amendment?

**Mr. Lemieux:** No, not at this time.

**Mr. Leonard Derkach (Russell):** I guess I have a comment and a question to the minister. He indicated tonight that he would, by regulation, allow for a foundation to be established. Since we're in the throes of, I guess, making a law, proposing a bill, and working through this bill to accommodate the needs of Manitobans who have, in the line of duty, lost their lives, and recognizing their contribution to society, and in that we've got two very significant groups mentioned here already, the third group, which is an integral component of emergency services, is left out of the definition.

So I would ask the minister if he could explain to us why the paramedics and the ambulance people have not been included as the third party that is responsible for responding to emergency matters in this province, who have, in fact, been responsible for saving thousands of lives but also have lost members in the line of duty, Madam Chair.

Can the minister tell me what reason his department has and he has as a minister for disallowing and isolating the ambulance drivers and the paramedics from being included in this foundation in part 2 of this bill?

**Mr. Lemieux:** Well, first of all, let me say that it is tragic anytime any of these organizations, any of their members lose their lives or, in fact, indeed, any worker in the province loses their life while they're on the job and working.

I would argue—and I would certainly differ with the MLA for Russell—that we are showing that we want to be more inclusive by allowing other organizations to come forward, certainly come forward and let us know, certainly, that they want to create a foundation. Right now we have the Firefighters and the Peace Officers and the Workers Memorial Foundation. If other organizations want to come forward, we receive a number of other requests from others that—we've heard from one organization tonight that came forward and spoke that want to be included, and with our inclusive amendments that I'm going to bring forward, I believe that that will address that.

So I would say the opposite. We're being more inclusive. When we get to certain clauses, we'll be able to do that. I don't know if that's—I mean, that's essentially where it stands.

We're not into dividing and conquering and splitting groups apart. That's not it at all. I feel that by these amendments we are being more inclusive and we're allowing not just, as the MLA for Russell pointed out, the paramedics, for example, not to have a foundation. I would argue the opposite. We are allowing them, as well as others that wish to come forward.

**Mr. Derkach:** Madam Chair, the minister just said that when we get to those clauses he's prepared to make the amendments. So, therefore, I am asking him whether under clause 2 of this act he's prepared to establish a fourth category, which is the paramedics memorial foundation, that would be added to clause 2 because he said he's prepared to make that amendment.

If he is, you can't just simply tell me or anybody in Manitoba that paramedics would just be included in other workers because that just doesn't fit in the definitions, because this group, together with firefighters and with peace officers, are responsible for the first response in terms of a crisis, in terms of an accident, in terms of a fire or any other mishap.

So, therefore, when you're saving life, Mr. Minister, to me it would appear that you have left out a very integral part of this component and that is the firefighters. You can't tell me that they're included in

the Workers Memorial Foundation because they are indeed separate and apart from that. This is not a labour union type of organization in many instances, but they are still workers who save lives in the province of Manitoba.

So, therefore, I'm simply making the case that if the minister is going to make an amendment to this bill, that this would be the appropriate place to make that amendment to include ambulance and paramedics as a category under this foundation.

\* (21:50)

**Mr. Lemieux:** Well, let me just state that the regulation powers come at the end of an act, and they're the regulatory power that will be added after section 14. That's the point I was trying to make earlier. So that's the reason why I said they will be forthcoming, and they will be.

I believe that these amendments that we're going to be making, once you see them, they're going to be, as I've said before, inclusive to include other organizations, not just the paramedics or others. If there are other organizations that wish to come forward, they certainly can come forward.

**Mr. Ron Schuler (Springfield):** I'm going to keep my comments brief. We've heard a lot tonight already about this bill, but what's interesting is that in December of 2006, Eric Glass, who happens to be the chair of the Paramedic Association of Manitoba, met with Michael Balagus, a name well known around this building, and they discussed the possibility of including paramedics in the proposed memorial foundation legislation. This isn't just a walk-on that happened 35 minutes ago.

Again, I'm surprised that somehow, all of a sudden, we now view essential services as being two of the three. Again, I think we should be very clear on this. This isn't like calling for a chimney sweep. This isn't calling for a painter. It's not calling for your plumber or the carpet installer. Basically, everything else you can wait for, but if you've ever been in a fire, if you've ever had a crime perpetrated against you or if you've ever needed an ambulance, you know what? They can't come fast enough. They come at their own peril and then they perform their duties at their own peril. They are prepared to put their life at risk to save ours, and that really does put them into a different category.

What I thought this legislation was about, and I mentioned earlier to the committee that I was actually quite excited when I heard about it, because

I thought, great, this is a great idea. I've been to Washington, D.C. and I've seen all the different memorials. I happened to be at the police memorial in Washington, D.C., and it's a beautiful memorial, and others have them as well. So this was very fitting.

You know what? Again, this is one of those times when it's a great idea. You've got the three essential services. Like, I don't understand. To the minister, why dig your heels in on this one? I mean, I don't get it. What's the point? You've got three essential services that should be recognized. At their own peril, they stand and defend us, whether it's rushing into a building that's on fire which, by most standards, would be absolutely the most defying thing you could ever do to yourself. I mean, you run away from it; you don't run into it. That's what the fire department does or a police officer going into a dispute where there are arms and knives and all that kind of thing or a paramedic that gets involved and often gets caught in between, yet is there to save lives.

All three of them are willing to put their lives at risk for us. I don't think it's unreasonable to say, you know what? Do the right thing. Include them, the three essential services. There are others. That's fine. We don't have a problem with that. But you know what? It's an insult. It's an affront to a professional organization, to men and women who right now are out on our streets, that if somebody gets hurt, somebody has a heart attack, a child is injured, that they are there and ready and willing, as fast as possible, to help. I just don't see where any of this is unreasonable. I mean, it isn't.

I would call on the minister, reconsider, take a deep breath, say fine. It isn't that hard of a thing to do. It's one little line that is put in, and it recognizes the three branches of the essential services that we all need at some point in time. We don't necessarily want to need them, but at times we do need them, and they're there for us. I leave my comments at that.

**Mr. Lemieux:** Well, as I mentioned before, we're being inclusive by making these amendments which will be coming forward very shortly with regard to regulations allowing other organizations to come forward.

**An Honourable Member:** That's not good enough.

**Mr. Lemieux:** Well, it is good enough in the sense that—one of the members said, well, it's not good enough. It is good enough to say that you're being

inclusive to allow other organizations. You're not just saying that it's going to be the firefighters and the peace officers. You're saying that it's going to be other organizations that wish to come forward to have a foundation in order to be able to put a monument up on the grounds or near the Legislature. I believe that what we're trying to do here is trying to be more inclusive to these organizations, and we are.

**An Honourable Member:** It's an insult.

**Mr. Lemieux:** I guess we'll have to agree to disagree on that particular point, but I think, quite frankly, that it is being more inclusive. It is being more inclusive and the regulations do come at the end, and that's the reason why they're later on in the document after section 14.

But the firefighters who presented here tonight, as well as the Paramedic Association, when they were asked, how do you feel about each other, they were very professional in their answers in the sense that they were very respectful of each other—

**An Honourable Member:** Of course.

**Mr. Lemieux:** No, I think the members of the opposition are trying to create a divide between those members.

**An Honourable Member:** But you're not being that; you're not being respectful.

**Mr. Lemieux:** Absolutely, we are. Yeah. No, I think we are being respectful of the organizations. We're not trying to divide these organizations that play a very, very important role. We're saying that we are allowing other organizations to come forward by regulation—

**Some Honourable Members:** Oh, oh.

**Madam Chairperson:** Order, please. I have a speakers' list. Order, please.

**Mr. Maguire:** I would ask the minister, then, I assume—I mean, I saw the presentation from the paramedics' association tonight. I was very pleased to see that they felt that they could look at and live with either a single memorial recognizing all emergency service occupations or a paramedic memorial to acknowledge the ultimate sacrifice made by their organization separately.

I'm assuming, then, that the minister feels that he's meeting or allowing this to happen by the amendment that we're assuming, from what he said, he's going to table later. But I assume that the

minister is not in favour, then, of a single memorial recognizing all emergency service occupations.

**Mr. Lemieux:** Well, this piece of legislation is meant to recognize workers who have died on the job, and as written, it does. It takes into consideration workers throughout Manitoba, whether they be someone who died in Flin Flon working in the mine at Hudson Bay Mining & Smelting or someone who's a police officer, someone who's a paramedic, someone who is a firefighter who has died on the job.

As was pointed out by one member of the opposition, this is a very important piece, actually, of legislation. Even though it's the last one this evening, it still is a very, very important piece of legislation acknowledging the people who have lost their lives as a result of work. That's what this legislation's all about.

I think on that we agree, that this particular piece of legislation does lay out a framework where foundations can be set in place in order to raise money to have proper boards in place, to ensure that these memorials—in fact, as a government we're very proud to say that we want to have those memorials on the legislative grounds or near the legislative grounds. I think that, in itself, is showing that the people of Manitoba recognize the workers who have died on the job. I think that's truly important.

There are a lot of other things that go into this, of course, to ensure that there's compatibility between the different organizations and the memorials. But I have to tell you that I believe by having them on the grounds of the Legislature or near the grounds, which might be Memorial Park and on those properties close to the Legislature, I think is symbolic to show Manitobans that we do sincerely appreciate those who have put their life on the line for us all.

What the amendment will do, it opens up the door and is more inclusive to other organizations coming forward. I think it's important to note that. That's the reason why this amendment will come forward.

\* (22:00)

**Mr. Maguire:** Well, I take the minister's answer, but if he's not willing to have a single memorial recognizing all emergency service occupations in these essential services, then why has he not included a separate memorial foundation and monument for

paramedics? He could do that as well as the amendment that he's bringing forward.

**Mr. Lemieux:** Well, the way the legislation is written, as is, I believe is sufficient to address all workers, as I repeat, who have died on the job. It does point out that there are three foundations currently, but the amendment is I think clear enough—it will be clear once it's read into the record and voted on—that it will allow and open the door for all organizations that want to come forward.

I think that, in itself, is showing that we have now looked at other organizations. There may be other organizations out there besides the paramedics that feel that they want to have a separate memorial, and that's why this amendment will do that.

**Mr. Derkach:** Madam Chair, the comment made by the minister a little while ago just irked me because if anybody's driving a wedge between these organizations, it's the minister and this bill, because it does not recognize an essential service that this province gets every day.

Now, the minister tells me that he's trying to be all-inclusive by including all workers. Well, if that's the case, then you can't have a memorial to the firefighters and a memorial to the police because you're saying that the memorial to all workers includes everybody.

Well, the intent of this legislation was quite different. It was to recognize the emergency-services people in this province who have given of themselves and their lives in saving other lives. The minister has to know that it's not just firefighters. They do an enormous job and they do risk their lives every single time there's a fire. It's the same with police, but it's also the same with that third essential service which is paramedics.

Let's be clear. There are three essential services in emergency circumstances that are used: firefighters, police, paramedics. Other workers do not put themselves in the same category of risk as these three essential services do.

So the minister's words ring hollow when he says paramedics can, in fact, be included in other workers or can, by regulation, have their own foundation. Why not include them in this legislation, because you're just creating this legislation? *[interjection]* There we hear an ambulance. Is it a fire truck going by, or is that an ambulance? Again, an essential service that is provided to the citizens of

this province, and I don't think it's any skin off the minister's nose or anybody else's in government to include paramedics as part of the legislation.

Make it right. Do it right the first time. Don't embarrass yourself in front of the people who give service to this province in a case of an emergency. Include them, and you'll certainly be respected by them for doing that.

**Mr. Lemieux:** Well, I'm going to repeat myself for the fifth time, that I believe that this legislation that we have is going to be inclusive and all-inclusive with regard to the amendment we are going to bring forward to include all organizations who want to come forward, who want to have a foundation in order to have a memorial.

Right now, we have a number of organizations that have been addressed. This is not to say that others will not be. They will be. If they want to come forward and they want to have a memorial and a foundation, they can do so. That's exactly what the regulations are going to state, and that's what this legislation's about.

**Ms. Sharon Blady (Kirkfield Park):** I just wanted a clarification on a similar issue, because it does sound to me like this legislation that is proposed with the three memorial foundations, one for firefighters, one for peace officers, and workers, I understand it to be members of the labour movement; so specific, not workers in general, but this is a specific, again, union-related base.

So I think there's been some confusion with that understanding and that the proposed legislation would then allow for subsequent groups after this initial three to establish similar foundations, because I hear members opposite focussing on this notion of one memorial putting together all first responders and asking whether that's the minister's preference.

I think, really, in terms of divisiveness, this is not about the minister's preference, if I understand the legislation properly. The legislation is to allow for those groups who want a memorial that they find fitting for their organization.

So I just wanted to point out for clarification here that this legislation is not about the minister's preference for how groups choose to memorialize their fallen but rather that it allows each group to choose amongst themselves how they want to memorialize their fallen.

I just wanted to make sure that that was the point the minister was making in the proposed amendments.

**Mr. Lemieux:** Thank you very much for that. I will try to clarify. Absolutely, it's not my personal preference. There are many, many, many individuals who have lost their lives on the job in the province of Manitoba who should be, need to be recognized. Our legislation will enable that. Our legislation and the regulations and amendments we're bringing forward will allow that to happen. We look forward to those organizations, whether they be one, two, five, ten, coming forward.

Not only that, the way the legislation reads is that it's quite a task for organizations to fundraise, form an organization, to be able to put a body together, a dedicated group that's going to be able to fundraise for these memorials. It's not going to be an easy task for any one of them or any five of them or ten of them.

Certainly, it's not my preference one over another because all workers in the province of Manitoba should be respected. Those that have died on the job, most people that go to work in the morning, their parents and loved ones and relatives expect them to come back home in good shape, not injured, certainly not dying at work. They need to be recognized, and, as a government, we feel that it's truly important to ensure that we do that. That's what this legislation is all about. We feel that the amendment, or I do, I feel and our government feels that this amendment will allow other organizations to have their memorials.

\* (22:10)

So I just want to restate that. But it's not my personal preference in the sense of one over another. That's not it. It's recognizing workers who have lost their lives on the job, which is important to note. They have to be recognized and will be recognized by virtue of this piece of legislation. We're going to work with those organizations to ensure that happens.

**Madam Chairperson:** Clause 1—pass; clause 2—pass; clauses 3 through 5—pass; clauses 6 and 7—pass; clauses 8 through 10—pass; clauses 11 through 13—pass.

Shall clause 14 pass?

**Mr. Maguire:** Madam Chair, I guess there seems to be some holdup in regard to 14 and that sort of thing.

I know the minister is bringing an amendment forward, and I just wanted to say at this time that certainly we'll take a look at the amendment, would also, from my perspective as the critic responsible for this bill and government services, look at the opportunities to bring forward amendments.

The report stage, as well, is still there. If the minister also has an epiphany overnight or changes it now, we would look forward to being acceptable to some other changes. Of course, he can bring the amendment that he's indicated forward and he could still change it tomorrow as well.

So I just thank you for those comments while the amendment is coming forward.

**Mr. Lemieux:** Well, thank you, again. I think I've repeated this a number of occasions where initially in my preface or in my opening remarks, I made comments with regard to what this legislation was all about. The proposed legislation is to set up foundations to commemorate people and individuals who have died on the job and workers who have died on the job.

That's exactly what this piece of legislation is going to do. The foundations are going to be responsible for building and maintaining the monuments on or near the grounds of the Legislature. They're going to honour each group and educate the public about the group's very important contributions. I mentioned that we believe it's important to be proactive by setting up a framework that enables these ongoing, fitting tributes to be made to our fallen workers. Bill 17, if passed—hopefully, it will be—will set out the framework to establish the foundations and provide them with clear mandates.

Now, I mentioned that we are going to be bringing forward an amendment and that is going to be happening shortly. There's some translation taking place. People are coming forward with the document. They're doing some translation.

Again, the proposed legislation will create foundations with the power to raise funds toward the design, placement and ongoing maintenance of the commemorative monuments, no easy task for any organization to raise money for these memorials. Where the government's going to work closely with the organizations is taking a look at site placement, looking at the compatibility of each. I think most organizations would work closely together to ensure that that happens.

We, as a government, right from the very beginning when this was mentioned—my other colleagues had meetings prior to my being involved from the government services end, had talked to many of these organizations, and many of the organizations were very, very positive with regard to where they wanted to go with regard to memorials or monuments to their comrades who had died on the job.

I don't believe there's anybody in this room as elected officials—there's no such thing as picking one group over another group with regard to memorials or foundations recognizing people who have died on the job. I think the very idea of that happening is not the case.

So I appreciate the comments that were made by Mr. Glass and also by Mr. Forrest, both very passionate presentations on their part, and their members. We appreciate that and we thank them for that. We look forward to working with them in the near future because both organizations are going to have the opportunity to raise funds to work towards a memorial for their organizations.

While some translation is taking place, we look forward to bringing forward the amendment and having members opposite vote on it. Hopefully, they will see fit to pass it. We think the amendment is a good one and addresses all the concerns with regard to many organizations. It will allow them to come forward to work toward a foundation and also to a memorial for the people in their organizations who've died on the job.

So, again, I just want to reiterate this is an excellent piece of legislation that has gone far too long without having it brought forward, so as a government we're very pleased to do so.

So at this point I do have the amendment, and I would like to be able to bring forward the amendment after section 14.

**Madam Chairperson:** Clause 14—pass.

Shall Clause 15 pass? Mr. Lemieux.

**Mr. Lemieux:** I'd like to bring an amendment forward, please. As the amendment's being passed around, I'd just like to read through it.

*THAT the following be added after Clause 14 of the Bill:*

**Memorial foundations established by regulation**

**14.1(1)** The Lieutenant Governor in Council may, by regulation, establish one or more memorial

foundations to promote the memory of paramedics and other specified groups of workers who have died in the workplace.

**Corporate status**

**14.1(2)** A memorial foundation established by regulation is a corporation without share capital and shall be carried on without pecuniary gain to its members.

**Contents of regulation**

**14.1(3)** A regulation establishing a memorial foundation must

- (a) set out the purposes of the foundation;
- (b) specify which provisions of this Act apply to the foundation and modify any of those provisions to deal with the particular circumstances of the foundation; and
- (c) contain any other provisions required for the foundation to achieve its purposes.

**Madam Chairperson:** It has been moved by Mr. Lemieux

*THAT the following be added after—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

The motion is in order. The floor is open for questions.

**Mr. Maguire:** I thank the minister for his amendment that he's brought forward. I can see from the delay that it was more than just a translation that he was working at. He's now included what we've been talking about most of the evening here, and that is "... promote the memory of paramedics and other specified groups of workers . . . ."

So from our perspective I don't have a— I have a concern, but I don't have a concern with the fact that the memory of paramedics be included in this particular amendment.

The concern is that the groups still, of course, as others would, have to raise funds to make it possible for them to be able to go ahead and do that. But the minister has tactfully, through a bit of a translation link there, included the memory of paramedics in this amendment, so we'll move forward.

**Madam Chairperson:** Is the committee ready for the question?

**An Honourable Member:** Yes.

**Madam Chairperson:** The question before the committee is as follows:

*THAT the following be added after Clause—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

Amendment—pass; clause 15 as amended—pass; table of contents—pass.

Shall the enacting clause—*[interjection]*

\* (22:20)

**Mr. Maguire:** Madam Chair, I believe you indicated that in the coming into force, section 15, that it was passed as amended. I have no amendments for section 15. Is there one to come forward? If there is, that's fine. Maybe it was just a clarification, but those are the words that you used.

**Madam Chairperson:** Mr. Maguire, you are correct. If it is the will of the committee, it is an addition to clause 14.

Is it the will of the committee to go back to clause 15? *[Agreed]*

Clause 15—pass; table of contents—pass; enacting clause—pass; title—pass. Bill as amended be reported.

\* \* \*

**Madam Chairperson:** The time being 10:20, what is the will of the committee?

**Some Honourable Members:** Committee rise.

**Madam Chairperson:** The committee shall rise.

**COMMITTEE ROSE AT:** 10:21 p.m.

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