

Second 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. LX No. 2 - 4 p.m., Monday, May 26, 2008

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

| Member | Constituency | Political Affiliation |
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| ALTEMEYER, Rob | Wolseley | N.D.P. |
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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT

Monday, May 26, 2008

TIME – 4 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Ms. Erna Braun (Rossmere)

VICE-CHAIRPERSON – Mr. Rob Altemeyer (Wolseley)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Mr. Lemieux, Hon. Ms. Oswald, Hon. Messrs. Robinson, Rondeau, Struthers

Mr. Altemeyer, Ms. Braun, Messrs. Derkach, Pedersen, Mrs. Stefanson, Mrs. Taillieu

Substitutions:

Hon. Ms. Melnick for Hon. Mr. Struthers at 6:56 p.m.

APPEARING:

Hon. Steve Ashton, MLA for Thompson
 Hon. Nancy Allan, MLA for St. Vital
 Hon. Jon Gerrard, MLA for River Heights
 Mr. Larry Maguire, MLA for Arthur-Virden
 Hon. Andrew Swan, MLA for Minto
 Mr. Kevin Lamoureux, MLA for Inkster
 Mr. David Fauschou, MLA for Portage la Prairie

WITNESSES:

Bill 13–The Highway Traffic Amendment Act (Damage to Infrastructure)

Mr. Chris Lorenc, Manitoba Heavy Construction Association

Bill 15–The Climate Change and Emissions Reductions Act

Mr. Mark Nantais, Canadian Vehicle Manufacturers' Association

Mr. David Adams, Association of International Automobile Manufacturers of Canada

Ms. Gaile Whelan-Enns, Manitoba Wildlands

Mr. Nick Roberts, Manitoba Used Car Dealers' Association

Mr. Bruce Giesbrecht, Manitoba Motor Dealers Association

Mr. Colin Craig, Canadian Taxpayer's Federation

Ms. Margaret Bernhardt-Lowdon, Manitoba Lung Association

Bill 22–The Worker Recruitment and Protection Act

Mr. Ross Eastley, Canadian Migration Institute
 Mr. John Ryan, Canadian Society of Immigration Consultants

Bill 27–The Shellmouth Dam and Other Water Control Works Management and Compensation Act (Water Resources Administration Act Amended)

Mr. Cliff Trinder, Private Citizen

Mr. Gene Nerbas, Assiniboine Valley Producers

Ms. Gaile Whelan-Enns, Manitoba Wildlands

Mr. Keith Perron, Private Citizen

Mr. Stanley Cochrane Private Citizen

Bill 31–The Freedom of Information and Protection of Privacy Amendment Act

Ms. Gaile Whelan-Enns, Manitoba Wildlands

Bill 34–The Child and Family Services Amendment and Child and Family Services Authorities Amendment Act (Safety of Children)

Mr. Gordon Reimer, Private Citizen

WRITTEN SUBMISSIONS:

Bill 13–The Highway Traffic Amendment Act (Damage to Infrastructure)

Mr. Ian Wishart, Keystone Agricultural Producers

MATTERS UNDER CONSIDERATION:

Bill 10–The Legislative Library Act

Bill 13–The Highway Traffic Amendment Act (Damage to Infrastructure)

Bill 15–The Climate Change and Emissions Reductions Act

Bill 16–The Child Care Safety Charter (Community Child Care Standards Act Amended)

Bill 19–The Liquor Control Amendment Act

Bill 21—The Advisory Council on Workforce Development Act

Bill 22—The Worker Recruitment and Protection Act

Bill 23—The International Labour Cooperation Agreements Implementation Act

Bill 27—The Shellmouth Dam and Other Water Control Works Management and Compensation Act (Water Resources Administration Act Amended)

Bill 31—The Freedom of Information and Protection of Privacy Amendment Act

Bill 32—The Personal Health Information Amendment Act

Bill 33—The Salvation Army Grace General Hospital Incorporation Amendment Act

Bill 34—The Child and Family Services Amendment and Child and Family Services Authorities Amendment Act (Safety of Children)

Bill 36—The Municipal Assessment Amendment Act

Bill 217—The Ukrainian Famine and Genocide Memorial Day Act

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

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

Hon. Ron Lemieux (Minister of Infrastructure and Transportation): Madam Chairperson, I'd like to at this time nominate the MLA for Wolseley, Mr. Altemeyer, as the Vice-Chairperson.

Madam Chairperson: Are there any other nominations?

Mr. Leonard Derkach (Russell): Madam Chairperson, I'd like to nominate the Member for Tuxedo, Ms. Heather Stefanson, as Vice-Chairperson.

Madam Chairperson: On standing committee, members of the opposition are not allowed to be Vice-Chairperson on Social and Economic Development.

Point of Order

Mr. Derkach: On a point of order, Madam Chairperson.

Madam Chairperson: Mr. Derkach.

Mr. Derkach: On a point of order, Madam Chairperson, it's my understanding that, by leave of the committee, any member of the committee may act as the Vice-Chairperson for the committee. I've chosen to nominate Ms. Stefanson as the Vice-Chairperson because I think it'll provide some balance for this committee.

I don't suspect that Madam Chairperson will have to leave the chair at any time, but, should that happen, it would be a good practice for this committee to have some balance and show that, indeed, the committee is functioning for the betterment of consideration of these bills for the province.

*(16:10)

I believe that Ms. Stefanson would make an excellent Vice-Chairperson for the committee. She's certainly in her career taken executive positions on many organizations and would certainly, for this purpose of this committee, be an excellent Vice-Chair.

Madam Chairperson, I know that the rules of the committee are such that, by practice, members of the opposition do not often become chairs of a standing committee of this nature, but I would have to refer you to the Public Accounts Committee of this Legislature where, in fact, the Chair is a member of the opposition, the Vice-Chair is a member of government and, indeed, some of the progress that has been made in that committee is a reflection of the fact that you have members of both sides of the House who chair and vice-chair a committee and where there has been some real progress in terms of dealing with matters under Public Accounts.

It is for that reason that I think this committee would do well, given the number of bills we have to consider this evening and the nature of the bills, I believe that, for the good of this committee, we would ask for leave, that Ms. Stefanson be considered, who is very capable of, indeed, taking over the chair, if necessary. I don't envisage that, but we never know what happens through the course of a committee.

Madam Chairperson, I think it would be, again, for the good of the committee and for the good of the public here to have a Vice-Chair who is from the opposition. It's for that reason that I have nominated Ms. Heather Stefanson to be the Vice-Chair of this committee for this evening.

I would ask for leave from the committee that her name be considered as one member who has been nominated for this position.

Hon. Steve Ashton (Minister of Intergovernmental Affairs): First of all, I'm somewhat confused by what the member is attempting to do here. He said he was nominating a member; then he's saying he's seeking leave after he was advised that, indeed—*[interjection]*—no, I was here and the member knows the rules.

It's interesting. He is the Chair of Public Accounts and he knows that there is an example where there's a designation and, in that particular case, ensures that there's a member of the opposition—in fact, the member himself is the Chair of that committee.

I would suggest that, if the member was really concerned about this matter, he could have raised this in terms of rules discussions; he could have raised this with his House leader. He could have sought to do that, but the member knows that those are the rules. My suggestion is, rather than waste the time of the committee with so many members of the public that are presenting on so many bills, rather than playing political games here—the member knows what the rules are or, at least, he should know.

We have a procedure for nominating a Vice-Chairperson. We had a nomination of a member of the committee that is eligible to be the Vice-Chairperson; no one would suggest we change what we do on Public Accounts. I would suggest no one would suggest we should change this committee, other than through the rules. I think the member knows that.

If he wants to discuss this with his House leader and suggest some changes in the rules and, perhaps, he's suggesting we change Public Accounts as well because he seems to have some difficulty with our committee processes—I would not agree with him. I actually think it's a long-established tradition across the country in Public Accounts and is the case with standing committees as well that recognizes the dual roles of both opposition and government members.

I suspect, Madam Chairperson, the member knows this. Our preference here, rather than have repeated points of order or attempted points of order, our intention on the committee—certainly, I think, the majority of committee members like to hear from the public, so I think there would not only not be a point of order here but, if there was an attempt to latch on

the end a suggestion there be leave, we actually do not believe that this is the time to discuss the rules of the House. There are other times and places to do that; this is to hear members of the public.

Mrs. Mavis Taillieu (Morris): I want to reiterate what the Member for Russell (Mr. Derkach) has said, that Mrs. Stefanson would make an excellent Chairperson for the committee and, I think, by an agreement by the committee with leave that that would be a possibility.

I don't really see why we wouldn't welcome a member of the opposition to be the Vice-Chair because, certainly, if you have a true democracy, then you have people from all parties available. I think in a true democracy that you would want and, in fact, would welcome having an opposition person as a co-chair to the committee. Certainly, we see that in the Public Accounts Committee, as the Member for Russell has already outlined.

There is no one party that has a monopoly on who can be or should be the Chair and, certainly, qualifications—qualifications, you know, everybody here is qualified to be the Vice-Chair. I hear that some of the members opposite don't agree with that, but maybe they don't feel they're qualified to be the Vice-Chair, so we won't nominate that person. But, certainly, anybody on our side is quite qualified to be the Vice-Chair and, certainly, we don't see why we couldn't have an agreement of the committee with leave. It's certainly been done before in the House by agreement. We certainly, and you know, a very good example, is the fact that this was supposed to be break week and we called on the government to come back in to sit and do some important work in this House and you agreed.

So we are simply saying now if you want to get to work, let's have an agreement and have a member of the opposition as a Vice-Chair. *[interjection]* Well, we don't always have to agree with what the government is saying and certainly, we saw it in the House already today. The government wouldn't even speak to any bills that were brought forward. So we certainly know that they aren't interested in debating any of the bills. *[interjection]* You don't debate the bills in the House. You don't want to debate the bills and you know, we sat there and waited for you people to stand up and debate the bills and no one would stand up and debate—*[interjection]*

Madam Chairperson: Order, please.

Mrs. Taillieu: Thank you, Madam Chair. The government members need to be called into order. Thank you very much for that.

I don't see what reason they would have to deny having Mrs. Stefanson, who's a very qualified person, to sit as the Vice-Chair of the committee. Certainly, we don't think that the Chair will be absent from the chair. She'll probably be here for the whole time, but there are instances when someone may need to sit in that chair and preside over the hearings. Certainly, by leave of this committee there would be no reason not to have a member of the opposition.

I know that the government members opposite say it's tradition, but again, by leave, we have been able to do some other things in past and I don't know why they refuse to give leave to having a person from the opposition sit at the head of the table. Perhaps they're scared of that. Perhaps they feel that they won't be treated fairly. If that is the case—and I certainly think that's probably why they don't want to have a member of the opposition as the Vice-Chair because they're a little bit afraid of that.

I don't know why, but we could certainly, we have shown that we want to work by being here this week, unlike the members opposite who wanted to take a break this week, but agreed to finally come back and do some work although we didn't really see that happen today. With nobody standing up to debate the bills in the House, they have really nothing good to say about their own legislation. I find that very, very strange indeed.

So I would challenge the government members to vote and have Mrs. Stefanson be the Vice-Chair of this committee and I don't really see the reason why we could not proceed with that.

Madam Chairperson: Based on our practice of the House, vice-chairs are a member of the government. Is there leave of the committee to have Mrs. Stefanson nominated?

Some Honourable Members: No.

Some Honourable Members: Leave.

* (16:20)

Madam Chairperson: Leave has not been granted.

Rob Altemeyer has been nominated. Hearing no other nominations, Mr. Altemeyer is elected Vice-Chair.

This meeting has been called to consider the following bills: Bill 10, The Legislative Library Act;

Bill 13, The Highway Traffic Amendment Act (Damage to Infrastructure); Bill 15, The Climate Change and Emissions Reductions Act; Bill 16, The Child Care Safety Charter (Community Child Care Standards Act Amended); Bill 19, The Liquor Control Amendment Act; Bill 21, The Advisory Council on Workforce Development Act; Bill 22, The Worker Recruitment and Protection Act; Bill 23, The International Labour Cooperation Agreements Implementation Act; Bill 27, The Shellmouth Dam and Other Water Control Works Management and Compensation Act (Water Resources Administration Act Amended); Bill 31, The Freedom of Information and Protection of Privacy Amendment Act; Bill 32, The Personal Health Information Amendment Act; Bill 33, The Salvation Army Grace General Hospital Incorporation Amendment Act; Bill 34, The Child and Family Services Amendment and Child and Family Services Authorities Amendment Act (Safety of Children); Bill 36, The Municipal Assessment Amendment Act; Bill 217, The Ukrainian Famine and Genocide Memorial Day Act.

We have a number of presenters registered to speak this evening. Please refer to your presenters lists.

Mr. Ashton: The list that's being circulated does not include Bill 36, The Municipal Assessment Amendment Act. So could I suggest the list at the door be updated?

An Honourable Member: To do what?

Mr. Ashton: Well, this list doesn't include one of the bills, my bill.

Madam Chairperson: We have a copy of the act. It will be provided to the members.

Mr. Derkach: Madam Chair, I have an official list of bills that are going to be considered this evening, and Bill 36 does not appear on this list. I'm assuming this is the official list, and Bill 36 will not be dealt with tonight. Is that the official list?

This is the notice I was given. I'm just asking a question.

Madam Chairperson: Bill 36 was called and it was an error.

Point of Order

Mr. Derkach: I'm sorry, Madam Chair, on a point of order.

You do not have Bill 36 as listed on the official notice that was provided for the committees in

dealing with the bills today. So, therefore, I submit that it is out of order to call a bill that is not included on this list. Bill 36 is not on this list and cannot be called.

Madam Chairperson: The notice was on—the list—the bill was listed on the official notice and it was an omission by the Clerk.

Mr. Derkach: Madam Chair, it doesn't matter. This is the official list. I have it here before me. This is the official list. If the Clerk made a mistake, that's too bad. That's not my problem. My problem is the number of the bills that are presented for consideration here being the official list which I have here before me. Bill 36 does not appear on this list; therefore, it cannot be considered. This is the official list I have before me with the official membership on it. I don't have Bill 36 on it. Therefore, I suggest to you, that you cannot call Bill 36.

Madam Chairperson: My understanding is that that is not the official list. It was on the official list.

Hon. Nancy Allan (Minister of Labour and Immigration): I think that it has been explained, over and over again, that what has occurred here, that the official list is the official list that was originally distributed by the Clerk's office. I think that it has been stated very clearly by the Clerk that is attending the meeting tonight, this evening, that she made an error and she would like us to be reasonable and to be practical and to get on with the work of this Legislature.

I think we have a room full of people that have come here today. I know I have two presenters that have flown in today from Ottawa to present on my legislation. We have an official list that was prepared by the Clerk's office, and this was an error that was made by the Clerk who is working with us this evening. I think we should just get on with it and add the bill to the list. Let's get on with the work that we have in front of us this evening.

Mrs. Heather Stefanson (Tuxedo): I just wanted to perhaps respond to the member opposite who just spoke. I think what's incumbent upon government and incumbent upon this committee is to ensure that we're not trying to ram through legislation. We're not trying to expedite things because it's in their best interest. I think this is a prime example of things that can happen with a government that sees fit to try and expedite things as quickly as possible, is that from time to time, mistakes are made.

I think it's this government, and a poor reflection upon this government, who is responsible and who is in government right now. Perhaps if they weren't taking the stand of trying to rush through legislation and ram through legislation through the Legislature—we need to ensure that members of the public have the opportunity to come forward to speak to these bills in a timely fashion. If this was not on the list, then I would suggest that, perhaps, there are other people in the public who would want to come forward and have the opportunity to come forward to speak to this bill in question. I believe, Bill 36.

I think it's incumbent upon government to ensure that as many people in the public are consulted and are allowed to come forward to speak to legislation. So I would suggest that because of this government's action in trying to expedite legislation through the Manitoba Legislature that this is the type of thing that happens and that mistakes are made. It's a result of the government's action, not necessarily the Clerk's office who is trying to keep up with what this government is trying to do and that is ram through legislation.

I would suggest that members opposite take responsibility where responsibility is due and ensure that they not take those types of actions in future. I think, again, this is a prime example of something that will happen if that's the direction that they're going to take.

So, with those few words, I would suggest that members opposite, in this government, again, be very careful about what they're doing here. These are all bills that affect members of the public in a very significant way. There are many members here tonight who want to present tonight, but there are also many members of the public who want to be given the opportunity, given notice, proper notice of bills to be able to come forward and speak in this committee.

I would suggest this government think twice before they continue the action of trying to slam through legislation in this Manitoba Legislature and listen to the public and, perhaps, give due notice where notice is due with respect to this bill. It was not on our paper here that is before us. I would suggest that that is the result of this government and this government's actions. I would suggest that this is a prime example that they need to take responsibility for their actions today and suggest that, yes, you know what, they did make a mistake. This government made a mistake. I would suggest they

stand up and take responsibility for their actions and apologize, apologize to the Clerk, putting them in a difficult position. I would suggest they apologize to members of the public who may want to have been given notice to come out and speak to this Bill 36.

So I would suggest, Madam Chair, that—perhaps it's the minister, whoever it is, members opposite—that they apologize right now for their actions in trying to slam through legislation in this House.

* (16:30)

Madam Chairperson: According to the official notice of meeting here, Bill 36 is included.

Mr. Ashton: I almost regret having raised this, but I also have in front of us a list of bills and presenters, and Bill 36 is listed. It was announced in the House. It was in the official notice, and it is in our list.

The only reason I raised it was because the list is provided for information—which is really what's being discussed here—for members of the public. I wanted to make sure that people looking for the right room who do know it has already been called, I mean, we have one presenter ready, we'll know it's in this room. I almost feel sorry I raised it, but it really was an attempt to correct one minor omission in that.

I think it should be on the record, too, that the Clerk's office did prepare the proper formal notice, did notify the one presenter, and has that information and the bill ready for members of the committee. So I suggest we move on.

Madam Chairperson: Thank you.

I would also kindly remind the audience to refrain from active participation in the meeting. Thank you.

Before we proceed with the 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 materials, we ask that you provide 20 copies. If you need help with photocopying, please speak with our staff.

As well, I would like to inform presenters that, in accordance with our rules, a time limit of 10

minutes has been allotted for presentations, with another five minutes allowed for questions 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.

A written submission on Bill 13 from Ian Wishart has been received and distributed to committee members. Does the committee agree to have this document appear in the *Hansard* transcript of this meeting? *[Agreed]*

Mr. Derkach: Madam Chair, with that, I would appreciate it, and I think the members of the public who have an interest in this bill would appreciate having Mr. Wishart's submission read into the record, either by one of the members of the committee, by the Clerk, or by some recognized individual who is representing Mr. Wishart's organization.

Madam Chairperson: By practice, that has not been done, but if there is the leave of the committee to have someone read it into the record, that can be done. Is there leave from the committee?

Some Honourable Members: No.

Some Honourable Members: Leave.

Madam Chairperson: Leave hasn't been granted.

Mr. Derkach: Madam Chair, I don't have a copy. I don't think members of the committee have a copy of that. *[interjection]* Which one is that? This one? Is this it? *[interjection]* Okay, there's just the one page, here? *[interjection]* Oh, okay. Got it. Thank you.

Madam Chairperson: Does the committee agree to have this document appear in the *Hansard* transcript of this meeting? *[Agreed]*

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

Mr. Derkach: Madam Chair, before we consider that, in discussion with the House leader this afternoon in the House on another matter, the House leader had expressed an agreement to deal with Bill 217 before we heard presenters, only because Bill

217 deals with The Ukrainian Famine and Genocide Memorial Day Act, a bill that unanimously passed second reading in the House. Because of the event tomorrow, where President Yushchenko of Ukraine is going to be visiting in Winnipeg and in Manitoba, I think there was a desire by both sides of the House to have this bill dealt with before we heard presentations tonight to ensure that we could, indeed, have it in a position where we could announce this tomorrow to President Yushchenko.

So, with leave of the committee, Madam Chair, and in the agreement of the Government House Leader, I'm wondering whether we could consider Bill 17 before we hear presentations. *[interjection]* 217, I'm sorry.

Mr. Ashton: I note that there are no presenters. We are certainly aware of the President of Ukraine visiting tomorrow, and we would certainly be in agreement to proceed directly to the bill.

Madam Chairperson: So I understand there is agreement to give leave to deal with Bill 217. Agreed? *[Agreed]*

Bill 217—The Ukrainian Famine and Genocide Memorial Day Act

Madam Chairperson: Bill 217: Does the bill sponsor, the honourable Member for Russell, have an opening statement?

Mr. Leonard Derkach (Russell): Yes, I do. First of all, I would like to thank all members of the House and the committee members for giving this bill unanimous consent in second reading in the House and for allowing this bill to come forward to committee at the earliest possible convenience, so that it can be dealt with prior to the visit by President Yushchenko tomorrow.

This bill, Madam Chair, is the recognition by Manitoba that the genocide of 1932-1933 which occurred in eastern Ukraine and central Ukraine was an act that was perpetrated on the people of Ukraine by forces of the Soviet Union and that, indeed, this was a forced famine that caused the death of between seven million and 10 million people in Ukraine during the winter of 1932-33.

It is only recently, Madam Chair, that the details of this event have been known to the world. Prior to President Yushchenko actually freeing up the records so that the world would actually know what happened, this event was kept under cover, if you like, from the eyes of the world.

Madam Chair, in Manitoba we have a number of survivors of this genocide who are still living today. When we had this bill presented to the House earlier this year, there were 12 of the survivors of this genocide present at the second reading of the bill.

Madam Chair, I'm also very pleased that the Member for Burrows, Mr. Martindale, helped to sponsor this bill, and this really showed that the entire Legislature, both opposition and government, joined forces to recognize something that has gone covered up for so many, many years.

If you listened to the stories of the ladies and the gentlemen who are the survivors of the genocide, it indeed brought tears to the hardest of people because of the pain that you could see in the eyes and the voices of those people who had experienced that tragedy.

* (16:40)

Madam Chair, tomorrow the province of Manitoba has an opportunity to show the President of Ukraine, Mr. Yushchenko, that not only do we respect the people who had relocated from Ukraine to Canada, and, indeed, Manitoba, and the struggles that they had to go through in order to survive this genocide and then move to Canada where they found a better life, but, indeed, it's a symbol for us to show that we respect life, that we do not support acts of genocide of this nature, no matter where they may occur. Indeed, as Winnipeg becomes the centre for the human rights museum, it is appropriate for us to recognize that acts of this nature cannot be tolerated by the world and are not tolerated by Manitobans.

Madam Chair, this is a bill that has been followed up by other provinces as well, and in time, it is our hope that our entire country, through the Parliament of Canada, will give this kind of recognition and commemorate this event as one that we should never experience in the world again. To the survivors, this is a very small way in which we can say to them that we not only respect what they had to go through in their lives, but indeed we honour them for having survived and having been so patient through those many, many years and not telling their story until very recently.

It is my hope that the Premier (Mr. Doer) tomorrow will, indeed, make this available to the President of Ukraine, and it will be met certainly with acceptance by the President and by the people of Ukrainian descent, and by all of us, for that matter, in the province of Manitoba.

I know this is not the time for an amendment, but let me just say that the term for this genocide that has been recognized throughout the world is Holodomor. We will be asking for an amendment to the bill to give it also that official name that has been recognized throughout the world as being the Holodomor or the Ukraine famine and genocide. So, with those few opening remarks, I'm hoping that Mr. Martindale, if he would like to make some comments or if a member of the government would like to make comments regarding this, that would certainly be welcome. I thank you, Madam Chair, for that opportunity.

Madam Chairperson: We thank the member. Does any other member wish to make an opening statement on Bill 217?

Hon. Steve Ashton (Minister of Intergovernmental Affairs): I know, certainly, the Member for Burrows and many members of the Legislature, myself included, did speak to this bill, and there was indeed unanimous support.

I just want to comment, by the way, that today is the National Day of Healing and Reconciliation, and it's very much a focus in on the cultural genocide that Aboriginal people faced. I think there's, you know, a fitting coming together of that spirit of healing and reconciliation today.

If we look at the events of the 20th century, certainly there were horrific events: the Armenian genocide, the Ukrainian genocide, the Holocaust, and, indeed, the very difficult cultural genocide that Aboriginal people faced. We support this, and it's quite ironic that the President of Ukraine is here. I think it really shows the degree to which the hope that was alive for many years, many generations here in Manitoba, many Ukrainian Manitobans, Ukrainian Canadians, of seeing in their time a democratic and free Ukraine has come true and to have the democratically elected President of Ukraine here to hear our democratic Legislature.

In one of the rare times, perhaps, or maybe it shouldn't be quite so rare, that we have unanimous agreement; I think it's very significant. So, certainly, from our side, this went beyond the political issues of the day. When we contemplate the importance of recognizing genocide, it's for two reasons. One is to have a sense of healing. I look at the survivors that the Member for Russell talked about who are here and many people and following generations that have lived with that very difficult situation in Ukraine. But, you know, the key thing is to make sure that it

never happens again. Indeed, the term genocide is a very strong term. It's the strongest term one can apply, and it involves a whole series of internationally accepted definitions in terms of events.

It's clear, I think, clearly our view in the Legislature that this term did apply in Ukraine. But it's not just about history, as we see Darfur and we see many other areas of the world today where we see genocide. When we support this bill, it's partly to recognize not only history, but to say that we will have a different future, that the world community, as expressed by the voice of the Manitoba Legislature here in this particular context, recognizes genocide when it has occurred, and that we make a clear commitment, never again, never again.

I think it would be quite fitting if we could adopt the Ukrainian term because I think this is very much about the heart and soul of Ukrainian Manitobans who've lived through this and subsequent generations knowing the terrible events that happened and knowing that we have to have a better future. So I would certainly in advance indicate that we on the government side would be open to an amendment that could reflect the Ukrainian term.

Hon. Jon Gerrard (River Heights): Yes, the Liberal Party supports this bill, the recognition of the Holodomor as genocide. And the visit—we are pleased with the coming visit of the President of Ukraine tomorrow. Thank you.

Mr. Larry Maguire (Arthur-Virden): I just wanted to put support for the bill as well, Bill 217, brought forward by the Member for Russell (Mr. Derkach) as well as the Member for Burrows (Mr. Martindale). I just wanted to reiterate that this is going to—I don't think it came out—that it was going to commemorate the Ukrainian Famine and Genocide Memorial Day to be held the fourth Saturday of each November in Manitoba throughout our coming years, Madam Chair.

This year commemorates the 75th anniversary of this tragic event. It's to be celebrated greatly at a time when Mr. Yushchenko, the President of Ukraine, is going to be here with us tonight, tomorrow. Certainly as many of us as can possibly be there, I think, at that event tomorrow will be as members of the Legislature, to represent those in our constituencies of Ukrainian heritage. As well, we never know whose family that might impact, I guess. I have made other presentations of my connection to that in the

House in the past, to the Ukrainian community. I am very proud of that.

This is extremely important for Manitoba's future in regard to, as it was raised, becoming the centre for human rights, a centre recognized by the world as a centre for human rights. I think it's only fitting that it also be Winnipeg, Manitoba, as being recognized as centres of other excellences as well, particularly I'm thinking of global trade and the opportunities that we have there as well. To think that the dynasty in place at that time, or the tragedy that took place at that time, destroyed records, went so far as to conceal information, denied that these types of atrocities happened is not something to celebrate but certainly something to recognize and make sure, as the Member for Thompson (Mr. Ashton) has just said, that it never happens again.

I think from all sides of the House, the Member for River Heights has just mentioned that as well. We cannot afford to have that ever happen again in our society. Of course, there have been tragedies happen of recent years in other areas of the world that we certainly cannot condone in this Legislature either, and Manitobans don't condone that either, Madam Chair.

* (16:50)

I think it's only fitting that we have the great opportunity of continuing to enjoy—all of us experience the cultural heritage of the Ukrainian culture, whether it's brought forth at events such as the Dauphin Ukrainian Festival that I've had the opportunity of attending in the past, as well, with myself and our family, or whether it's events like the numbers of pavilions at Folklorama that enjoy the opportunity of presenting their culture to Manitobans and people from around the world that come into Winnipeg in August each year to take part in those direct presentations of their heritage, as other cultures do at that particular time for that great event that we host here in Manitoba and the city of Winnipeg at that right.

I only think it's fitting that this kind of a bill has come forward, that it's been a private member's bill, but it has been sponsored as well between the opposition and the government and all parties confirm that it's a great opportunity to recognize that each fourth Saturday in November will be known throughout Manitoba as the Ukrainian Famine and Genocide Memorial Day. I note with interest as well that this bill will become effective as soon as it

receives royal assent and, hopefully, that would be tomorrow, Madam Chair.

Madam Chairperson: Thank you. During the consideration of a bill, the preamble, 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 that agreed? [*Agreed*]

Thank you. Agreed. We will now proceed to clause by clause consideration of the bills.

Bill 217, shall clause 1 through 3 pass?

An Honourable Member: Pass.

Mr. Derkach: Madam Chair, clause 1.

Madam Chairperson: For clause 1.

Mr. Derkach: Yes, Madam Chair. I move

THAT Clause 1 of the Bill be amended in the section heading and in the section by adding "(Holodomor)" after "Genocide".

Motion presented.

Madam Chairperson: The motion is in order. The floor is open for questions. Is the committee ready for the question?

An Honourable Member: Question.

An Honourable Member: No.

Mr. Maguire: No, Madam Chair, thank you. I just question the presenter, Mr. Derkach. I know in his opening remarks he explained Holodomor somewhat. Perhaps he could fill us in on the extent of the wording and the detail of it.

Mr. Derkach: Madam Chair, as I indicated in my opening remarks, the official term that is, I think, used throughout the world by people who are referring to this tragedy as the Holodomor. If you were to translate it as best I can, it would translate to mean hunger. Although the connotation of that is one that, I guess, refers to the forced hunger of the people of the Ukraine during the winter of 1932-33. So, because this term has been now popularly used in all jurisdictions, we felt that it would be appropriate to amend the bill to include that official name of this to commemorate this event appropriately.

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

THAT Clause 1 of the Bill be amended in the section heading and in the section by adding "(Holodomor)" after "Genocide".

Amendment—pass; clause 1 as amended—pass; clauses 2 and 3—pass; preamble—pass. Shall the enacting clause pass?

Mr. Derkach: I'm sorry, go ahead.

Madam Chairperson: Enacting clause—pass. Shall the title pass?

Mr. Derkach: Once again, I have an amendment to the title, once again, to reflect the term that is used regarding this event, so therefore I move

THAT the title be amended by adding "(HOLODOMOR)" after "GENOCIDE".

Motion presented.

Madam Chairperson: Shall the title as amended pass?

Some Honourable Members: Pass.

Madam Chairperson: Let me rephrase that. Amendment—pass; title as amended—pass. Bill be reported. Bill as amended be reported.

* * *

Madam Chairperson: As indicated earlier, 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 these considerations in mind, in what order does the committee wish to hear the presentations?

Mr. Derkach: Madam Chair, I think, as you had indicated before, out-of-town presenters would be dealt with first. I understand there are some out-of-town and out-of-province presenters. Perhaps with the agreement of the committee, we could hear those individuals who are furthest away first and then proceed from there.

Madam Chairperson: Is it agreed that out-of-town presenters will be heard first?

Hon. Nancy Allan (Minister of Labour and Immigration): Well, I think what the member's said, that the out-of-town presenters would be heard first but those from furthest away would be heard first so that meant, obviously—what he was saying, I believe,

is that out-of-province presenters would be heard before out-of-town presenters. To clarify.

Madam Chairperson: Is there agreement to have the out-of-province presenters heard first? *[Agreed]*

In what order does the committee wish to hear the bills first?

Hon. Andrew Swan (Minister of Competitiveness, Training and Trade): I say we would just proceed then in numerical order.

* (17:00)

Madam Chairperson: Is it agreed to proceed in numerical order? *[Agreed]*

As has been previously agreed to by the House on May 22, 2008, the committee will sit until 10 p.m.

Mr. Maguire: I haven't had a chance to go through all of the presentations as to who is coming from a distance, but I do note that with Bill 27, I believe it is, all three presenters, I believe, that are here for that tonight are out-of-town, as well, so, with consideration to be given to that particular bill as well? Maybe there are no other out-of-towners.

Madam Chairperson: The agreement is out-of-province first, then out-of-town.

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 have to first say the person's name. This is a signal for the *Hansard* recorder to turn the mikes on and off.

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

Bill 15-The Climate Change and Emissions Reductions Act

Madam Chairperson: On Bill 15, I would like to call on Mark Nantais from the Canadian Vehicle Manufacturers' Association.

Please proceed with your presentation, Mr. Nantais.

Mr. Mark Nantais (Canadian Vehicle Manufacturers' Association): Thank you very much, Madam Chair. Good afternoon, committee members. I do want to thank each and every one of you for the opportunity to address this committee

today regarding Bill 15, The Climate Change and Emissions Reductions Act.

The CVMA is the national association representing Canada's leading manufacturers of light and heavy duty vehicles. Our membership includes Chrysler Canada, Ford, General Motors and International Truck and Engine Corporation.

In 2007, our member companies produced over 71 percent of the 2.5 million light duty vehicles built in Canada, and they accounted for 53 percent of all light duty vehicles sold. Our members also purchase over 80 percent of all automotive parts produced in Canada for vehicle production right across North America.

As for our industry, we look forward to engaging in much wider public discussions on this important area of interest to Manitoba consumers, both in urban areas such as Winnipeg and perhaps the more northern rural regions of the province and, I might add, to the 133 dealers who service virtually every major community across the province.

It's important for Manitoba drivers to learn more about new technologies that will be introduced across North America, as well as the real implications for overall vehicle operation costs for families and individuals.

With new U.S. national fuel economy standards recently being announced, it can be expected that North Americans will now, for the first time ever, enter a period of significant price increases for both fuel and for new vehicles. This is the new reality and consumers will therefore want to learn more about the options available to them and their families in the years ahead.

Similarly, politicians and public policymakers must fully understand what it is that they are looking to regulate in terms of new vehicle fuel economy and how they can best do it so as to optimize the environmental benefits, but avoid inefficiencies, unnecessary costs and/or create inequitable consequences in the marketplaces.

The automotive sector is committed to providing consumers with vehicle technologies that deliver fuel economy improvements and can achieve sustainable reductions—have achieved, I should say—very significant and sustainable reductions in smog and greenhouse gas emissions. To achieve meaningful emission reductions, however, the sector supports a series of integrated comprehensive actions that have

been proposed in Canada to actually accelerate greenhouse gas reductions.

Climate change related greenhouse gas emissions, particularly carbon dioxide from automobiles, cannot be filtered or converted by technology alone, but rather must be addressed by reducing our dependency on non-renewable, carbon-based fuels like gasoline and by shifting to clean, renewable fuels and/or advanced propulsion technologies.

In addition to new vehicle technologies, Canada requires an integrated strategy for cleaner fuels and fuel diversification through renewable fuels such as E85, as well as related tax and infrastructure supports and strategies; also, a co-ordinated government and commercial vehicle fleet strategies such as those which would include elective hybrid vehicles, clean diesel technology, E85 and other fuel-saving technologies; consumer incentives to support technologies that actually reduce greenhouse gases; incentives to help reduce or retire Canada's oldest higher-polluting vehicles; and lastly, one that affects all of us, and that is the means of supporting green driver education.

It is these actions proposed that recognize emissions from vehicles are a function of vehicle technology, fuel consumption, quality of fuels, fleet turnover, driver behaviour, distances you travel each year, and many other factors, but all in conjunction and all working together with one another.

In terms of new motor vehicle fuel consumption standards in Canada, it's critical that the regulation of motor vehicle fuel consumption must be fully aligned with the new U.S. federal fuel economy standards so that Canada may continue to benefit on a North American basis from the full economies of scale for new technology and the full potential environmental benefits possible from these standards.

Consider the realities we now face. The Canadian government has indeed confirmed its intention to regulate new motor vehicle fuel consumption standards in Canada by adopting the dominant North American standard, effective 2011 model year.

Fuel economy targets have now been established at the federal level in the United States under the Energy Independence and Security Act. The new federal notice on proposed rule making recently announced, just last month, in an unprecedented

fashion, to boost fuel economy by 40 percent; that is, to 35 miles per gallon or 6.72 litres per 100 kilometres in Canada by 2020. To the surprise of many, the proposal called for an increase in fuel efficiency of the nation's cars and trucks to 31.6 miles per gallon by 2015. That is a 4.5 percent per year improvement, which is actually faster than what Congress had ordered in December when it called for the first rewrite of passenger corporate average fuel consumptions or efficiency standards since 1975.

Given the highly integrated nature of the automotive industry, the industry fully supports this consistent North American approach with harmonized requirements for fuel economy. The change will be costly indeed. The U.S. National Highway Traffic Safety Administration estimated even at a lower rate, 4 percent, an increase in fuel economy standards will cost the industry approximately \$114 billion.

The auto industry will be required to do more than its fair share in GHG reduction compared to other sectors. Canada's overall target is 20 percent reduction in GHGs through 2020. In our sector, the auto industry, we are being asked for a 30 percent reduction.

The EPA, Environmental Protection Agency, in the United States has denied California's request for a waiver to implement unattainable fuel economy standards. In doing so, the EPA cited the need for a national approach to new fuel economy regulations and warned against the pitfalls of a patchwork of regulations. California vehicle GHG regulations have no legal standing and are subject to lengthy litigation in the U.S. at the present time.

The patchwork of provincial-territorial regulations is not in Canada's best interests. Rather, a national approach to fuel economy will provide maximum benefits to all Canadians, help address greenhouse gas emissions, serve to crystallize the industry's regulatory framework for the next 12 years and beyond and provide the industry with much needed clarity.

* (17:10)

In an integrated market, adopting common standards allows technology to be introduced quickly and with maximum penetration so that the costs to consumers are spread across the marketplace and amortized as optimally as possible.

The next two illustrations give you an indication of just how much of a challenge the U.S. federal

standard is and what the implications would be if you were to assume, for instance, the adoption of California standards in this province.

First, in practical terms, just how tough is 35 miles per gallon? The U.S. federal standard would require that the entire new vehicle fleet, from small cars to full-size SUVs and pick-up trucks, be converted to the same average fuel economy as subcompact and compact vehicles in just two product cycles when new vehicles only represent about 8 percent of the fleet each year. That is an unprecedented challenge.

On the next slide, in terms of California standards, those standards, if adopted, will significantly limit model availability. If you look, there are essentially two things going on in this slide. The top one is as it relates to cars. Basically, what it says is we have, roughly, 656 models now available. If you take 2008 models and applied the California standards in 2011, that 656 drops to 74. That's a huge model constraint and leaves many people without the types of vehicles they may need and require for either businesses or family. The story is the same as it relates to light truck: 399 models is reduced to 38. We can discuss that in more detail if you wish.

For all of the above reasons, we strongly encourage the Province to engage and support the nationally aligned fuel economy standards as announced by the U.S. federal government providing that necessary clarity I mentioned.

Regarding methodology, section 13(4) of the bill says that the advisory board must consider using methodology used by the California Air Resources Board, or CARB, as we call it, in establishing vehicle emissions standards for that state. Perhaps a perspective on the CARB's approach and track record may be enlightening.

The current interest of persons, states and provinces in California standards, in our view, is without full appreciation of what the standards entail or the implications, if adopted. The general perception is that they are a no-cost regulation to address climate change. The belief is that there is no voter impact related to price, convenience or vehicle choice. The belief is that there is no economic consequence in the Canadian market. The belief is that there are no vehicle safety implications. It's less risky than raising fuel prices, addressing energy issues or dictating what consumers buy. Any of these beliefs, either singularly or in aggregate, are misplaced and false.

As we speak of the cost implications for manufacturers, dealers, and ultimately consumers, formal testimony by senior CARB officials indicate that CARB knew little of the investment costs needed. Take, for instance, the CARB Assistant Division Chief, Mobile Source Control—

Madam Chairperson: Mr. Nantais, I'm afraid your 10 minutes are up.

Mr. Nantais: Okay.

Mr. Leonard Derkach (Russell): With leave of the committee, may I ask that our presenter's presentation can be completed. This is a fairly important presentation and it's my view that it should be considered and that we be allowed to ask him some questions after he has completed his presentation so that we can fully understand the implications that this bill will have on the motor vehicle industry.

Madam Chairperson: Is there leave of the committee to allow the—

Hon. Andrew Swan (Minister of Competitiveness, Training and Trade): Madam Chairperson, we have a number of presenters that are lined up. What I would suggest we offer is that Mr. Nantais can then go into the five minutes allocated for questions to finish his presentation if he wishes, so the total time available for this presenter would be the same as offered to everybody else who's waiting here tonight.

Mr. Derkach: Madam Chair, a precedent has been established long before in committees where presenters who are presenting on bills are given the latitude, especially presenters who have come a long distance. This presenter is from out of province. Having invested as much time as this individual has in coming before this committee, I would think it would be wrong for us not to hear his entire presentation and then for this committee not to be allowed the five short minutes that we have available for asking questions.

My goodness, this is a fairly important piece of legislation that the minister has put forward. I think it would be wrong for us not to hear a presenter who has come all the way that he has and, indeed, it would be even more wrong for us not to have the opportunity to pose some questions of someone who has some fairly significant knowledge about the industry and its impact that the bill is going to have on our province.

Madam Chairperson, I repeat that we have done this in the past. We have allowed presenters to take more time than the 10 minutes to offer their remarks and then we have been allowed to ask questions.

I don't see why we should be cutting this off, especially when we dedicated this week to hear presenters on various bills. Surely to goodness, after we have considered coming back for a week when members were supposed to be on break, we should be able to consider some latitude in terms of times for presentations.

Mr. Kevin Lamoureux (Inkster): I make the suggestion that latitude has been there in the past and, given the nature of the presentation that I was just at, let me just ask if there would be leave to allow the presenter to finish the presentation and then we can deal with the questions and answers after the presentation so it's—*[interjection]*

Mr. Swan: What I proposed is exactly what has been the precedent this Legislature has been using for a number of years. Again, I think it's appropriate that Mr. Nantais be given more time to finish his presentation. He's gone over the 10 minutes, but I think we want to hear what he has to say, but there are a great deal of other presenters.

If we then go beyond 15 minutes per presenter, I don't think it's fair to the other people, some of whom face a fairly lengthy wait before they're going to be up to speaking to us tonight. So I believe I am proposing is exactly what we have done as a committee, and it will allow him to finish his presentation.

Mr. Larry Maguire (Arthur-Virden): A page and a half—it would take Mr. Nantais, I'm sure, about—looks to me like about 3 or 4 minutes to finish his presentation. We're not asking for un-ended questioning. If we could get the 5 minutes that we would normally have as questions when he's done his presentation, we could have had his presentation read and the questions asked by now.

I think if we could get the 3 or 4 minutes and then 5 minutes for questioning after because this is—he's come from Toronto—it's an extremely important area of this bill. Bill 15, The Climate Change and Emissions Reductions Act is an important bill and I think we need to have clarity for all Manitobans to know why this bill would be moving forward in the future. There's some very interesting information that I find in the presentation and to have no time for questions on this, I think, is just wrong.

Mrs. Heather Stefanson (Tuxedo): I think that it's important at this time and, again, I agree with my colleagues on this side that there is about a page and a half left. I think we should allow the presenter, given he's taken time out of his busy schedule to be here and present on behalf of his association, a very important one across Canada; I believe that he should be allowed to complete his presentation.

I think it should be noted as well—and I'll add new information to this as well—that this government is the one that chose to have all of the bills presented tonight. There are a number of bills in this committee and that's what they have chosen to do. Again, there could have been other ways of doing this and giving more time to people, to actually listening to people out there and allowing people and consulting people.

This is why we're here; this is very important. I think it's very important, Madam Chairperson, that in taking into consideration here it was the government that decided to hear all of these bills tonight and the presenters for all of the bills, rather than allowing for ample amount of time.

They're now trying to cut people short in their presentations, and I think it's unfortunate. I hope in your ruling tonight that you will take that into consideration.

Madam Chairperson: We have had two proposals, the first proposal being for the presenter to finish his presentation with 5 minutes of questions afterwards.

Is it the leave of the committee to agree to leave the—

Some Honourable Members: No.

Madam Chairperson: Leave has not been granted.

The second proposal was for the presenter to use the remainder 5 minutes of the question time.

Is there leave of the committee to allow the presenter to use part of the question period time?
[Agreed]

* (17:20)

Mr. Nantais: I think I can finish in less than 5 minutes and still leave time for questions, if that helps.

Mr. Derkach: Madam Chair, I just, in exchange with the minister, he's anxious to hear the rest of the presentation as well, as I understand it, and he said, let's hear the presentation and let's allow for the questions and that's what the minister just indicated

to me, and it seems to me like his members' side of the House do not want to allow us to ask questions of the member.

Now, Madam Chair, let's finish the presentation, let's hear some questions and then let's get on with the rest of the presentations.

Madam Chairperson: Leave hasn't been granted so, according to rule 92, section 2, when persons are registered to make presentations to a standing or special committee considering a bill, the committee must allow each presenter a maximum of 10 minutes to make a presentation, an additional five minutes to respond to questions from members of the committee. As an exception—

Mr. Lamoureux: I believe that if you re-canvass the committee, Madam Chair, that you'll find that there is leave. So, if we could request that leave be asked again.

Madam Chairperson: Is there leave of the committee to allow the presenter to finish his presentation with an additional five minutes for questions following?

Some Honourable Members: Agreed.

Some Honourable Members: No.

Madam Chairperson: Leave has not been granted.

Point of Order

Mr. Derkach: Madam Chair, on a point of order.

Now, this committee isn't going to go anywhere tonight if this is the way that we're going to conduct our affairs. Madam Chair, I looked at the minister and I asked the minister what his position was. He said, let's finish the member's presentation and then ask some questions. To me, that's five minutes of questions. That's hardly enough time for three members to ask three questions. But it seems that the members on the government's side of the House, namely Mr. Swan, is opposed to listening to the presenter and having him answer the question.

If this is the way this committee is going to proceed, we're not going anywhere. So, Madam Chair, in my view, we better get our act together and we better understand that there has always been the precedence set that leave of the committee is sought and has always been honoured in terms of allowing a presenter, especially somebody who comes out-of-province, to make his presentation and then to allow for five minutes of questions. That's been the

precedent in this committee and in all committees without interjection of members of the government.

Hon. Stan Struthers (Minister of Conservation): Gosh, there's some times when I'm glad that we can't have 1.2 million Manitobans inside to see how laws are actually made in this province. This is ridiculous.

This is ridiculous, Madam Chair. We have somebody here who's made a presentation, who still has a few more minutes to finish off the presentation. Everybody knows—everybody knows—around this table that we have 10 minutes to do that. That's not something just fell in from Mars, just lately. We can play politics if we like, Larry, but I'm hoping that we can find a way to, in a mature fashion, move forward.

We have 10 minutes. Ten minutes to, everybody knows, to do these presentations. In the past, we have agreed around this table that we would give up our time as people around this table who've got lots of chances to talk about this bill every day in the House. We, on this side of the House, and on the other side of the House have agreed in the past to give up some of that time. The presenter himself has said that in two or three minutes he can wrap up what he has to say. That'll leave us two or three minutes to ask some questions. If the other side of the House wants to squabble over the two minutes that might be remaining, I think that looks very badly to the people of Manitoba. It looks very petty on all of us sitting around this table if we can't come to an agreement on this so that we can hear somebody who's got some advice for us.

Now, my suggestion is, as precedent has set in the past, that we all grow up and we all decide that this presenter can finish presenting, and then, in the two or three minutes that we have left, we can have some questions, for a grand total of 15 minutes. Is that so hard?

Madam Chair, I suggest that we hear this presenter and, if there's any time left, we can have some questions then.

Madam Chairperson: On the point of order raised by Mr. Derkach, he does not have a point of order according to rule 92(2).

* * *

Madam Chairperson: We will now move along to question and answer for Mr. Nantais.

Mr. Swan: Could I canvass the committee to see if there's agreement the remainder of his presentation

be read into *Hansard* as if it was read out in the course of this committee?

Madam Chairperson: It's been requested that I ask again if there is leave of the committee to hear the remainder of Mr. Nantais's presentation with question and answer period to follow.

Some Honourable Members: Agreed.

An Honourable Member: No.

Madam Chairperson: No?

Mr. Swan: What I had asked was for permission for the balance of Mr. Nantais's presentation, if we are then going to move to five minutes of questions right now, permission to have the balance of his presentation to be read into *Hansard* as if it was actually presented here today to make sure that his entire presentation is in the record.

Madam Chairperson: Is it agreed that the remainder of his presentation be read into *Hansard* with the question and answer period.

Mr. Derkach: I regret this very much, but, you know, Madam Chair, all we're asking that the presenter be allowed to complete his presentation. That is as simple as it gets. The minister has agreed to that. He is the minister responsible for this bill. He has agreed to that. *[interjection]* Mr. Swan, you can't say no, he hasn't, because the minister agreed to it in front of all of us.

So, Madam Chair, instead of filibustering, let us get on with the show and let's hear the presentation to its completion and then allow for some questions afterwards. That's not difficult. You had asked the committee for that to begin with. Now we have some other sort of proposal on the floor.

Madam Chairperson: It was earlier ruled that there was no point of order. Since there is no agreement on the fashion in which we will complete Mr. Nantais's presentation, we will revert to rule 92(2), and we will continue with question and answer period for five minutes.

Thank you for your presentation, Mr. Nantais.

Mr. Derkach: Are we now in questions, Madam Chair?

Madam Chairperson: Yes, we are.

Mr. Derkach: To the presenter, Madam Chair. Mr. Nantais, my question to you is could you please complete your presentation so that we could hear the rest of it in the time remaining?

Mr. Nantais: I'd be glad to, thank you, and I'll be very quick.

As we speak of these cost implications for manufacturers, dealers and ultimately consumers, formal testimony by senior California resource board officials indicates that CARB knew very little of the amount of investment involved. Take, for instance, the assistant division chief of CARB said that he didn't know, when asked, what the total amount of money that a car company would have to spend on investment, engineering and research and development in order to meet the standards for the 2011 model year.

He did not know the total amount of investment in tooling that a car company would have to spend. He did not have any idea of how much money they would have had to spend in order to meet the 2011 standards. Not really? Not a clue? Is it \$10 million? Is it \$100 million? Is it a billion? Any idea? He really did not know.

California regulators also ignored the impact of dealers. The CARB assistant division chief again was asked, once you or your staff acknowledge that dealers might be negatively impacted by losing sales, did you ask any of your staff members to perform a formal analysis to see what the magnitude of the loss of sales might be? His answer to that question was no attempt was made to quantify that.

* (17:30)

While some advocates would suggest California and the ARB have been a successful test bed for new technologies as it relates to smog-related emissions from vehicles, it can be argued that the initiatives such as the zero emission vehicle mandate have been an actual failure on the basis that the regulatory mandate targets have been made progressively less stringent through four successive amendments because the technologies simply were not ready for the market and consumers were not interested because of the ever-increasing cost estimates for zero emission vehicles developed by the Air Resources Board. That cost was estimated at \$1,350 per vehicle at the outset and went up to over \$22,000 per vehicle before the courts finally intervened.

The federal government is also required by law to examine vehicle safety implications when establishing new vehicle fuel economy regulations. Independent experts have expressed the view that California has not fully examined the safety implications associated with vehicle downsizing that

would be required to meet its targets under the California regulation. Clearly, the effectiveness of the California approach is not what it appears to be and therefore, we must ask ourselves, why would we want to follow its methodologies?

In our view, it cannot be justified and it would be a significant intrusion into dealers' businesses to prescribe minimum portions of new vehicles having specific fuel economy standards or low-emitting technologies. Setting specific mandates or prescribing minimum proportions of vehicle types is neither effective nor without inequitable consequences on dealers and on vehicle choice for consumers, many of whom require larger family vehicles, pickup trucks for businesses, or four-wheeled drive vehicles in northern parts of the province. Consumers set demand and, based on affordability and required utility, if they can't purchase a new vehicle that meets their needs, they will simply go out into Ontario or to the United States. In the end, it will slow down fleet turnover, and we will not accomplish our environmental objectives.

Madam Chair, I'll conclude on that point.

Hon. Jim Rondeau (Minister of Science, Technology, Energy and Mines): I'll let Heather go first.

Mrs. Stefanson: Well, Madam Chair, I just want to thank the presenter very much for his presentation today. I think you've made some very valuable points throughout this presentation about where the industry is going with respect to dealing with some of these issues on your own and looking at what's happening internationally and nationally and some of the decisions that are taking place and so on.

I guess I would just like to ask you, and, regrettably, I hope that tonight is not indicative of the kind of consultation that you've had, you know, reflective of members opposite in trying to shut this whole process down tonight, but I hope that's not indicative of the kind of consultation that you and your organization have been given. I think we have a tremendous amount of respect for you and your organization; for all that you have done towards dealing with the issues of greenhouse gas emissions, et cetera.

I just want to thank you for everything that you've done, but my question, I guess would be, what kind of consultation—do you believe that there's been adequate consultation and do your members

believe that there's been adequate consultation to date by the Manitoba government with respect to this bill and your organization? And going forward, I'm sure you probably want to see more consultation, but what type of a role would you like to see yourself and your organization playing going forward?

Mr. Nantais: This is not indicative. We're used to this sort of thing. We've done many of these types of presentations in these types of venues.

In terms of what we'd like to see in terms of further consultation, I must say that we've already had some discussions with the minister and his staff. Those discussions were very helpful. This is a very complex issue, so of course we would like to see more consultation, and we'd very much like to be part of the advisory group that is being called for under the legislation so that we can get into these more complex issues.

Time is moving on, however, and our industry needs the clarity. Again I have to come back to what our original position is, is that we need to harmonize on a North American basis with fuel economy regulations. For us that's developing one product for one standard across North America using the U.S. federal fuel economy regulations.

Madam Chairperson: Our five-minute question and answer has expired. What is the leave of the committee?

Mr. Derkach: I ask for leave of the committee to allow for at least Mr. Lamoureux and the minister to ask a question. I think it's probably fairly important for the minister to get his question on since he's sponsoring the bill.

Madam Chairperson: Is there leave of the committee to extend the question and answer period?

Some Honourable Members: No.

Madam Chairperson: No. Leave has not been granted. Thank you, Mr. Nantais.

I now would like to call on David Adams, Association of International Automobile Manufacturers of Canada. Do you have written copies for distribution? Please proceed with your presentation.

Mr. David Adams (Association of International Automobile Manufacturers of Canada): Madam Chair, members of the committee, I appreciate the opportunity to appear before you today to provide

the perspective of the Association of International Automobile Manufacturers of Canada on Bill 15.

By way of background, the AIAMC is a national trade association and, given the time constraint, I'm just going to suggest that our members basically represent everybody that are not part of Mr. Nantais' association, that distribute, market, and in the case of Honda, Toyota and Suzuki, manufacture vehicles in Canada.

In 2007, our member sales comprised 44 percent of the 1.653 million light-duty vehicles sold in Canada. Here in Manitoba, sales through their 43 dealers in Manitoba were up to 38.2 percent of the market, as opposed to 35.5 percent of the market in 2006. With respect to the objective of Bill 15, reducing greenhouse gas emissions and promoting sustainable development, the members of the AIAMC recognize that they have a role to play in this regard. That is why our members have been leaders in the introduction of fuel-efficient and advanced-technology vehicles without any regulation and they have been doing that for some time.

Further, AIAMC members, along with the members of the Canadian Vehicle Manufacturers Association signed a memorandum of understanding with the federal government in April, 2005, to reduce greenhouse gas emissions from the on-road fleet of vehicles by 5.3 million tonnes by 2010. This agreement achieves the Kyoto target set for the auto industry under the government's climate change plan of 5.2 megatonnes two years earlier, and we're on track to meet those reductions. We recognize the Manitoba government's goal of achieving its Kyoto protocol obligations through the introduction of Bill 15 with its aim of reducing overall greenhouse gas emissions from 20.3 megatonnes to 17 megatonnes by 2012.

It's our understanding that close to one megatonne, or about one-third of the greenhouse gas reductions sought by 2012 is expected to come from transportation. This objective may prove challenging considering that *Canada's Energy Outlook: The Reference Case 2006*, produced by Natural Resources Canada, forecast that Manitoba's emissions from transportation will increase from 7.5 megatonnes in 2005 to 8.1 megatonnes by 2010.

According to the *National Inventory Report 1990 to 2005: Greenhouse Gas Sources and Sinks in Canada*, the largest proportion, 37 percent of Manitoba's greenhouse gas emissions are related to transportation. However, many people erroneously

assume that transportation emissions equate to emissions from light-duty cars and trucks. In reality, according to the same National Inventory Report, all light-duty cars and trucks on Manitoba's roads are responsible for 14.4 percent of the province's greenhouse gas emissions.

Therefore, while it is our view that each sector, and each component of each sector needs to do its part to reduce greenhouse gas emissions, the light-duty vehicle component of transportation emissions needs to be considered in its proper context with appropriate expectations for potential emissions reductions.

With respect to greenhouse gas reduction measures affecting new vehicles, it's important to remember that, in 2007, the 45,000 new vehicles sold in Manitoba represented only about 6.6 percent of all the 643,000 light-duty vehicles registered in Manitoba. It's widely known that it takes 25 years or more to turn over the entire fleet. In this context of Canadian new vehicle sales in 2007, Manitoba represents about 2.7 percent of Canadian sales and about one-quarter of 1 percent of the larger 17.8 million unit North American vehicles sales market.

* (17:40)

In this regard, we are concerned by section 13(2) of Bill 15, which tasks the proposed vehicle standards advisory board for new private vehicles with determining the most cost-effective efficiency improvements and emissions reductions that are feasible for new private vehicles in each year from 2010 to 2016 inclusive, and further feasible cost-effective efficiency improvements and emissions reductions for new private vehicles in 2017 and afterwards.

Improving fuel efficiency and emission reductions on a cost-effective basis necessitates, as Mr. Nantais alluded to, spreading the development costs across the largest possible vehicle population. It is for this reason that the members of the AIAMC have been advocating for a single national fuel economy standard that is aligned with the federal fuel economy standards currently being developed in the United States. Fuel efficiency standards that are different from those of the United States are not practical for Canada owing to its small share of the North American market, let alone any subnational jurisdiction within Canada, such as the unique Manitoba standard.

We agree with California Governor Arnold Schwarzenegger who was quoted in the backgrounder distributed in the bill when he announced that neither California nor Manitoba can solve this problem alone, but together, with all our partners from around world, we can have tremendous effect in building a greener world.

In the preamble of Bill 15, it is acknowledged that the federal government has committed to regulate fuel economy. This regulation will begin with the 2011 model year in a manner that is consistent with the U.S. federal requirements.

Mr. Nantais already outlined the objectives under the U.S. standards, which I won't repeat. Our members remain committed to working towards achieving the U.S. fuel efficiency requirements that are somewhat more certain as opposed to the standards such as California's greenhouse gas emissions which have not been implemented, and, as Mr. Nantais noted, require a waiver from the U.S. Environmental Protection Agency before they can ever be implemented.

The same holds true for the 13 states that have also proposed to implement California's emission standards. However, the fact that fuel economy targets continue to change and evolve, as evidenced by the notice of proposed rulemaking in the States, means that vehicle manufacturers continue to have no clear idea what their engineering objectives are for vehicles that are effectively two model years away, given that 2009 model year vehicles have been available for sale in Canada since January of this year. Fuel economy regulations such as that currently being proposed will have real and dramatic consequences for all vehicle manufacturers, dealers and consumers.

With respect to Section 13(3) of Bill 15, our members remain very concerned about the vehicle standards advisory board recommending targets to significantly increase the proportion of new vehicles that use low emission technologies or high efficiency motor vehicles. It is of concern that low emission technologies and high efficiency motor vehicles are not defined.

Further, the challenge for the automotive industry is that the ability of manufacturers to meet any such targets relies entirely on consumers purchasing these vehicles. A Manitoba target could well result in dealers being left with many of these vehicles unsold on their lots. It should be noted that

manufacturers do not sell vehicles to consumers; they only sell to dealers.

With respect to section 13(4) of the bill, our members are equally concerned about the mandate for the vehicle standards advisory board to use the methodology used by the California Air Resources Board in establishing vehicle emission standards. Mr. Nantais went through some of the similar concerns that we have in that regard so I won't belabour that point.

Moreover, as noted earlier, Bill 15 acknowledges the fact that the federal government is taking action and may take further action to reduce greenhouse gas emissions from vehicles. A national approach aligned with the U.S. federal regulation is the only rational approach to setting vehicle emission-fuel economy standards in Canada.

In section 14(1) of Bill 15, the Lieutenant-Governor-in-Council has the authority to make very prescriptive regulations regarding the methodology of determining the efficiency of new motor vehicles, the establishment of efficiency standards and, perhaps most disconcerting, the setting of minimum volumes of vehicles that must be purchased, must be distributed, that meet a prescribed efficiency or emission standard, use low emission emitting technologies or high efficiency vehicles.

These regulatory powers that would be conferred upon the Lieutenant-Governor-in-Council are fraught with problems. For instance, such regulatory authority could result in Manitoba having different fuel economy standards than the rest of Canada for the same vehicle. Any unique Manitoba requirement would rely only on sales in Manitoba resulting in a reduced amount of product allocated to Manitoba.

Additionally, as already noted prescribing minimum numbers or percentages of vehicles that must be distributed by a distributor or sold by a dealer could potentially result in such vehicles being left unsold on dealers' lots or sold at a loss to meet the prescribed targets if consumers do not purchase them.

Therefore, we see many open issues and unanswered questions regarding Bill 15 and its practicality in a North American context as a unique Manitoba standard.

Bill 15 does recognize, however, that there are other components to reducing ions from all light-duty cars and trucks as opposed to just establishing fuel efficiency standards and emissions standards for

new vehicles. Government leadership in the purchase of fuel efficient vehicles, as outlined in section 11, is a concept we can support, as is government leadership and the purchase of alternative-fuel vehicles, as outlined in section 12.

We further support the provisions of section 21 that would prohibit the importation of older motor vehicles, which recognize that older vehicles contribute an inordinate amount of smog-causing emissions compared to newer, newer vehicles and that older vehicles are generally less fuel-efficient.

Bill 15 also contemplates the use of incentives for consumers to purchase fuel-efficient or advance-technology vehicles, which we also support and commend the Province for its generous hybrid-electric vehicle rebate program which is scheduled to expire in November of this year.

With any incentive program, however, it's important to consult with industry regarding the incentive programs, provide adequate lead time for the program and define the length of time that any incentive program will be in place.

Manitoba has outlined its emissions reduction goals in Bill 15, and the members of the AIAMC are willing to participate with the Province in achieving emissions reduction from new motor vehicles. We would welcome the opportunity to be part of the proposed vehicles standards advisory board for new private vehicles. We believe the objective of reducing emissions and reductions from new motor vehicles can best be achieved and only realistically be achieved through the adoption of national fuel-economy standards that are aligned with the U.S. federal standards.

Thank you for your time. If it so pleases the committee, what I would offer to do is have Mr. Nantais come back up with me and use my 5 minutes to co-ordinate questions.

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

Mrs. Stefanson: Thank you very much. You can now take a breath because obviously that—and please have a glass of water—that was great. I just want to thank you as well for being here and presenting on behalf of your association as we believe on this side consultation of organizations, such as yours, are extremely important when coming forward with this type of legislation.

I know one thing you noted in your presentation is that there are a lot of unanswered questions. We have a number of questions that have been unanswered on our side as well and look forward to asking the minister some of those questions that, perhaps, you've been unable to to-date.

I'm just wondering if—just with respect to some of these unanswered questions, have you and your organization had the opportunity to meet with the minister to address some of these concerns that you have? If so, have some of those been addressed within this bill and are they reflected in this bill?

Mr. Adams: To answer your question, yes, we have had the opportunity to meet with the minister and his staff, but it was prior to the introduction of the bill. We've not had an opportunity to do so since the introduction of the bill, but I believe the minister has left his door open to our association as well as Mr. Nantais's association for such discussion.

Madam Chairperson: If I may, the Honourable Mr. Rondeau, and then I'll come back to Mrs. Stefanson.

Mr. Rondeau: Thank you very much for your presentation; I appreciate working with you. This is just going to be two quick questions and I'll pass it back, or do you want to finish quickly?

Mr. Derkach: Order, Madam Chairperson. We're establishing a dangerous precedent here when we leave a member and proceed to another member with questions indicating we'll come back. I thought all members were equal in this committee and, when recognized, can complete their questions.

Madam Chairperson: Fine. Mrs. Stefanson, please proceed.

Mrs. Stefanson: Just briefly as well, you mentioned that it is your understanding, the understanding of your organization, just with respect to CARB, CARB did not necessarily consider safety implications.

Can you talk to us about what some of those safety implications would be, and how that would be reflected in this bill, some of the concerns that you may have with respect to some of those issues with respect to CARB?

Mr. Adams: There are two things, I think. If you look at the National Highway Traffic Safety Administration's approach to setting fuel-economy standards, they consider the maximum, feasible, technological approach to setting those standards which includes analysis of all the various safety impacts.

* (17:50)

The safety impacts that CARB really didn't take a good look at were the safety impacts associated with the downsizing of vehicles to make them more fuel efficient. If you have larger vehicles that are on the road and you're downsizing a vehicle fleet to meet the standards that can be a cause for concern in terms of having different-sized vehicles on the road.

Mrs. Stefanson: Yes. Just one more quick question.

I know you have spoken in the past and, certainly, in your presentation it's reflective of the fact that your organization has looked at what's sort of happening internationally as well as nationally, and that the danger is that various jurisdictions start getting involved in trying to create their own sort of impression that they're really going to make a difference with respect to things that are happening out there.

I think the danger, from what I can see and some of the things that you have talked about, is that who ends up paying the price for that. It's not only the manufacturers, the dealers, but it's also the consumers. I mean, it could be that Manitobans are then going outside of Manitoba to purchase vehicles elsewhere. Who ends up—consumers will end up being hurt, I think, the most in the end. I would think that is a very significant concern and should be with respect to this government. I'm just wondering, you know, is that sort of are we on the right page here.

We know your organization, other organizations are working on a national-international strategy. Will this bill, could this bill potentially hurt consumers and take away that choice from consumers?

Mr. Adams: I think you asked: What would be hurt the most?

I think, ultimately, the environment could be hurt the most by an approach that looks at a unique standard for a very small jurisdiction. It's not practical at the end of the day to do so. I think most governments acknowledge the fact that to be truly effective—you look at the Kyoto Protocol, for instance—you need to wrap up the broadest base of countries, of entities, and set a standard for those—a set standard, an aggressive standard for that broad base, as broad a base as possible, to achieve the maximum environmental objectives. I think that's why both Mr. Nantais' association and my own are supportive of a North American approach to setting fuel consumption-fuel economy standards in order to achieve the maximum environmental benefit.

Mr. Rondeau: Thank you very much for your presentation. I'd like to thank the previous presenter. I'd also thank you for your presentations to us previously. The other thing is—I just have two sets of questions.

The first one is section 13(2)(a). After our discussions earlier, from my branch, they came up with the suggestion that, when we make recommendations on fuel efficiency, they have the most cost-effective efficiency improvements and emission reductions that are feasible for new private vehicles in each year from—so we sort of said it had to fit in a pattern, and it also had to be feasible, cost-effective and all that.

Is that a good approach? It's not following lock step with California. What it's doing is saying, what's feasible, what's cost-effective, what's doable? That's what we tried to do. Is that a good improvement on the California plan?

Madam Chairperson: Our five-minute time period has expired.

Is it the will of the committee to continue?

Mr. Derkach: I again seek leave of the committee to allow not only the presenter to answer the question, but the minister had indicated he had two questions. Being the individual who's sponsoring this bill, I would seek leave of the committee to allow him to ask his second question and to allow the presenter to answer appropriately.

Mr. Struthers: On that same point. I think I agree with the Member for Russell that the presenter should finish answering the question, and then I think, as the rule states, in five minutes we should move on to our next presenter. But I do believe you deserve a right to answer this question. I would say, as we move forward, when we know we have five minutes—I would suggest that we all know five minutes. We've all got watches on our wrists. When I tell my six-year-old he has five minutes to get to bed, generally he understands that. I think we can do that as legislators here. We have five minutes. If we have big long speeches that take up most of that five minutes and we jam our colleagues around the table, then we take responsibility for that. I suggest we hear this answer and we stick to the five minutes, just as we did on the speaker previous to this. That would be my advice, Madam Chair.

Mr. Lamoureux: I think that we got to be careful in terms of some discretionary authority. We know as we go into the presentations there are going to be a

number of presentations that are going to be made in which there are not going to be any questions. We're not going to be demanding, well, we have to sit an extra five minutes or people have to ask a question. I think there needs to be a little bit of discretion.

I wanted to ask a very short, simple, under-30-second question, which I think is very important to the constituents which I represent. Before virtually every other committee, I've always been afforded the opportunity to at least ask a very straightforward question. It's not an attempt to filibuster in any way. I think that we have to allow for that discretion. I would suggest the minister should ask his two questions. I promise my question will be within 30 seconds, but I believe it's an important question.

Madam Chairperson: Is it the will of the committee to give leave for the minister to have his question responded to? *[Agreed]*

Mr. Adams: If I recall your question, Minister, I think it is an appropriate approach but I think it's the approach that NHTSA and the U.S. has already taken to looking at establishing standards, and I think you would be trying to recreate work that NHTSA has already undertaken to set the most feasible standards, but it is an appropriate approach.

Madam Chairperson: Thank you, Mr. Adams.

Mr. Lamoureux: Madam Chair, I know I didn't get the chance to ask a question in the last presenter. Is it possible for me to get leave just to ask a 30-second question?

Madam Chairperson: Is it the will of the committee to give Mr. Lamoureux leave?

Some Honourable Members: No.

Some Honourable Members: Leave.

Madam Chairperson: Leave has been denied.

We are now on Bill 22, The Worker Recruitment and Protection Act.

Point of Order

Mr. Derkach: Madam Chair, on a point of order.

Madam Chairperson: State your point.

Mr. Derkach: Madam Chair, I would like to refer you to section 75 of *Beauchesne's* which talks about freedom of speech. "The privilege of freedom of speech is both the least questioned and the most fundamental right"—of a member of Parliament, in this case—"on the floor of the House and in

committee. It is primarily guaranteed in the British Bill of Rights which declared 'that the freedom of speech and debates or proceedings in Parliament ought not to be'—impacted—"or questioned in any court or place outside Parliament. This is taken from William and Mary, section 2(c) and 2(s).

Every member is entitled to be able to speak freely and if they feel that this right has been assailed, they may rise on a point of order on a breach of section 75. This may be raised if a member is being prevented from speaking in an instant or if their speech is cut off or hindered by another member. As with S-64, this could also be raised as a matter of privilege as an inability to speak freely, hindering a member's ability to do their job effectively.

Madam Chair, I think this speaks to this committee in that we are now seeing that not only members of this committee, but, indeed, the public, who are presenting on these bills, are not given ample opportunity to present on these bills. Now, I've been around this table for many years, and in those years that I have been around this table, I have witnessed where we have unanimously given leave of the committee for members who are presenting before committee, especially those who come from out of town or out of province to be given enough flexibility and latitude not only to state their position—and maybe there have been times when we have not agreed with what the presenters have been saying, but we have allowed them as Manitobans and as people interested in the political process to be able to state their views without limiting their time unless it goes on inordinately long.

* (18:00)

In this case, in two presenters that we've seen here this evening, we have seen one presenter who could not finish his presentation. He had about two or three pages left. We had another presenter who had to hurry through his presentation to be within the 10-minute time limit, and then there was the curtailment of questions that were asked.

The minister himself indicated he had two questions. He did not ask his second question because of the time limitation. Secondly, the member from the Liberal Party had one 30-second question to ask a presenter who came all the way from Toronto to present before this committee and was not allowed to do that. Now, I think that's a slam against democracy. That's a slam against the freedom of speech, and it is again a move by this government to

try to ram through legislation and, because they couldn't organize the way that they used their time in the House and in this session, Madam Chair, they are facing a situation now where they are entering into the last phases of an agreed-to session and are seeing themselves in a position where they can't get this legislation through smoothly because of their own failures.

That should not, Madam Chair, be reflected on the people who come before this committee to make presentation because they come to this committee understanding that we are following a democratic process where we are not cutting off freedom of speech and just like they did with other bills in this House that were introduced this session where bills were not introduced for second reading until two weeks ago.

Madam Chair, that is unprecedented in this House, and then we are expected to deal with committee in a way in which we are going to cut off proper debate, proper presentation before this committee and proper questioning. I have never seen this kind of action before in a government.

Madam Chair, I was on the side of government when we would allow, as a matter of principle, an extension to people who wanted to make presentations before a committee. That was not a question. That precedent has been set time and time again. This is not a new thing. What is new about this is the fact that we are now seeing a government who wants to cut off debate, who wants to cut off the ability of people to make presentation.

Madam Chair, because the government knew that there was a deadline to pass these bills into committee, it waited to have second reading of these bills at the latest possible time so there would not be proper debate in the House and then, through a form of closure, on the 22nd of this month all bills passed into committee that were in second reading, not giving members of the House adequate time to debate these bills and not allowing for adequate time for these bills to get the due process they deserve. So tonight we see the same tactic being performed by this government in trying to curtail the presentations that are made before this committee and in trying to curtail the questions that are being posed to the questioners.

Madam Chair, I think it is an affront to the members of this committee, the members of the Legislature in this province. This is an unprecedented way of a government to deal with

issues that it has before us, difficult ones, but if it's going to cut off the ability of people to make representation, the ability of members of this Legislature to debate in second reading because they run out of time because bills were not introduced for second reading until the deadline dates, that is an affront to democracy. It is an affront to the ability of people to make presentations in front of this committee, and it's just another way of this government to show its hand in trying to ram through legislation without giving ample and adequate consultative process.

Madam Chairperson: On the point of order raised by Mr. Derkach, he does not—excuse me, the Honourable Mr. Struthers.

Mr. Struthers: Yes, thank you Madam Chairperson. I think it's maybe a conspiracy theory but not a point of order.

I remember those days that the Member for Russell looks back fondly on as the good old days of the milk and honey—

Floor Comment: You weren't here.

Mr. Struthers: Absolutely, I was here. From 1995 to 1999 I saw that government close down debate time after time after time. *[interjection]* Absolutely, they did, but you know what, Madam Chair, that's not relevant—

Madam Chairperson: The Honourable Mr. Struthers, can you please state your point of order.

Mr. Struthers: Right. That's not relevant and maybe that is a point of order if the member wants to get up and get me on being relevant, but I couldn't help that little one.

Madam Chairperson, all of what the member brought forward in his point of order was agreed upon by House leaders, was agreed upon by members opposite at this very table. They agreed to do the session the way it's unfolding. That's agreed to. That's not any government trying to ram anything anywhere.

The other point that I absolutely need to make is that we have had how many months from the last time we sat at this table to change the rules? If you don't like the 10 minutes and then the five minutes, why didn't you bring this forward? Why wouldn't you change this now?

I suggest very clearly that this is grandstanding, that this is showmanship. If we want to change the

rules, we do it well before we sit at this table and embarrass ourselves in front of fellow Manitobans. There has to be a much better way—*[interjection]* You're not going to cut me off. I'm on a point of order, Madam Chairperson.

Madam Chairperson: On a point of order, Mr. Maguire.

Mr. Maguire: The Member for Dauphin may be vexatious, but he certainly doesn't have a point of order.

Madam Chairperson: I'm sorry, I've just been corrected. I can't listen to a point of order when one is being debated.

Mr. Struthers: I appreciate that, Madam Chairperson.

I'm not going to be cut off because we've all agreed to the rules that we're going by here this evening. We've all agreed to that. If we wanted to change these rules, we could have done them any time from the last time we had presentations made to these committees to now. We've got lots of time between now and the next time we get together. I hope to heck that we deal with these things before we start embarrassing ourselves in front of Manitobans, as we're doing tonight.

So I would suggest that this, absolutely, is not a point of order. I would suggest that we stick to 10 minutes on the presentations, five minutes on the questions. If we go over the 10 minutes, then we can take from that five minutes for a total of 15. That seems to me to be a common-sense way to do this. It seems that we can all agree to that if we put our little petty politics to the side and decide we're going to listen to Manitobans. Thank you, Madam Chairperson.

Madam Chairperson: Thank you very much. I have heard on Mr. Derkach's point of order. I will rule on that one before I hear Mr. Maguire's point of order.

On a point of order raised by Mr. Derkach, he does not have a point of order according to—our rules of the House take precedence over *Beauchesne*. According to rule 92(2), when persons are registered to make presentations to a standing committee or a special committee considering the bill, the committee must allow each presenter a maximum of 10 minutes to make a presentation, and an additional five minutes to respond to questions from members of the committee.

Mr. Maguire: On the same rule, Madam Chairperson. I've only been in this Legislature for nine years, but it's been my experience that anything can be done in a committee or in the House if there is leave of both sides of the House to do that transaction. All that's been asked here is for a couple of minutes extra to ask questions of individuals with the co-operation of both sides of the House, and that could have been done.

So that's my point, Madam Chair. If anyone is grandstanding here and should be embarrassed about it, it's the Member for Dauphin. He won't give a couple of minutes from the government's side, and it's their bills. They won't even let their own minister ask the questions. So I just leave it at that. Thanks.

Madam Chairperson: Thank you, Mr. Maguire.

Mr. Lamoureux: On the same point of order, Madam Chairperson. In making your previous ruling, one of the things that is always taken into consideration is precedence in terms of what has taken place in the past. I wouldn't want committee members or members of the public to walk away believing that we're so stringent that if they go over 10 minutes that the clock is going to end and they have to walk away from the table, because that's not the case.

Quite often, we do extend leave to allow a member of the public to be able to finish their remarks. Quite often, committee also allows leave to allow members to go beyond the five minutes. I don't know what happened in the first hour of the committee, but I do know that has been the tradition of all committees of this Legislature, in terms of committees listening to bills. I wouldn't want to see us deviate from that because I think that was the ultimate compromise when we changed the rules from a time in which it was unlimited presentation time, unlimited questions. So I don't think we want to be more restrictive.

So that would be my comments in terms of the point of order establishing what—when you reflect on a rule in our rulebook, you also have to take into consideration the precedence of how the committees operated in the past.

* (18:10)

Mr. Swan: People here tonight may not know that actually Manitoba is one of the rare jurisdictions in the world where any citizen has the right to come forward and present on any bill. I think that's a good thing. It's not one party or the other. That's been the

practice that has been created here in Manitoba, and it's a very positive thing. But, with that, do come responsibilities. We have a great number of people who want to present on the various bills, and I think it's fair that there be a 10-minute time limit, as has been set out in the rules, that there be a five-minute time limit on questions, as is set out in the rules, as agreed by all parties. I think it's only fair that every citizen who wants to can come to speak, but it's not unfair to expect every citizen to make sure that their presentation fits within the 10 minutes and that other people who are patiently waiting—I know there are many people patiently waiting tonight—know that there will be progress towards eventually getting up and letting us know what they have to say. Thank you, Madam Chairperson.

Madam Chairperson: Thank you. The point of order has been ruled on, and unless there is a willingness on the entire committee to extend beyond the 10-minute presentation or five-minute question-and-answer that is the only circumstance under which those time limits can be extended.

Bill 22—The Worker Recruitment and Protection Act

Madam Chairperson: So we are now on Bill 22, The Worker Recruitment and Protection Act, and I would like to call upon Mr. Ross Eastley, the Canadian Migration Institute.

Please proceed with your presentation, Mr. Eastley.

Mr. Ross Eastley (Canadian Migration Institute): Thank you. Good evening, my name is Ross Eastley. I'm here to address the committee in my capacity as managing director of the Canadian Migration Institute, or CMI. I would like to thank the Chair and the committee for allowing me the time to speak on the issue of temporary foreign workers and the proposed legislation in Manitoba that will better protect them from unscrupulous recruiters and agencies. I will speak to you today on behalf of the professional association representing authorized immigration consultation. My colleague from the Canadian Society of Immigration Consultations, Mr. John Ryan, will speak to you as the regulator for immigration consultants.

As a professional association, we are in support of Bill 22, the new Worker Recruitment and Protection Act.

In the first part of my presentation, I will try and explain the context and the priorities for CMI. CMI

was created by the Canadian Society of Immigration Consultants, or CSIC, as the wholly-owned subsidiary of CSIC. CMI operates independently of CSIC to educate, accredit, and advocate on immigration law and policy. CMI allows the industry to respond to industry-specific issues in a timely manner. The creation of CMI has allowed the regulator, CSIC, to focus on the processes and structures, such that CSIC can fulfil its primary role of consumer protection and member accreditation. CMI's mandate is education, accreditation and advocacy.

CMI submitted its first brief in January 2008 as a participant in the consultations on the Canadian Experience Class avenue which was being proposed by Citizenship and Immigration Canada. In addition, CMI has submitted a presentation in April to the Standing Committee of Citizenship and Immigration Canada. Additionally, CMI held an initial workshop in April in Toronto, which had in excess of 300 authorized immigration consultants attending. This workshop was an educational event, which provided a source of continuing professional development credits for authorized immigration consultants. CMI is now in the process of providing the videos from this workshop on-line, so additional authorized consultants may obtain the knowledge basically worldwide.

Specific comments about Bill 22—the first one is on unauthorized or ghost agents. One of the issues the industry encounters on a regular basis is the issue of ghost agents or unauthorized immigration consultants. These unauthorized agents are, in effect, not part of any regulated organization. As a result, the consumers who utilize the services of the unauthorized agents are vulnerable.

The industry endorses and embraces regulation, as this provides a means for the industry to take action against those authorized consultants who behave in an unethical manner. This is a very similar mode of operation to other professional operations.

It is important to note that the industry can only take action against those immigration consultants who are authorized. Within the industry, we depend on our various partners such as the provincial governments, the federal government, the various police associations, the Canadian Border Services Agency and the regulators, be they CSIC or the various provincial law societies, to take action in order to eliminate the practice of unauthorized

agents, as the unauthorized agents, of course, operate outside the realm of consumer protection.

We see the introduction of Bill 22 as an action by a provincial government to control the activities of unauthorized agents. Foreign recruitment, of course, involves provincial issues in the area of employment law as well as federal issues, as it regulates immigration matters. Thus, we very much endorse the approach being proposed in Manitoba, as the legislation is sensitive to the areas of jurisdiction. In short, Bill 22 represents a tool to deal with unauthorized agents.

The second item—enhancement of the regulations. As I have indicated, the regulation process which has been put in place requires that the various organizations such as the federal government, the provincial government, plus the various regulatory bodies, work together in partnership to ensure the intent of the regulations is actually implemented.

The actions by the Manitoba government to complement the Immigration and Refugee Protection Act's regulations enhance the protection available to the consumer, in this case, the foreign worker destined for Manitoba.

In order to facilitate the development of the profession, we strongly support this approach as we see Bill 22 as being complementary to the federal regulations, plus being, in effect, an enhancement of these regulations.

The third item I'd like to comment on is the mechanics of Bill 22. Our interpretation of the provisions within the legislation is that there will be strong tools provided, so the government can actively take the appropriate measures to ensure the unauthorized agents will be controlled.

This is important because some of our partners do not have sufficient provisions within their legislative framework to take the appropriate action against the unauthorized representatives or agents. I am referring specifically to the fines and collection mechanisms which Bill 22 will provide for the government.

For these reasons, we very much endorse the initiatives being undertaken by the Manitoba government. That is the extent of my comments.

Madam Chairperson: Thank you for your presentation.

Do members of the committee have questions for the presenter?

Mrs. Mavis Taillieu (Morris): I want to thank you very much for the presentation and coming all the way to do so.

I just had a couple of questions I might ask, and I'm assuming that you have had consultation on this bill, seeing as you are endorsing it. So that's the first question. I know that you support the bill and we would support the bill as well, but I'm wondering if there's anything that you see that isn't in the bill that, perhaps, could be in this bill that might strengthen this bill.

Mr. Eastley: In response to your first question, yes, we have had consultations, for sure; that's been a positive from our perspective.

* (18:20)

In terms of items included in the bill, we see this as an initial step. We heartily endorse this because this is an action being taken, being initiated, by this Province. We're actually encouraging other provinces to take these kinds of steps to basically complement, if you like, the federal legislation because we see this as a very significant step forward.

Mrs. Taillieu: I'm thinking that Manitoba moving on this, then, that there are other jurisdictions that don't have similar legislation and there are—I understand the fact that there are many unscrupulous recruiters out there and certainly have preyed upon individuals and it's been a very negative situation for all involved. I also know in Manitoba there are some recruiters who are very reputable and have done a lot of good work and I'm wondering if they are, by some of the outlines in this legislation, they would possibly not be able to proceed with their business here in Manitoba, and then they would be moving to other provinces where there's not similar legislation and perhaps also recruiting people in other provinces where we would be losing those potential workers in our province. I'm wondering how this is—how you see this impacting on people going to other areas that they can get immigration in another manner?

Mr. Eastley: There's an important distinction. There are elements within this that refer specifically to recruiters and their activities, and recruiting domestically is different than the item we're particularly interested in and that is with immigration, so that the recruitment activities in relation to immigration is the area that we are

particularly concerned about, and tying it together with immigration is the item that we have a particular concern about and that's the area that we are concentrating on. I really can't comment on the issue regarding other recruitment activities.

Mr. Larry Maguire (Arthur-Virden): Thank you very much, Mr. Eastley, for your presentation. I appreciate your opportunity to hear your presentation, for you being here tonight.

You've talked about your workshop that you held in April nationally and the 350 authorized immigration consultants. How many immigration consultants would there be across Canada, and can you provide me with a number that may be in existence that are licensed in Manitoba?

Mr. Eastley: I can't specifically—we could provide that as supplementary information that is separate from CMI. CMI operates specifically as the professional arm, if you like, involved in education. In terms of authorized agents that are part of CSIC, I believe my colleague will be commenting on that but I am aware there are approximately 1,275-1,280. That's across Canada and outside of Canada, because it's a national body.

Mrs. Taillieu: Is there a provincial body that is similar, or would be a counterpart in Manitoba for the Canadian Migration Institute?

Mr. Eastley: No, there's not. Immigration-related matters are a federal undertaking, so it's a federal organization, the federal professional association, and the regulator is the federal organization as well.

Madam Chairperson: Time for question and answers has expired. Thank you.

The next presenter is John Ryan, Canadian Society of Immigration Consultants.

Please proceed with your presentation.

Mr. John Ryan (Canadian Society of Immigration Consultants): Thank you, Madam Chair. Good evening. I know that it's just been pointed out, my presentation's—good morning. No, I'm not suffering from time lag.

My name is John Ryan, and I am here this evening to address the committee in my capacity as the chair of the Canadian Society of Immigration Consultants.

I would like to thank the Chair and the committee for allowing me time to speak on the issue of temporary foreign workers and the proposed

legislation that Manitoba will better protect them from unscrupulous recruiters and agencies. I will speak to you today as the national regulator of immigration consultants who is completely supportive of Bill 22, the new Worker Recruitment and Protection Act.

In the first part of this presentation I will try and explain the context and the priorities of our organization so that you may better understand why we support this bill. Then I will briefly explain our specific reasons for endorsing it.

I will begin by describing the role of the Canadian Society of Immigration Consultants. CSIC, a short form, is an independent, not-for-profit body that has been responsible for regulating the activities of immigration consultants nationally who are members and who provide immigration advice for a fee.

Mr. Vice-Chairperson in the Chair

Since April 2004, when amendments to the federal Immigration and Refugee Protection Act, IRPA, took effect, only authorized representatives, specifically lawyers, Québec notaries and members of the Canadian Society of Immigration Consultants may appear before the Minister of Citizenship and Immigration on applications for a fee. In addition, we can appear in front of CBSA, the IRB and other agencies of the government in and for applications before the minister.

We are responsible for regulating the activities of our members, approximately 1,280 of them, as well as for ensuring education and competency testing. We have put in place membership standards, an enforceable code of conduct, a credible complaint and discipline mechanism and an errors and omissions insurance requirement for immigration consultants nationally and internationally.

Central to everything we do is our mandate to protect the consumers of immigration consulting services through regulation.

We, therefore, take the issue protecting workers who may be vulnerable to exploitation by unscrupulous temporary foreign worker recruitment agencies, nanny agencies, modelling agencies extremely seriously. We at CSIC work tirelessly to ensure consistent standards are followed across the country so that consumers of immigration services are protected. In fact, one of the main reasons for the creation of CSIC was that immigration consultants do not operate under any one single provincial

jurisdiction; they deal with multiple provincial jurisdictions, the federal government and, yes, in fact, foreign governments. We at CSIC continue to support the efforts of any and all provincial governments to apply standard regulation through Canada to ensure maximum protection of consumers of immigration consulting services.

That is why we are here today, to express our support for Bill 22, the proposed new Worker Recruitment and Protection Act. The laws of many provinces already prohibit agents and recruiters from charging workers fees for their services, and the Alberta government has recently set up two special advisory offices to work and provide one-stop access to information and services for temporary foreign workers.

Bill 22, however, includes what we strongly believe to be added protection for consumers. It requires all third-party recruiters to be licensed by the Province and, we understand, to be members in good standing of a provincial or territorial law society, the Canadian Society of Immigration Consultants or the *Chambre de notaires de Québec* which are authorized representatives under the Immigration and Refugee Protection Act.

* (18:30)

Further, as a regulator, we work in the public interest and have implemented errors and omission insurance. We believe that we have to have a high standard of accountability and professionalism in the industry. All of this means that CSIC members are held to high standards of professional conduct and provisions of Bill 22 that require all third-party recruiters to be members in good standing of one of the authorized representative bodies.

Improved intelligence and enforcements are important. With that said, the majority of complaints that we, as a regulator, have received from temporary foreign-worker applicants relate to individuals and organizations who are not our members.

Groups of unskilled workers are guaranteed employment in Canada at enticing wage rates. They have been promised that they will have permanent resident status within a year or two. They are required to pay—and I have personally seen contracts between employees and agents—up to \$60,000 Canadian, or 600 some-odd thousand RMB, in exchange for a job in Canada which pays \$12 Canadian. They are also sometimes required to pay for travel expenses, travel documents and, in some

situations, applicants have had to pay for fraudulent anti-terrorism certificates and United Nations travel documents.

The labour agents offer services on-line, are located both inside and outside Canada. While we do not have jurisdiction to act against these agents because they are not our members, we do ensure that non-jurisdictional matters brought to our attention are referred to appropriate authorities for follow-up.

We also continue to press the federal government to bring about stronger, intelligent, enforcement provisions related to unauthorized, improper or unscrupulous practices. This raises another important dimension of the new legislation in Manitoba, namely the increased penalties for contravening the legislation. Increased monitoring and the authority to refuse or revoke an employment licence, along with the provisions for investigating and recovering money wrongfully taken from workers, means that Manitoba is bringing forward strong enforcement that we at CSIC believe should be implemented nationally.

Given the increasing numbers and importance of temporary foreign workers in fulfilling market-labour needs in Manitoba and across Canada, we believe the new Worker Recruitment and Protection Act is entirely consistent with the purposes and priorities of the Canadian Society of Immigration Consultants.

Both the bill and our organization are committed to increasing the protection of temporary foreign workers from unscrupulous recruiters and agencies. Implementing accountability for all immigrant recruiters and agencies will improve the Canadian immigration process and protect those who are most susceptible to exploitation.

That is why this legislation is important to us and why we believe it is so important for consumers and the province of Manitoba and Canada in general. Thank you and I welcome your questions.

Mr. Vice-Chairperson: Thank you very much for your presentation.

Are there any questions for the presenter?

Mrs. Taillieu: Thank you for coming all this way and making your presentation. We appreciate it very much. I wanted to ask you just two questions.

First of all, the question that I asked of the previous presenter, do you see anything that you

think that could be added to this bill to strengthen the bill?

Secondly, do you have any experience of these kinds of things across Canada, and has there been a higher incidence of unscrupulous recruiters and exploitation here in Manitoba?

Mr. Ryan: I think, to your first question, Mr. Vice-Chairperson, for the member's question—first of all, the Manitoba legislation really is complementary to what already exists in the Immigration Refugee Protection Act in that it allows the Province to exert its jurisdiction in the area of employment law, while the federal law allows the federal government to exert its jurisdiction on areas regarding foreign nationals, foreign workers.

So we think it's not contradictory; we think, actually, it's a promotion of a national standard and it enhances our ability to assist the consumer and protect vulnerable individuals.

To your second question with respect to abuses in Manitoba, we have seen abuses all over Canada, including Manitoba. We have 40 some-odd members here in Manitoba. The issue is, those members who are affected by this legislation, in my opinion, should be very supportive of this legislation, because it allows them to set themselves apart from those unscrupulous and rogue agents who would otherwise tar them as professionals on one level.

Secondly, being professionals, they have an interest in their clients and their clients' welfare. Therefore, in my view, there certainly will be some dislocation or re-adjustment required among those consultants within Manitoba in terms of their business models, but we think that, in the mid to long term, it will be very beneficial for those consultants who work in the province of Manitoba.

Mr. Kevin Lamoureux (Inkster): Mr. Ryan, I agree with your assessment. I think that the legislation is very good legislation. At the end of the day, I think there'll be less exploitation and, to that degree, I support it.

There is one concern that I do have and it's not as much with the legislation. The legislation enables a greater role for CSIC and the concern I have is those individuals that are legitimate, community-minded, wannabe consultants and ensuring that they're going to be afforded the opportunity to become a member of your association.

Can you tell us in terms of—what can you tell us about becoming a member of your association?

Mr. Ryan: We've gone through a period in the last four years of moving from an unregulated space to a regulated space and we've had a period of transition which allowed members to come in and have a period of time to adjust the standards.

Currently, the standards of the society are: you must complete a college program in immigration law and policy, practitioner program; then you must pass our professional bar and you must achieve a minimum standard on English or French abilities depending on your preference. In addition, you have to demonstrate your good character, that you are of good character and that you will abide by the rules of professional conduct and the other rules and policies of the society, much the same as the Law Society would do in any provincial jurisdiction.

Mr. Lamoureux: I use it as a suggestion because I am concerned. I think that maybe CSIC could work with Red River College. I don't believe that there is currently a course being provided in Manitoba. I think that if we want to enable, given that this is really significant legislation, I would suggest to you it's leading the country, that there is a responsibility for CSIC to ensure that we're enabling local people to become immigration consultants.

Have you talked to Red River College at all or can you make the commitment to the committee that you will attempt to do that, to explain how important it is to get the course?

Mr. Ryan: Absolutely. In fact, on our Web site, it's clear for any college in Canada, any education institution, they can apply to be an education provider, prepare a program based on our education standards which are also available on the Web site in terms of the program they must offer.

They can apply to the society for accreditation. We'd be more than happy to hear from Red River College to make that application and put forward a program that they would like to have us look at.

Mr. Vice-Chairperson: I see that our five minutes are up. I'd like to thank you for your presentation and for your time with us here this evening. Thank you very much.

This concludes the people on my list who are out of province. I know our committee hearings are a popular tourist destination, but is there anyone else in the room who is from out of province who would

like to present on one of our pieces of legislation tonight?

Seeing none, we will now move to the out-of-town presenters.

Bill 15—The Climate Change and Emissions Reductions Act

Mr. Vice-Chairperson: I believe the first one on our list is Ms. Gaile Whelan-Enns presenting to Bill 15. Is she present? Ms. Gail Whelan-Enns. There she is.

Do you have copies of your presentation for the committee?

Ms. Gaile Whelan-Enns (Manitoba Wildlands): No. I apologize for that.

Mr. Vice-Chairperson: *Hansard* will help us with that. Please begin with your presentation.

* (18:40)

Ms. Whelan-Enns: I'm just going to make sure I'm audible. Hi.

As announced, I'm Gail Whelan-Enns, Director of Manitoba Wildlands here in the province. We are members of Climate Action Network for Canada. I returned on Thursday after a lot of strange detours in American airports from the Western Climate Initiative stakeholders sessions in Salt Lake City, so this is timely; this is appropriate.

I would ask the Chair for a hand wave or something when I'm down to two minutes. I'd really appreciate that.

Okay, I am here in support of Manitoba's bill and for Manitoba to have, in fact, climate action legislation. We are looking forward to the steps in terms of the regulations under this bill. I'll have some comments on that also. We realize this is a draft bill only and that there's much more work to be done on the bill. We also assume that the definitions in the bill will end up being expanded and perhaps added to as the bill is developed and becomes an act. Here's a for-instance—3(1): The Kyoto target actually is for emissions to be reduced during the 2008-2012 reporting period by an average of 6 percent less than the 1990 emissions period for that four-year period. There's a difference, if you will, between what I just said and how the definition is currently reading in your bill.

We also note, and I made the reference to the WCI, that the Manitoba government has signed, both the WCI and the mid-central climate initiative, and

thresholds for emission reporting under the WCI will be much more specific than Canada's greenhouse gas inventory is looking for. Manitoba then will, in fact, be reporting based on having signed in to the east continental initiatives at a much more specific level as in as low as potentially 10,000 tonne, rather than a 100,000 or 300,000 for large emitters. So this means—this is good news if you look at it as good news—more sites, more emissions, and more opportunities to identify reductions as long as Manitoba is tracking and reporting emissions. So, basically, we will in fact be reducing our emissions as long as we are tracking accurately and reporting accurately.

The first reporting period for the WCI is '09 to '12; there's some very important overlap there, so we would like to recommend that both of the other sets of emission reduction targets that the Manitoba government has agreed to, be written into Bill 15. At the very least, this bill is looking for a preamble and a clear acknowledgement of these other sets of relationships, responsibilities, and sign ons.

We would also be inclined to suggest that 3(3) then be brought into line in terms of that recommendation, and that 5(1) and 5(2) be looked at also because there's more, much more in reporting requirements in these obligations that the government has already signed on to.

We hope that the government is, of course, going to, in fact, make sure that all of the models for tracking both thresholds and carbon—thresholds and emissions and reductions will, in fact, all be consistent, versus varying from each other and causing—oh, I'm getting a look from the minister. Okay, I'm obligated, I'm here from civil society to say, get your reporting and your data out there, transparent, clear, understandable and also where it will motivate citizens, companies, people who work for government and industry.

On the reporting section of the bill, there is a bit of an oddity on the same track here, and that is Manitoba will be reporting in terms of these other climate initiatives. So I would suggest that an annual report that's a year delayed being tabled in the Legislature, which is the old model, needs to be rethought, and this bill should specify all the forms of reporting that are going to occur. It's also probably high time for these annual reports to, in fact, be on-line. It's long overdue for government in Manitoba to get all reports to the Legislature on-line; here's your opportunity.

So I think that the public will, business will, and government will in Manitoba—to meet climate emission reductions and their targets—will have to be matched by quality in access to information reporting and data. That's sort of self-evident but I thought I'd repeat it again; 5(5) then may, in fact, need some adjustment based on our recommendations, and 5(6) is also, again, a reference to a report to the Legislature, and really there's a lot of reporting here and some real opportunities to step up as Manitoba has stepped up in a variety of things to do with climate change and Kyoto over the last four years. You can basically show B.C. and Québec, who are also in WCI now, and Ontario who badly wants in, you can show them how to do it. Okay.

Then there's the registry. A voluntary registry is great, but it's really, again, same comment—thank you—only a small part of what is overall going to be required and which the government has already agreed to in terms of reporting and registries. The Climate Registry out of Chicago, out of the Chicago stock market is a piece of all this in terms of both of the western and the mid-central climate initiative. So I think this needs a look-see. If one's out of the gate, both in Canada and continentally with this kind of an act, then the opportunity to show how to do it and get it right, to work with other governments and really show that Canada's ahead of the States—also, all of these opportunities are on the table in terms of how to basically build up the bill.

Now, 76 is definitions of construction projects. I have a sort of a sarcastic question: why is it only buildings? I've been writing letters. Some of the ministers in the room probably know this. I've been writing letters on behalf of Manitoba Wildlands for several years now, making suggestions in terms of how climate change impacts and the impacts of climate change on developments and projects in Manitoba can be included in licensing. The task force in 2001 strongly recommended this. We have a very narrow definition of this bill right now. We need to go beyond just buildings. We need to get into all infrastructure in the province. Some of the letters I was referring to were with strong recommendations to make sure that the expansion of the floodway, in fact, had clear standards in terms of being a golden opportunity as a public works project to start to, in fact, indicate carbon levels, indicate emissions and how they were going to, in fact, be made neutral.

So, again, it's an opportunity, not just a complaint. I would strongly recommend that all—that this definition here be much widened. I think there

are some jurisdictions who are a wee bit ahead of Manitoba on this one. Okay. Now, that would mean that all public works would be included, and I'll come back to that.

Twelve is about alternative fuels. I didn't bring copies of the *Fortune* magazine editorial this week, but I figure if *Fortune* magazine is warning all governments in the western world to convert and adjust all their ethanol and biofuels systems to cellulose and waste only, and do it yesterday, and stop subsidies to fuel crops, then it's not just funny environmentalists saying it anymore. That's all there is to say on 12; you need to really think this one through before the bill is enacted.

Okay, on fuel efficiency there needs to be a little bit of reassurance on the fuel standards and a reminder that WCI partners will all be pretty much agreeing to the same fuel efficiency standards. They've all, as governments, got the same challenges that you've been hearing from international organizations and national organizations today. We would like to suggest that all the fleets in the province coming under this act, not just government fleets.

On 16, under Hydro—and I'm going to talk fast, I guess—there's nothing here about Manitoba Hydro's emissions, yet your definitions at the front of the bill clearly include GHGs that Manitoba Hydro acknowledges that they produce. How come? So, doesn't make a lot of sense.

2005, the wet year. Methane, the province was full of methane. Manitoba Hydro's GHG data right now is marked as private in Canada's inventory. Something sort of needs to give here, and I would suggest that publicly-owned utilities across Canada are all going to have the same problem, and it goes right back to all the continental agreements and all of the utilities that are in the States. Okay.

We would like some assurance and some consideration by the committee that all the work on the regulations under this bill will have an understandable public process. You're going to have the strongest and, I think, the best input and help on this that way. We do support the bill, as I said. It's very good to see that we're at this stage in Manitoba, and we do look forward to some additions and some changes as you go, and we look forward to participating.

Mr. Vice-Chairperson: Thank you very much for your presentation. Mr. Derkach.

Mr. Leonard Derkach (Russell): Mrs. Stefanson was ahead of me.

Mr. Vice-Chairperson: Okay, Ms. Stefanson.

* (18:50)

Mrs. Heather Stefanson (Tuxedo): Mr. Vice-Chair, and thank you, Gaile, for your presentation today.

A quick question for you. The government has announced in the past that, yes, they want to meet the Kyoto targets and that is in the bill by 2012. They've also stated that they want to reach 2000 levels by 2010, which only goes about 5 percent of the way towards meeting that overall target. So, by 2010, that leaves a year or so, or two years, to meet that other 95 percent.

Do you believe that it's really doable to meet that other 95 percent in the last year? If they're really committed to reducing greenhouse gas emissions over the five year period, then why would they not do a more gradual approach to it?

If it's five years, maybe 20 percent a year or something along those lines. I just want your comments on whether or not this is going to be achieved and why would they just set the 5 percent target upfront and then the remainder to be done, which will be done after the next election, because it's been set now.

Ms. Whelan-Enns: It's confusing, but the answer is actually in the will of Manitobans.

If you take a look at how many virtual dams, for instance, have occurred, they're 200 megawatt each because it's a similarity to the Wuskwatim output. We're working on the third.

The challenge has probably got to do with—and this is just an opinion—that we're not yet having inventory budgets and tracking and reporting.

So I think these things are doable but, I believe, the little 2010 target is a bit odd. The day that the bill was tabled, the media were certainly asking the same question. I'm a little bit of an advocate of transparency and information in the hands of people who can make a difference. I really think that reporting is going to be fairly important.

Now, the commitments the day that the bill was tabled were very specific to these targets being met, based on actual, real, live reductions inside Manitoba. That is also very good news and it's all doable.

We have a bit of a gap in terms of actually having the information and for people to have knowledge of what's going on. We also need to move pretty fast in terms of moving from volunteer registry to required registry, as a for-instance; that was in my recommendations. Just as we can move from government car fleets to all corporate company and industrial car fleets very quickly, we have a stated intention to reach a whole lot of reductions and emissions from large emitters in the province, without having to regulate. That's got to move pretty fast then.

There was specific questioning in that press conference about whether the targets will be met before the next election and the answer consistently was, yes. I'm sure you've heard that also in the Legislature but we're a little late. We're late in a sense that the task force was '01, the first climate plan was '02. We would have benefited, I think, in terms of the will to act in Manitoba from more reporting back on the first plan.

So we need to move very rapidly to action. My role is to help make that happen, which goes to all political parties.

Mr. Vice-Chairperson: We have about a minute left.

Mrs. Stefanson: I appreciate your comments very much. Just a quick question for you and you may have covered this already but, just with respect to the reporting, it doesn't start until 2010.

You've already talked about the fact that we originally talked about this back in 2000, 2001, 2002. Should the reporting not start right away?

Ms. Whelan-Enns: Need to stay in sequence here.

Yes, I actually believe that some specific reporting, perhaps by certain sectors, and charging up the voluntary registry, doing some very specific case studies and a lot of public information would, away ahead of whatever's going to happen in 2010, make a difference in terms of actions and decisions. Businesses have got to make decisions.

It's great to be ending coal, but we didn't have much coal. I'd like to see the mills and plants that are going to stop using coal to be case studies and models in terms of co-generation and a whole variety of spin-offs. If you do it right, then you actually aren't just doing one thing and the spin-offs start happening. But yes, why not every school in the province, starting in September?

Mr. Vice-Chairperson: Thank you very much for your time.

Bill 27—The Shellmouth Dam and Other Water Control Works Management and Compensation Act

Mr. Vice-Chairperson: Our next presenter from out of town is Mr. Cliff Trinder, presenting on Bill 27, the Shellmouth Dam. Is Mr. Trinder in the audience with us tonight?

Madam Chairperson in the Chair

Committee Substitution

Madam Chairperson: For the information of the committee, I would like to make the following membership substitutions effective immediately for the Standing Committee on Social and Economic Development: on Monday, May 26, '08, the Honourable Ms. Melnick for the Honourable Mr. Struthers.

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Madam Chairperson: Mr. Trinder, please proceed with your presentation.

Mr. Cliff Trinder (Private Citizen): Thank you very much. I would like to take the opportunity to thank you for the capacity to come and state our situation and have some input into this bill.

My name is Cliff Trinder. I'm a private landowner in the western part of Manitoba in the Russell area, downstream from the Shellmouth Dam, which is the subject of this.

I'll go right ahead and I'll read the initial part of this presentation, kind of give you a background as to what the concerns are and how it's affecting us.

Problems occur on privately-owned lands that are agriculturally zoned and adjacent to the Assiniboine River. The affected properties are in the province of Manitoba and located downstream of the Shellmouth Dam.

I will address any particular concerns to my immediate vicinity which is on the Assiniboine River from the Shellmouth Dam to the Qu'Appelle River.

After 80-plus years of successful agricultural use of these lands, a dam was constructed on this river in the 1960s and began operation in the early 1970s, with the reservoir filling quickly. The operation was primary for flood control for the province of Manitoba, along with the Portage Diversion of the Assiniboine and the Red River Floodway.

The effects were immediate. There was little overland flooding, but the river was often at bank-full capacity for a good portion of the summer, and these high flows were much later than would be normal. This was almost the reverse of the previous flow patterns and was detrimental to the agricultural use.

The negative effects were: the loss of native hay stands; the high flows and small floods that extended the saturated lands late into the growing season; the erosion of river banks at an extreme rate due to the high flows much later in the season; the extreme changes in river flows, an example being, during August of 2006, the river was lowered from bank-full to nominal flow in just a few days; winter flows as much as 12 times historical; and increased costs due to loss of tame hay stands, agricultural inputs, et cetera, due to the erratic flows controlled by the operation of the Shellmouth Dam.

To make a bad situation worse, the operation regime was changed in the 1980s to have a higher emphasis on water storage in the reservoir than previously, and has resulted in a number of occasions where the reservoir was not lowered to its maximum and major flooding resulted. This then resulted in years when the land was not usable for the entire season. Without the dam and reservoir, the land would have had more water earlier in the season, which then would have drained off, and the land could be used as in the past, or as previous to the dam being there.

The above situation worsened by another action of the Manitoba government. The government had legislation that controls and licenses the establishment of land drainage, both private and institutional. They are responsible for changes in Saskatchewan's contributions as it affects our landowners. Manitoba has not enforced its own laws and has not held Saskatchewan to account for their lack of enforcement of their drainage laws. This has resulted in volumes of water that are now beyond the capacity of the watershed and, as in 2006, much of the land was unusable for part of our 90-day growing season. As a result, we had the loss of the entire year for agricultural purposes.

* (19:00)

There is also the fact that Manitoba has licensed and allowed large areas of clear-cut logging in the Assiniboine watershed in the Duck Mountain. Louisiana-Pacific has, by their own account, deforested approximately 15,000 acres in recent

years in this watershed, with an undetermined area licensed to other operators. This has been done with no studies as to the effects on water yield to the watershed, but it is agreed by all that the increase is significant. These increased volumes projected forward are going to be a challenge to the management of the river. I believe that Water Stewardship will have to change its operating goals to include flows that will exceed the capacity of the limited channel in this region, being Shellmouth to St. Lazare. In other words, a planned flood within the growing season. This will be needed for safe and effective management of the Shellmouth reservoir.

Within this proposed act, this would also mean unending claims. For the ranchers who use the land to produce winter feed for livestock, there will be little predictable production. This will not be acceptable for either interests, in our opinion.

Therefore, I would ask the following be included as a part of this act: this proposal is set up to allow the Assiniboine Valley producers, between Shellmouth and St. Lazare whose river capacity is less than 5,000 cfs—cubic feet per second—and that's a measurement of the flow of water, to purchase land elsewhere to allow them to continue farming or ranching, if that is their desire, or to retire, et cetera, whatever plans they would have going on to the future.

Chronic flooding during the 90-day growing season creates unacceptable situations and extreme hardships for landowners. A buyout will allow the government to do as it finds necessary to manage the Shellmouth Dam for the greater public good and would allow the farmers, ranchers to continue on with their lives.

Then we've got a proposal here, just with some of the conditions that are, I think, very similar to a precedent that was set in Saskatchewan that was offered for the same structure. We refer to it as the Kamsack settlement. I won't go into those, but there are a number of situations here that are terms that, I think, we would find from our viewpoint would be acceptable and, I think, they probably would be to the—it's very similar to the precedent of the Kamsack settlement.

I've also attached a number of schedules. They're listed here as they pertain to these issues.

The other point that I would like to address, and it's with the proposed legislation. It's to deal with artificial flooding, and it's on the first page. I have

this as a—it's called The Shellmouth Dam and Other Water Control Works Management and Compensation (Water Resources Administration Act Amended). It's, I think, under your—it's part of the first reading on this and it's under the definitions. I'll delve into this very quickly.

"Artificial flooding", in relation to a given event, means flooding of a water body

(a) that is caused by the operation of a designated water control work, or the operation of a designated water control work and one or more other water control works, and

(b) whereby the water body exceeds its unregulated level at the time of the event;

Now, down two, there is a definition of a "designated water control work" means

(a) the Shellmouth Dam, or

(b) any other water control work designated in the regulations for the purpose of this definition, not including the "floodway" as defined in The Red River Floodway Act insofar as it relates to "spring flooding" as defined in that Act.

I guess our concern is because of the extensive farmland drainage that has occurred in both Manitoba and Saskatchewan. A lot of it is unlicensed. Some of it is not. Or some of it—a lot of it is unlicensed, some of it is. I think we have to be very careful that these works, plus the municipal enhancements—this is on municipal property. Once this water moves off private farmland and it moves—once it moves off the private land into the public venue, it gets into the municipal drainage system, and they have been enhanced. The biggest part of our concern now and ongoing is the dramatically increased volumes of water that we're finding, and, with the limited capacity we have in our small area on the Shellmouth, I think these have to be designated. The water that's sourced from these structures, if they're defined in here, I'm fine with that, but if they're excluded, then this act really won't help us because we're having a dramatically increased amount of water. It's flooding us from that. The act is great, but it has to be included in that because it's just gone beyond the capacity.

That area of the Assiniboine River from Shellmouth to St. Lazare, as I said, has really—we start to get into trouble when we have 1,500 cubic feet per second flow. Once it gets to St. Lazare where it meets the Qu'Appelle, because of historic

flows, the channel actually goes to 5,000, and there's just that much difference.

That area has been a complaint for 35 years, right from the inception of the dam. It's been an ongoing problem. It's a bottleneck. It's caused us a tremendous amount of grief, and it has, I think, restricted the proper management. It's been a real bottleneck for the Water Stewardship people to be able to control the flows. I think probably the best solution is that we get into a buyout similar to what I refer to the Kamsack situation. Go ahead and do it.

My family has got ties back to the ranch that we're on there to 1894 so, believe me, this is not an easy situation for us to do, but we found ourselves at an end where the increased water flows from these various sources. I don't think we have an option.

Madam Chairperson: Thank you.

Do members of the committee have questions for the presenter?

Hon. Christine Melnick (Minister of Water Stewardship): Thank you for coming. I think you had a five-hour drive today for coming out and making your presentation. Certainly, I'm very interested in what you have presented this evening. We've sort of been having an ongoing discussion about the bill and the development of it, so I very much appreciate what you have in your document, and we will have a look at it.

Mr. Leonard Derkach (Russell): Thank you very much, Mr. Trinder, for your presentation. We have been back and forth on this issue for many years, and you've certainly felt the impact of the changing regimes of the dam and the different management styles of the dam, and your family has certainly felt it directly.

I'd just like you to tell the committee about your experience of a year ago where you had your land prepared for seeding one evening only to find that the next day the land, and it was dry, to find that your land was inundated. Perhaps you could use this example as to why there needs to be some action taken so that livelihoods like your family's can be protected in the future.

Mr. Trinder: A normal flood would come, and it's slightly different from the Red River. You've got a south-to-north direction so you have a different—we're north to south and more northwest to southeast. Flooding normally in our region would be earlier and

under a normal circumstance, and it's outside of the growing season.

In the region in the Red River Valley, you've got an extended, 130-, 140-day growing season. We have a 90 day just because of the peculiarities of geography, the down sloping and the proximity to the higher escarpment, and it causes us to have a really short, frost-free year.

Any restrictions that we have in our growing season, even limited, are crucial. They're an absolute loss. We lose part of that growing season; we've lost the entire season and, in turn, the entire year. The flooding that used to come—the normal spring runoff, we would get flooded every year, but it would last three hours to three days, maybe to two weeks, but it was usually in April. It was gone. The land was used, was, for the most part, back into usable condition by the time the growing season came. As Len's saying, and as I'm saying, we're getting these floods that are coming into June, well into the growing season, and that just limits our growing season so much that it's just really tough.

* (19:10)

As a rancher, and I guess the reason—the compensation is wonderful and we appreciate it, we really do, but, as a rancher, we need predictability of use of the land to grow a winter's feed supply.

The grain farmers, the annual crop farmers—if you have a loss of your crop you can have crop insurance. You put your machinery in the shed. You take your compensation cheque to town. You put it in the credit union. You go about your business. We don't have fodder. We have got both a moral and legal responsibility to keep those animals, and we've had a hell of a tough time the last two or three years. We have bought all the hay up, the ranchers in that area. We've got a hay shortage up there that's 40 miles from us because, for the last four years, we have been travelling 30, 40 miles. Everybody has and it's become a real hardship.

That's why we would like to—under this buyout purchase the same—just have the ability to sell this. Have the government, if they need to flood it in June to get the level down so there's a safe reservoir level, and it would allow us to go and purchase land adjacent that we would have a predictable season.

Mr. Derkach: One of the issues that has been outstanding since the dam was created was the addressing of the river channel in terms of the debris and restrictions that the channel has and the silting

that has occurred over time. At one time, there was a commitment made. I think it's an outstanding one with PFRA that, over time, that river channel would be dredged.

Is there any benefit in your mind to having that river channel cleaned so that the water from the Shellmouth Dam could stay in the channel longer rather than spilling out onto the land?

Mr. Trinder: My best opinion would be it's probably impracticable, and it comes back to the timeliness of the water flows. Water Stewardship, and rightly so, they restrict the water on the initial flow, the initial spring melt. They do that so that the downstream can move out. There's not a significant downstream flood in the channel, but when they let it go later, we have—the typical situation would be in the winter and the spring thaw, all of the banks are frozen. They have frost right in them. When you have a high water flow in April and you have frozen ground, you have no bank slump. You have very little erosion under a natural situation. When you turn that water and run it through their bank full in June, it starts to pull the banks in. The erosion is tremendous, and then, when they run it to capacity and then they drop it back in, you have a saturated land that basically slumps back in because the water pulls it back in. I think you could go ahead and dredge it and, in two years, the whole thing would be slumped back in. I don't think it's a practical solution.

Madam Chairperson: Thank you. Our time for questions and answers has expired. Thank you, Mr. Trinder.

I will now call on Gene Nerbas, Assiniboine Valley Producers. You may begin.

Mr. Gene Nerbas (Assiniboine Valley Producers): Thank you, Madam Chair, committee members. I want to thank you for this opportunity for the Assiniboine Valley Producers to present today to Bill 27.

Assiniboine Valley Producers are a group of farmers, ranchers and landowners from Shellmouth to Brandon that have come together in a common cause to try and work with government to address problems that we are having. I guess you have a copy of my presentation. I will read it and then I would hope that we have questions. If we have a lot of good questions, I think we can get a lot accomplished. We drove in five hours and we have five hours going home. So, if the questions get going good, maybe we can exempt the five-minute thing.

I want to say thank you to Premier Doer, honourable Minister Wowchuk, honourable Minister Melnick for listening to the concerns of the Assiniboine Valley Producers. We have waited a long time to get what we hope is fair treatment. We do, however, have some ongoing concerns.

Artificial flooding. There is no such thing as a natural flood on the Assiniboine anymore because of the tremendous increase in unregulated, illegal drainage in both Manitoba and Saskatchewan. On the Shell River side the effect of deforestation on the Duck Mountains is still to be determined. On the Assiniboine side the upper basin has five million acres in Saskatchewan. This is land that has had 30 potholes per quarter section. The majority is drained.

Fact: Senior Water Stewardship staff admit that less than 20 percent of drainage in Manitoba is licensed.

Fact: Large drainage projects have taken place in Saskatchewan, with Manitoba turning a blind eye because Manitoba may need the water. Lake of the Prairies is the only place in Manitoba that has a large quantity of quality water in storage that can feed the populated areas of Brandon, Portage and Winnipeg.

Senior Water Stewardship staff say we cannot expect the Shellmouth Dam to control flooding completely because drainage has increased immensely, and new bridges being constructed in Brandon to handle increased flows expected on the Assiniboine River.

Deputy Minister Norquay recently told Assiniboine Valley Producers we shouldn't expect Manitoba to pay for damages caused by water from Saskatchewan drainage. Does he expect the valley producers to suffer losses while the majority of the province of Manitoba benefits from a good supply of water?

Economic loss. The main loss in the Assiniboine Valley would relate to annual crops, forages and pastures as there are few buildings along the river. Our understanding is that lidar will be used to determine what is flooded and not flooded. What about the piece of land that is not flooded but can't be accessed because of floodwaters? What about the crop that is lost because land cannot drain because of high river levels? If a crop can't be planted, are we going to be compensated for what we should have been able to produce? We still have equipment cost, taxes, clean-up, et cetera. It has been suggested that

we should only get \$75 an acre if unable to seed. Sorry, but that doesn't work.

On operation guidelines. It has recently been stated by senior Water Stewardship staff that more water will be let out of the dam in April and May to prevent overtopping of the spillway if necessary. When will this be considered artificial? There is almost no such thing as normal flows anymore. When we should have a low river, we have a high river. When we should have a high river, we have a low river. The inflows cannot be correlated to outflows because of drainage and the need to save water for summer supply and for the tourism and recreation industry, which is fast approaching the \$200-million value from provincial and private development. Normal seeding dates are in May, not June. Normal production cannot be attained by seeding on June 20th. Forages such as alfalfa will not withstand long periods of being under water. Animals have to be fed if pastures are under water, et cetera.

*(19:20)

Other concerns. Who is going to have a say in drafting regulations? We had a preview of the new proposed operation regulation last December in Russell. The proposal is to not let the lake reach spillway, but to blow it out if it looked like it could not be held. Remember the inflows are two and a half times more than when the lake was created. This will surely hurt us. This legislation is a good step, should have been done 37 years ago. However, if the Province is taking the privilege of having better control of lake levels, we still don't know what it is worth for our loss of income and lost opportunity. Claims from all damage to property or land should not first have to be declared a disaster area by the local rural municipality. We understand and approve that Manitoba Agriculture, Food and Rural Initiatives will be involved in determining levels of compensation in the event of claims.

In closing, we thank you for listening to our concerns, and we would remind you that Premier Doer has stated, the Shellmouth Dam is a tremendous asset to all Manitobans, and that those few who suffer losses due to its operation should be compensated. We are those few, the Assiniboine Valley Producers, and we are the only stakeholders that can say we were there before the dam. We had to buy our land and we make our living from the land. We just ask to be treated fairly. Thank you.

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

Ms. Melnick: I would like to thank you for coming out today. I understand you're hoping to head home this evening, so thanks for waiting until this hour to present.

Certainly, again, we've had ongoing discussions. We had a very good discussion almost this time last year about this legislation, and certainly we've looked at what was discussed at that time and incorporated, I think, a lot of what we had chatted about last spring and certainly will be looking at your recommendations here and taking them into serious consideration.

Thank you for coming out to present.

Mr. Derkach: Gene, I don't intend to take a lot of time because there are other members who'd like to ask a question or two, but let me just ask you to reiterate, if you would, the differences, as you view them, between the Red River Valley and the Assiniboine Valley. In 1995, when the Assiniboine Valley flooded, it took two years before you could get in a crop. In 1997, when we had the flood of the century in the Red River Valley, most of the crops went in that year. Perhaps a lot of people don't understand the differences in the topography and the valley structures, and perhaps you could take a minute to describe that.

Mr. Nerbas: Yes, we certainly noticed there was a difference, and the biggest difference we noticed was in how the two river systems were treated. You're right. They were both floods of the century. The difference there is, I guess, Red River, basically, is old Lake Agassiz, I think, and it begs the question. Maybe it shouldn't have even been developed because it was a lake, whereas we are innocent victims. We don't even have buildings in the valley. So really it's just our farmland. The cost of compensating us for what we lose is very minor to the benefits to this province, and it really relates to land. It relates to our income and our loss of income and loss of opportunity.

Mrs. Heather Stefanson (Tuxedo): I want to thank you as well for your presentation this evening and for coming all this way to do so. I just have a question with respect to the appeals process within the legislation. In the event that compensation is partly or wholly refused, there's a process that takes place: it goes to the Disaster Assistance Appeal Board and

then eventually on to the Court of Appeal. With the Court of Appeal, there has only been granted 30 days in order to prepare to go to the Court of Appeal. Do you believe that that's enough time to properly put together a case, or does there need to be more time for that?

Mr. Nerbas: Sorry. I think more time would be beneficial. Thank you for bringing that up because I noticed it a little too late to add it in the presentation, but thank you for that.

Mrs. Stefanson: I guess I would just ask what would be an appropriate amount of time that you believe it would take. Would 30 sort of working days be okay, or 60 days? What would, in your opinion, be sort of an adequate amount of time to put together a case in the appeal process?

Mr. Nerbas: I think 60 days would be more appropriate.

Mr. Larry Maguire (Arthur-Virden): Thank you very much for your presentation, Gene. The work that they've looked at in the valley, it says to be completed by 2009 on the mapping LIDAR. It says that there's a good relationship, you know, when we were looking at the Saskatchewan government working with the Manitoba government.

Can you express your and the fellow farmers' concerns? There are differences between the Shellmouth and St. Lazare, as Mr. Trinder had indicated. Then, of course, you've got the Qu'Appelle River coming in and the extra water coming on down toward Brandon and Winnipeg. Can you just expound on the different impacts between those two areas and how the compensations may impact, and the differences in the kinds of compensation that should be available there, if there are?

Mr. Nerbas: Well, I am more familiar, my farm is about five miles below the Shellmouth Dam, and I am familiar with that area. I've been there all my life. I was there when the dam was created, so I understand that.

My understanding diminishes as we go south of St. Lazare. The two gentlemen that are with me today are part of our organization and are from that area. They could answer that better. But, yes, there are differences in the flow capacity, and there is a difference in the use, somewhat, of the agricultural land. It all is cause and effect, and the negative effects that we have are not caused by anything that we have control of.

As we've explained, before there was a dam, the flow went through early. It went through at snow-melt time, when water should run. Like Mr. Trinder said, the banks were frozen, damage was minimal. Now the banks at Shellmouth are ragged and raw. There is nowhere else in the river that looks as ragged and raw as just outside of the Shellmouth Dam because that takes the first hit. It's the pressure of the release there that does the damage.

So there are differences. Problems are much the same. It comes down to, when we lose our income, we need that replaced. We need that compassion and that willingness to replace it fairly and not be nicked and dined and thrown a little bit of money to get us by, because that is not enough. I spent 19 years as a municipal councillor, and I know, years ago, we had a resolution that went, passed unanimously on the UMM convention for that very thing. It never got dealt with. So I guess today I'm thankful it is being dealt with. The fairness part, I guess we'll have to wait and see. I will trust Christine to provide that.

Madam Chairperson: I'm sorry. Time for questions and answers has expired.

Mr. David Faurchou (Portage la Prairie): I'm going to ask if there is leave for a couple of more questions, as they did drive five hours to be here.

Madam Chairperson: Is there leave?

An Honourable Member: Yes, of course.

Hon. Andrew Swan (Minister of Competitiveness, Training and Trade): My inclination would be to say no, but, indeed, Mr. Nerbas was very economical with his comments. I had him well under the 10 minutes, so I think it would be appropriate to allow Mr. Faurchou to ask another question.

Madam Chairperson: Leave has been granted.

Mr. Faurchou: David Faurchou, Portage la Prairie. Farmed all my life on the river as well, so I know exactly what you're speaking of.

There was a proposal here about the purchase and lease back. The majority of your membership, is it of similar feelings? That's one question.

The second, because I don't think I'll get another chance to ask another one, is about the leaf gates that are being proposed on the Shellmouth Dam to control the spillway, so you are good and able to control a little more water upstream of the dam. Are you in favour of seeing that happen as well?

Mr. Nerbas: Well, I've pretty much resigned myself to the fact that what is going to happen for the good of Manitoba is what is going to happen. The fact is that water storage needs to be there. The huge tourism and recreation development is going to go on, and we farmers are the minority group. So I'm really at the mercy of everybody else understanding my problem and wanting to be fair.

Now, the leaf gates, of course they scare me. That'll make a larger flood of longer duration, but if it's necessary for the province, I'm saying I can accept it, as long as something else replaces it.

* (19:30)

I have a fellow that is very close to me, Gary Kochanowski. Len would know him well. He said: My intention when I bought this land from my father, when I took it over, I intended to make my living from it. If I cannot make my living from it, and if the Province is prepared to give me the same kind of living, I guess I'll accept that, but it's not my first choice. I hope that gives you an answer to the question.

The leaf gates, if they get stopped, it won't be by people like me, because I understand what it's about. It will be by other people.

To your first question, in terms of a buyout, I cannot tell you that our valley producers' group sanctions that. It's Mr. Trinder's proposal. I think if it is looked at by the Province, and it's there as an option, and the legislation is the other option, I think that has merit. Personally, I would take a look at it, because I have spent a lot of years bringing this forward, and I do not wish my sons to carry on making trips to Winnipeg. As Len knows, I have made a lot of them.

Does that answer your question, sir?

Madam Chairperson: Thank you, Mr. Nerbas.

I will now call on Gaile Whelan-Enns. Do you have written copies? No. Please proceed with your presentation.

Ms. Gaile Whelan-Enns (Manitoba Wildlands): Thank you. I would ask, as I did last time, for a little bit of a hand wave, maybe, at the two-minute point. I'd really appreciate that.

Manitoba Wildlands' involvement with the Shellmouth Dam has to do with our role as a public-interest research group in the province and as a

repository for most things to do with licensing and changes in lands and water development.

I have a couple of specific comments in terms of Bill 27. Some of what I have to say also has to do with having lived on the same river lot in the Red River Valley for over 30 years and having had a fair amount of experience with floods in the province.

Clause 5.1(2) is lacking specific requirements in terms of notification regarding flooding. This is a significant issue throughout the province in terms of the Churchill River Diversion and is an easy thing to put, as a standard, into this bill, so that people affected by artificial flooding or at risk of artificial flooding know what the standard is to be notified when that's going to happen.

Clause 5.2(2) has an opportunity to include climate change, impacts of and impacts on climate of the Shellmouth Dam and the intended increase in the reservoir. So that is a reference to my earlier comments.

About three years ago, in the summer, I went to see the Shellmouth Dam and look at the Lake of the Prairies and the reservoir. Being an environmentalist, I stood in the middle of the dam on a beautiful summer day and looked, and thought methane. So we do really need to be including and tracking the effects of public works in the province on our lands and waters and with respect to climate change. This increase in the capacity of the reservoir would be a dramatic increase in methane.

We would recommend and suggest, again, that there be very specific standards in the bill in terms of the amount of time to report damage, which is in, but it needs to be balanced with requirements on the part of the Province to respond to reported damage, just as there needs to be a response and timelines in terms of the requirement then for payment and receipt of compensation. I think that echoes some of what you just heard.

There are a few things, I think, that need to be either on the table or disclosed more thoroughly with respect to the Shellmouth Dam. This is, again, perhaps, from an environmental and licensing point of view, but I was quite deliberate in referencing that I've lived in a flood plain for a long time in rural Manitoba. I believe that there needs to be a disclosure in terms of the projected and expected water levels and water flows in the change regime across western Canada and how that affects Lake of the Prairies and the Shellmouth Dam. I believe that's

lacking. It's certainly not evident in the information on the department's Web site, which I was looking at recently. For the public to understand the importance of the reservoir, the importance of the dam, and for the local stakeholders, ranchers, cottage owners and farmers who are most affected or most potentially at risk, again, we need to know more.

I'm very curious about whether there's been any calculation in terms of the effect of the existing and intended and future cottage developments on Lake of the Prairies in terms of, again, projections on water levels. I believe this bill needs to more specifically indicate which other control structures that it will in fact apply to. It's a little weak that way.

As a member of the International Flood Mitigation task force after the 1997 flood, and I was a member for Manitoba, I think that there's a caution worth voicing here, and that is we need to remind ourselves that Manitoba is at the end of the pipe in terms of the water allocation in western Canada. That certainly goes to how important this reservoir is to two provinces, but I feel like there's a lack of context and content in terms of the public discussion about this bill and what it's really about and what it will really affect.

So we get 50 percent of what's left. We're going to have erratic and in some times, as has been noted this evening, already dramatically increased water levels and water flows and unpredictable water flows, but we're at the end of the pipe, so again the Province needs to get a lot clearer about what the package of intentions are.

The bill doesn't really assure Manitobans in terms of what is intended, including in terms of predictability, and you've heard that this evening already, and clarity, on what may in fact be intentional flooding going back to my suggestion that notification is lacking and needs to be in this bill, is very important.

I'm sort of a little concerned about lack of disclosure about the agreement. Maybe it's an MOU. Maybe it's an agreement between the federal government and the Province of Manitoba. It was signed by Minister Anderson and Minister Lathlin about four and a half years ago with regard to the Shellmouth Dam. If you go on-line and try to figure out what stage we're at in terms of the change in the dam itself, it looks like the entire process is stalled. If that's true, that's fine. If we have done one of these little leapfrogs over due process and public notification for licensing and environmental

assessment in the province, then this bill's got a significant bunch of problems attached to it.

Otherwise, in closing, I wanted to agree with the producers' organizations and people from the community and people who are most affected by the Shellmouth Dam in terms of some of what they've said this evening. Predictability is extremely important right through the system in terms of water flow into Manitoba given we're at the end of the pipe.

There are no natural levels in most of our rivers and many of our lakes. If there's a power reserve on our lake, there are no natural levels left in the province, so there's risk in terms of how this bill is structured. Certainly we find out when there's a 20-year gap and we're trying to license the first dam in the province after 20 years that there's a lot of mythology about natural levels of water flows in the province.

I also agree with the closing comments from the previous speaker about how the new fairness is paramount with this kind of bill. Thank you.

Madam Chairperson: Thank you.

Do members of the committee have questions for the presenter?

Ms. Melnick: With all the presenters, thank you very much for coming today and for waiting into the evening to make your presentation. Certainly I'm looking at your discussion around climate change and the other issues that you've raised as well and will take those under consideration as well. So thank you very much for coming and staying this evening.

Mrs. Stefanson: I was intrigued. You mentioned that there's an opportunity to include impacts on climate change and you said when you were standing up there you said you looked and thought methane. Can you explain that to the committee and to other members here?

Ms. Whelan-Enns: Yes. If the capacity of the reservoir is going to be dramatically increased, which is the intention in the MOU or agreement between Canada and Manitoba, then you're going to be covering a lot of what is currently full of plants and that is currently green with water. When you do that you dramatically—basically you made it methane and methane, of course, has got—somebody's going to help me here—maybe Rob—about 1,000 times—okay, significantly lasts longer in the atmosphere than the other greenhouse gases.

So I know I was making a picture, and your question is appropriate in terms of a bit more explanation.

* (19:40)

Mrs. Stefanson: Thank you and I appreciate that.

You talked also about the fact that the bill lacks requirements specifically about notification of, you know, through the artificial flooding, et cetera. Could you indicate what kind of notification you would be sort of looking for from a bill like this?

Ms. Whelan-Enns: Well, first with a small apology to the minister because she's not the minister for this, faxes to municipal offices or band offices won't cut it. It's 2008 now. So this needs to be—and I was listening on the way over here on the 5 o'clock news to a discussion in terms of how our emergency measure system in the province is going to deal with forest fires better and deal with all modes—electronic communication, so this needs to be television and radio if necessary. It needs to count on people watching television or hearing the radio who will, in fact, use other modes of communication and let people who are right behind that dam or just down the road know. Well, we need better for tornadoes and fires. We definitely need notification that is more than just a fax, at 5 o'clock when everybody's gone home on a Friday, to some office.

Mr. Derkach: Thank you for your presentation, Ms. Whelan-Enns.

In terms of methane and the impact on the climate change if the dam level is raised, when the dam was created there was a lot of effort that went into clearing the trees along the shorelines of the lake, or the high-water mark of the lake. In the last few years, the water has been so high that many of the trees along the banks of the lake are falling into the lake. In your view, do you think that before lake levels are raised, debris and trees should once again be removed to accommodate the increased level of the lake?

Ms. Whelan-Enns: The short answer would be probably not. Either way you're creating emissions, so if you clear, you're going to have a little less emission in terms of methane. If you leave it there, you're going to have more methane and less CO₂ because the CO₂ in disruption of the banks of the lake by clearing is another kind of emission. That's without putting any numbers on it. It's a really tough call and it, of course, goes to what I was saying in terms of the other bill, that we need to figure out

quite clearly how to count, track, communicate and make these decisions where we're honest about what's happening as a result.

Mr. Derkach: So I guess, the next logical question is: shouldn't those measurements be done as to whether or not it is positive or negative to the clearing of the trees before the lake level is raised, or should that just proceed and then we would deal with whatever the aftermath is?

Ms. Whelan-Enns: Should definitively be part of the environmental assessment standards. Should be public information. Should be part of licensing requirements. It's going to vary from project to project, and public works often can have a significant impact. Afterwards, we'd really need base lines and threshold and then the numbers so that the decision and choice can be made.

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

Bill 31—The Freedom of Information and Protection of Privacy Amendment Act

Madam Chairperson: We are now on Bill 31.

I will now call on Ruth Pryzner, private citizen. I will now call on Ruth Pryzner, private citizen. She appears not to be here. We will put her name at the bottom of the list.

I will now call on Gaile Whelan-Enns, Manitoba Wildlands. Do you have written copies for distribution? Thank you, then, no, please proceed with your presentation.

Ms. Gaile Whelan-Enns (Manitoba Wildlands): Thank you. If wishes were horses, I would have written remarks for you today.

First, if I may, there is a family emergency in Ruth's family. That's why she's not here this evening. I just happen to know that. So it is not a deliberate absence; it's one of the things that happens in life.

I have less specific comments perhaps, or more specific comments to make with respect to these amendments and changes to this act. I would be inclined to suggest that, given I was a member of the advisory committee that drafted this legislation over 20 years ago, I might have the odd opinion in terms of what the intent was originally in the legislation, where we are now, and whether we might be trying to go backwards a bit.

There needs to be, particularly now that we are in the new century, a pattern and a will in new bills and new legislation so that their onus is two-directional, where there is a responsibility on the part of government, government staff or government agency, of course, and a responsibility on the part of any business, citizen or organization or community affected or participating under the act.

The old way to write legislation, and I would suggest that it's quite a ways back, was where legislation was pretty much all negative language, very few statements of intent, very little preamble, few goals and often punitive, as in this is what you can't do. Now, the point of that comment has to do with the fact that in Freedom of Information requests it's extremely important for the onus to not completely land back on the citizen continually. The citizen has the fewest resources. The request for information lays the responsibility with the government agency. So what I want to do is tell you the story of 75 FIPPA's. They are from October 2003. They are not solved yet. They are all to one department. That department was the only one and is the only one in our experience, in our office, where this kind of problem arises. As in several other provincial government departments where we file FIPPA's, it's always pretty routine.

The reason there were 75 is because we thought we would do a fair bit of the technical work for the government staff affected by these requests. We could have simply filed about eight or 10 where they were clustered and specified on one sheet, but we thought that it would, in fact, make a difference and assist. So they were, of course, many of them, about two-thirds of them were written in advance of a set of public hearings, several months in advance of a set of public hearings with the intention of being able to access the information, use it and share it, to assist ourselves and others in terms of participating in those hearings.

The process through the first two 30-day periods went fine, and then, to make a reference to how these amendments are written, the officer for FIPPA in that department stopped answering the phone or responding to e-mail or responding to any of our correspondence on the 30-day cycles—just stopped. There was then a fair bit of correspondence with the department and with the minister, and a written assurance in 2005 that they would all be expedited and answered. That didn't happen. So that eventually a year later got me to the Ombudsman. The Ombudsman had to, in fact, file a provisional order

or the equivalent under the current act with the department in order to get the remaining ones. We sat down and prioritized and dropped some off the table and did all kinds of reasonable, helpful things—some of them were too dated by that time—and sorted out a process so that they'd be answered, and they aren't finished yet. That's the story.

So, if you take a look at these amendments, these amendments would basically ensure that that can just keep on happening. It's that simple. Now, it's a story about one department and a large number of FIPPA requests, but, again, we thought that, rather than file heavy, loaded-down ones, we would actually try to take that first step and do the technical work for the staff in the department and in the branches so that it would be simpler to do.

One of the other things that happened in this sequence—and the reason you haven't seen this in the Ombudsman report yet because we are still in process. One of the other things that happened is that I paid the fees on several of these and never received the materials.

* (19:50)

So the other thing that is a pattern in terms of how the act currently operates is that there are some options and some bases to request waiver of fees. Because we do lands and waters work, environmental assessment work, public research work and environmental assessment processes, we requested waiver of fees on certain of these, not all. We were consistently refused any waiver of fee on any of them. I think that it's entirely possible that all requests to waiver fees under the act are being refused. It's my experience that they are, so I would speculate, and I think I have grounds to speculate.

So, if I was to comment on what we have received, then, in this same department, the standards in terms of how the material in response to a FIPPA is collated, numbered, processed, packaged and provided is about a three on a 10 of what should happen under the act and probably lower than that in comparison to how a freedom of information request must be handled by the federal government or federal agencies and departments.

My main point is that we actually need to be consistently finding ways to improve access to information. You've heard me say this twice before this evening: to be improving access to information to improve citizen participation and better decision-making in the province. These amendments allow a

fair bit of discretionary, non-responsive decision-making where you can decide you're not going to answer somebody and you don't even have to let them know for whatever. Now, if I may say a small thing to Ruth, she's got one that's—I forget how many tens of thousands of dollars the quote was and how many years and time this supposed collation of the material was, and it's a different department than the one I'm talking about.

When the FIPPA officer in this department stopped respond—maybe we're doing fine—phone, in person, e-mail, exchange of paper, circulating the 30-day review period. When it all stopped, I assumed that she'd been told to stop. The Ombudsman assumes the same thing, though I'm not speaking for the Ombudsman, but the staff came to that conclusion. They saw the minister's correspondence and thought, well, this one's pretty funny. We're going to help this one. So I would strongly recommend that what we need are amendments that assure response to requests. I think we need an environmental bill of rights that assures access to environmental and lands and water information and, if I may, climate change information in the province, too. We need more public knowledge of what's going on with freedom of information requests. I believe the Ombudsman power currently is fine, but that's my experience in the story I'm telling. I don't know specifically whether you need another arbitrator.

To go back to my—and I see the two-minute point—to go back to my opening comment, I was on the advisory and policy committee that helped write this act. It was a fairly tenuous period of time in political history in this province in terms of governments changing suddenly in 1988, instead of a '87-88 thing, I believe, proclaimed in '89. Somebody's going to help me. I think that's sort of what happened. We can do better. We should not be doing less.

I was rather struck by the exemption in terms of First Nation organizations. The system as it currently works is the same federal and provincial for information that may, in fact, have a First Nation as a party to an undertaking. They currently are asked whether they give permission for their information to be released or not. That's how the system works across Canada. It works fine.

Madam Chairperson: Thank you.

Do members of the committee have questions for the presenter?

Mrs. Mavis Taillieu (Morris): Thank you very much for your presentation.

It sounds to me that, if you are one of the original drafters of this legislation, you would have a considerable amount of input to this, and it does not sound like you were consulted in any way. Is that correct?

Ms. Whelan-Enns: In terms of these amendments, no.

Mrs. Taillieu: Thank you. I do see that we share your concerns, and I do see how these—some of the amendments here with the terms of "vexatious" and "systematic" would certainly limit people such as yourself when you're talking about your experience with the 75 FIPAs. Now that it's going to increase that even more, it seems to me that there's a more of a clampdown on information, so we're going the other way. Instead of a more open system, more openness for information to the public, we're going to a system that is less available to the public. Would you agree?

Ms. Whelan-Enns: I think that there is a risk of that, but we're at a point in time, for instance, on this bill, where it can go one way or the other, which is why we're here this evening.

Now, the option to identify requests for information as vexatious exists currently. I mean, it's a policy matter or a matter of an act under most pieces of legislation, and it's already there in the act. There has been at no time in this story I've been telling you that started in October 2003 any indication at all that these requests were vexatious. The Ombudsman has repeatedly advised us to just refile them all. You know, so there hasn't been that. The number sounds high, but I described what I did because I thought we had enough staff and resources to try to help the process at the time.

Mrs. Taillieu: Can you comment on the fact that the public registry is no longer necessary? It seems that it might be a bit confusing to the public that, if it's not listed, the public registry is not listed, someone may then—there may be an increase in the number of Freedom of Information requests that go in because people may not realize that the information is still available to the public. Then it comes back 30 days later: We don't have to grant you that because it's available to the public. But the public is really not familiar with that, and it goes around as you are motioning there. It actually delays access to information. Would you agree with that?

Ms. Whelan-Enns: I think some of the methods are very dated and assume that a request for information is a closed envelope when, generally speaking, any citizen or civil society organization is requesting the information for—to make it available. Many of these requests we made in 2003 were actually four sets of information that had been widely and consistently available publicly in Manitoba in the '90s and in the first part of this decade. There were really sudden changes in '02 and early '03, where prior to that we wouldn't even have been having to file. On a comparative basis, I would be agreeing with you that, rather than enabling democracy and enabling citizens to participate, we got the opposite thing at risk in the province. If we were, in fact, having a fairly thorough on-line public registry, then that would take care of the whole vexatious question and the information would not be repeatedly requested.

Mrs. Taillieu: I hope I have time for one more.

You did mention that you felt that the Ombudsman, the procedures through the Ombudsman's office were adequate right now. With the appointment of a privacy adjudicator, which the Ombudsman would have to call in as necessary or when she felt that that was needed, and only at her request, which, again, would appear to cause another level of bureaucracy, where if you go to the Ombudsman for a ruling and then you have to go further to the adjudicator, how do you see that working?

Ms. Whelan-Enns: I'm less knowledgeable in terms of the aspects of the act for personal information, and it's entirely possible an adjudicator is needed there. It's also entirely possible that the Ombudsman's staff, when pursuing difficult Freedom of Information requests and interacting with certain of the departments and the departments of staff, are hitting roadblocks where an adjudicator would help. Frankly, I think it's solvable by improving the system overall, but I'm just speculating that this may occur. I found the Ombudsman staff just superb. They're tracking, their record keeping. They get to a point in these processes before a provisional order is issued by the Ombudsman where they have to do a personal interview, and they did very well in all of those steps. I'm just letting the minister know that I'm really impressed with the staff.

* (20:00)

Madam Chairperson: I'm sorry. The time for questions and answers has expired. Thank you.

We are on now on Bill 33, The Salvation Army Grace General Hospital Act Incorporation Amendment.

I will call upon Paul Barsy, private citizen. I would like to call upon Paul Barsy, private citizen. Not seeing him here at this time, he will be moved to the end of the list.

**Bill 34-The Child and Family Services
Amendment and Child and Family Services
Authorities Amendment Act**

Madam Chairperson: We are now moving to Bill 34, The Child and Family Services Amendment and Child and Family Services Authorities Amendment Act.

I would like to call upon Gordon Reimer. He is a new-registered; he was just added to the list.

Do you have written copies for distribution, Mr. Reimer?

Mr. Gordon Reimer (Private Citizen) No.

Madam Chairperson: No. Then please proceed with your presentation.

Mr. Reimer: Thank you for the opportunity to speak to Bill 34.

Yes, I'm a private citizen, but I'm speaking on behalf of Linda, my wife, and also for a group of people that we have become involved with that are foster parents, as well, in our community.

Our dining room table is not quite this big. We do have eight children. I thought that taking care of eight children was difficult in keeping them in order, but since I've been here I sense that the speaker has her hands full as well.

Linda and myself have been foster parents for approximately 20 years. We started fostering in 1986. We have fostered 20-plus children and adopted five children, with three of our own. *[interjection]* I didn't say that to search for compliments, sir. Okay. Just so you understand what I want to say, and where we are coming from. Plus we have three children from our own genes. Three of our adopted children started their time in our home as foster children.

We are a multi-racial family, with some of our children's ancestors having been enemies in the past. Despite that, our children are getting along normally. Maybe this could even be an example for all of us. There are also proud of who they are, and know the truth about their ancestry. Our ancestry should not

hinder us to live in unity in the year 2008. We should learn from our ancestors' mistakes and not repeat them. In the past before devolution, when we were foster parents, our concerns about and even our opinions about the foster children that were in our home were respected. An example, we were even asked to visit the future permanent home of our then-present foster children and offer our opinion to the social workers that were there. We would discuss as adults in meetings in the office what was best for the child, together with the social workers. The social workers truly valued our concerns about the foster children. Some agencies today lack true compassion for the children. Foster parents have been threatened with the following statement, and we've heard this more than once: We can always move the child if you don't co-operate with us. These have been children that have been in homes for three and up to five years, these statements have been made there.

The methods used—I'm not saying that we had no, we did not have any, sometimes, issues with social workers, and I'm not also making this statement as a blanket statement for all social workers and all agencies. The methods used to move foster children from homes has negatively affected the permanent children, whether they were adopted or biological. This we have experienced in our own lives, and this goes beyond the children that are present in the home at the time; this goes to friends and relatives as well. We experienced in our home the fear—I guess I should say it this way, sorry: They fear the security that is present in their own home. Like I said earlier, we have personally experienced this and heard from others as well.

The methods used by CFS today are actually teaching racism to children by segregation. It is difficult to believe that Bill 34 will implement all the necessary changes that need to take place for the betterment of foster children. The wording in Bill 34, example, the emotional well-being, is what most people, especially foster parents, would consider common sense. Since devolution, culture and colour are obviously more important than the compassionate love—seem to be more important than the passionate love that foster parents have for their children. In our home, our children, we have many colours, and the other day the two boys were washing dishes. One guy's got white skin, one guy's got very dark brown skin. They were kibitzing and fooling around and teasing each other about how the brown guy didn't like drying dishes, and on and on it went like that. It was just like if they were wearing

red shirts and yellow shirts. We have something to learn from our children.

More than anything, children need a secure, safe and loving home.

That is the end of my presentation. Thank you.

Madam Chairperson: Thank you for your presentation.

Do members of the committee have questions for the presenter?

Mr. Stuart Briese (Ste. Rose): Thank you for your presentation. I listened with great interest to what you were saying. I'm not quite clear on exactly where you're going with some of it.

This bill is supposedly saying that the safety of the child becomes paramount over all other considerations. Now, that being the case, are you not comfortable with what the bill's saying?

I know the intent and then the implementation are two different things, and I just wondered if you would expand just a little bit on that part of the bill.

Mr. Reimer: I know that we cannot turn back the clock to the way Child and Family Services was run before devolution. I understand that. But with segregating by race—I will make that statement again—I don't know how it would work. I can imagine in my own head how it would work, but, by segregating by race, we are causing racism. That is what we are doing right now.

* (20:10)

I wish that you folks could all be a fly on the wall of every house where these foster children are being placed and the discussions, and observe what goes on. I have observed. We have—I speak for Linda and myself—we have observed social workers changing, being replaced over and over again. In our home in six months, we had three different social workers for our two foster children. Before that, they would often have social workers—these children were in our home for three and a half years. That was started before devolution.

So I don't know exactly how to answer your question, but I am just trying to explain our situation. Thank you.

Mr. Briese: So, with the changing of the social workers, do you feel that you are getting a consistency of attention to the cases you have?

Mr. Reimer: Without insulting anybody, it appears that, when the social workers in our case and some of the other cases, it appears—and I repeat that—that the social workers change, are changed at the time where they might even, and we don't want to pick sides. That's the problem. When they side with the foster parents and not maybe with the agency, then there seems to be a removal of the social worker. This is the way it appears, okay? Having known some of the social workers personally, there is a sense of fear, job security as well. Does that help?

Mr. Leonard Derkach (Russell): Thank you for your presentation.

My question is with regard to the safety of the child. I heard you say that we are causing racism by taking the steps that are being taken, sometimes through legislation like this. My question to you is, should the safety of the child be the only consideration when placing a child into foster care?

Mr. Reimer: I will go back again to when we started fostering years ago. The culture and the race were always considered. They always were, and they should always be, absolutely, no doubt, that should be considered. But to remove children that are in a safe, secure, emotionally healthy environment for the sake of culture, there is something—that's where the issue is.

Mrs. Mavis Taillieu (Morris): I just want to say thank you for that presentation and thank you for the work that you do as a foster parent, because it's very important in this province.

I just wanted to ask you—all your comments are very well taken. I just wanted to ask you: At any time during the term of your fostering, did you ever feel threatened that the children you had in your home would be taken from you because they were of a different culture?

Mr. Reimer: Yes, and in our opinion, and our observation, it did happen in our home. It is right now happening in another home that we know very well, and in a second home, another home, the foster parents had to spend—went through a long appeal process to keep children in their home that had been in their home basically since birth. They had not been outside; that was the only home they knew. They had been in there for two-plus years.

Madam Chairperson: Thank you. Time for questions and answers has expired.

Mr. Derkach: Thank you, Madam Chair. Would it be possible to have leave for him, for the presenter, to complete his thought and his answer? I think it's a little bit rude of us not to allow that.

Madam Chairperson: What is the will of the committee? *[Agreed]* Leave has been granted.

Mr. Reimer: Okay, I think I had finished. Yes, I said that—I'm a dairy farmer, not a public—anyway. In this second, I'll call it the second home. I want to be very careful what I say because you know what? Some of the foster parents actually feel threatened. I stand here as one that we don't have foster children in our home anymore, so it makes me feel more secure. This example of a threat that I read has happened, and where does it initiate? Where do these threats initiate or where do they come from? How come these social workers say that? That's not for me to judge. I don't know where that comes from. You need to, all need to understand that. But it is happening.

Madam Chairperson: Thank you, Mr. Reimer.

This concludes the list of out-of-town presenters that I have before me. Are there any other persons from out of town in attendance who wish to make a presentation?

Mr. Derkach: Madam Chairperson, earlier this evening there were two presenters, and I believe they still may be out in the hallway. When they registered to make presentations, they were under the impression that they could register as an organization but each make a presentation. When they got here this evening, and they're from out of town, and they're on the Shellmouth Dam presentation list, two of them did not present because they had not registered properly according to whoever was taking the registrations in that they were supposed to register as individuals. They didn't understand that, so they registered as the Assiniboine Valley Producers. But they would have dearly liked to make a presentation, and I think they may still be out in the hallway.

If it would be allowable for the committee to hear them, we'd appreciate it because they did travel a long distance.

Hon. Andrew Swan (Minister of Competitiveness, Training and Trade): If they are still here, perhaps we could just take a brief recess for a minute or two, and then they could be brought in to make their presentations.

Madam Chairperson: Is there agreement for a five-minute recess? *[Agreed]*

The committee recessed at 8:17 p.m.

The committee resumed at 20:25 p.m.

Madam Chairperson: The Standing Committee on Social and Economic Development shall reconvene.

**Bill 27—The Shellmouth Dam and Other
Water Control Works Management and
Compensation Act (Water Resources
Administration Act Amended)**

Madam Chairperson: Order. Does the committee give leave to hear presentations from Keith Perron and Stanley Cochrane?

Some Honourable Members: Leave.

Madam Chairperson: Leave has been granted. I would like to, at this time, call on Keith Perron, also from the Assiniboine Valley Producers. Sorry, private citizen.

Mr. Perron, do you have the materials to present?

Keith Perron (Private Citizen): No, I don't. I was under the influence that the three of us could present this together, and that's why the three of us came up here together. When we went down to register when we got here, we were under the understanding if we registered as Assiniboine Valley Producers that that was it. So—

Madam Chairperson: Well, thank you. You may start with your presentation.

Mr. Perron: So this is just shooting from the hip, I guess.

I farm at Virden. Farm with two sons there and we farm 1,500 acres in the Assiniboine Valley as part of our operation. It makes up a fairly substantial part of our operation.

I am very concerned about uncontrolled, illegal drainage. I think it is a very big problem. I'm not—government people tell me that they're not responsible for drainage; to pay me for damages from drainage from Saskatchewan or illegal drainage. I disagree with that. If you're going to allow drainage, you've hired more people to look after drainage, that must mean you're responsible for it, and if you're responsible for it, you must pay those of us that get hurt by it.

* (20:30)

One other point that was brought to my attention this morning was in the act—just bear with me for a second—appeal to a Court of Appeal. No. 1: may be appealed upon a question of law. I've been told that this really doesn't mean much, that I can't really appeal much under that. I've also been told that that usually isn't in this kind of legislation, so I'm wondering why it's here and why it has to be here. I guess I don't like it. I want to have the right, if we can't agree that I've been damaged and so on, that I have the right to carry on with my claim, if I wish to, by a court of law, and that's my last resort. I'm not saying I ever want to do it, but I want to have that right to do that.

I think, under designated water-control work—and it was discussed before—I don't see why you can't add, should also include all unlicensed ag drainage and municipal ditches. If it was there, it would look after my concern about illegal drainage. That's probably all I would have added other than I do support this presentation that was passed around to you, and I guess, in closing, I would just say that all I really want to do and all my boys really want to do is farm. We just want that right to farm.

This is the first year since 1993 that we finished seeding in May on our farm because since '95, we've been fighting water in the Assiniboine Valley for one reason or another. In 2005, we had our crop sowed, got flooded after in July. Yes, we got looked after. Thank you to the Premier and to Minister Wowchuk and Minister Melnick, but it was a long, hard battle to get that, and we're tired of those kinds of battles.

We just want to farm and there's too much water there. We just want you to treat us fairly. We're not asking for the world, just want to be treated fairly. Thank you.

Madam Chairperson: Thank you. Do committee members have questions for the presenter?

Hon. Christine Melnick (Minister of Water Stewardship): Thanks again for coming out and staying. I know we had talked about you coming forward this evening, so I'm glad that you decided that you wanted to come forward and put your remarks on the record. I think you were also saying that the earlier comments from AVP also represent your position, so your comments are in addition to what was presented earlier. Okay. Thanks.

Mr. Derkach: First of all, I want to thank the committee for giving leave to allow Mr. Perron and

Mr. Cochrane to present. We had talked briefly before and there was some misunderstanding as to the process, and I'm happy that you were able to come back and make a presentation.

Mr. Perron, this issue goes back a long way. I know that and we've been dealing with it for many years. When you said this is the first year that you've been able to seed your farm since 1993, I can tell you that one of the reasons is that the Lake of the Prairies is almost below its summer levels right now. I own property along the Lake of the Prairies, and I can tell you that I have never, in recent memory, seen the lake as low as it is right now. Valley lands below the Shellmouth Dam weren't flooded this year, but we shouldn't take any comfort in the fact that this is going to be ongoing because we know that that lake and the river can change in a matter of hours if you get a large storm, and we've seen that happen in the past as well.

Mr. Perron, can you give us an estimate of how many crops you have lost or how many acres of crop you have lost in the recent years as a result of not being able to get on your land or not being able to seed the crop?

Mr. Perron: Well, I guess I'll go back to '95. I guess that year, the water was drained and drained and drained out of that dam until it got back down to where they wanted it, so we never sowed a crop. I think probably going back to '95, this is '98 so we're looking at about 13 years. We've probably been flooded 10 out of those 13 years to some degree, not always seriously. It might just be a high river.

Now, in some cases, it might just be a high river in some fields because those fields cannot drain. But it's been my opinion that government feels, as long as that river—at Virden, for instance, the river has a capacity of 5,500—it's my opinion that government has felt that as long as they kept that at around 5,400, then they weren't flooding me, but, if I got an inch or two inches of rain, the water had nowhere to go; it couldn't get into the river. The river has to be down probably three feet below its banks before land, most land in the valley, will drain back in. I've lost, or our family has lost, substantial dollars in the last 12 years, 13 years.

Mr. Derkach: This bill addresses the issue of flooding in a similar fashion that owners of land and property along the Red River are compensated when they get flooded. However, I keep impressing upon government that there's a fairly significant difference

between the Red River Valley and the Assiniboine Valley.

You use the 1995 date and we all remember that flood when farmers in your region couldn't plant a crop, not for one season, but many farmers couldn't plant for two or three years because water could not drain back into the channels and was landlocked, if you like. In the Red River Valley, even though we had the flood of the century, in that very same year, most of the land, other than about 3,500 acres is my understanding, was seeded that year. So there's a fairly significant difference between the way in which the rivers behave in the Assiniboine Valley and the Red River Valley.

I'm wondering whether in your discussions with the government there has been any recognition to the fact that, not only the topography but indeed, the nature of the valleys and the river are substantially different in the Assiniboine and in the Red. Those circumstances should be taken into account when regulations are being formulated in order to compensate for flooding.

Mr. Perron: The two valleys are extremely different. In the Assiniboine Valley you have a valley which is like this, meaning you've got land up on top, land down below, whereas the Red River Valley is a very gradual slope.

What happens to us in most cases out there is that most producers have land in the valley and out of the valley. I've got a hundred acres of wheat in the valley and a hundred acres of wheat up top. The wheat in the valley is no good because I sowed it on the 15th of June, get 20 bushels. But that hundred acres up on top, I got 35 bushels, maybe 40 bushels. So when you average the two out, I came about where my crop insurance coverage is, so I didn't get anything.

If I'd have lived in the Red River Valley, those two different levels of ground wouldn't have been there so that wouldn't have been the case. Also, in the Red River Valley, millions of dollars have been given to look after drainage ditches.

In the Assiniboine Valley, we have no drainage ditches. Whatever we've done, we've done ourselves, with our own money. We do not have many buildings in the valley, but I am not aware of any person in the valley being offered to raise their buildings up like has been done in the Red River Valley.

I can remember in '97 an MP coming back to our area saying, well, they had to do something for the Red River Valley. I said, why do you have to do something for the Red River Valley? You couldn't do anything for us in '95. He said, well, it's such a big area.

I don't really care how many acres the man has. If he's got a hundred acres or a thousand acres, that hundred acres is very important to him. That's part of his living. Nobody in government should say, well, it's such a big area.

* (20:40)

Another thing that has happened out in the Assiniboine Valley compared to the Red River Valley is they'll say, oh, it's just agricultural land. There are no buildings involved so they'll be okay. I'm sorry, we're not okay. We've got to pay our taxes. I've got to pay for that machinery that I bought to put in those acres. I have to pay for my fertilizer in the fall if I want to get a decent price these days. So what do I do with that fertilizer? Do I carry it over to next year? I've got to order my seed. You can't go first of June and say, I need 20 bags of seed, canola today. It doesn't work that way in this day and age. Those are some of the differences that—I maybe got off-track a wee bit, but that's some of the differences in the two valleys.

Madam Chairperson: Thank you. Time for questions and answers has expired. Thank you, Mr. Perron.

Mr. Perron: I would also like to thank the committee for allowing me to come back and do this. I appreciate that.

Madam Chairperson: I would now like to call upon Stanley Cochrane, private citizen. You may present.

Mr. Stanley Cochrane (Private Citizen): I, like Keith, have no written proposal but I would just like to explain. Like Keith, I farm in the Assiniboine Valley. I'm six miles north of Griswold. Our valley, it keeps getting a little bit bigger. We have 6,000 cubic feet per second at Griswold. Keith has 5,500 and it just keeps getting smaller as it goes north. We don't have all the problems that they have further upstream, but we do when the bigger floods come. We seem to have all the same problems then.

Now, I've been involved with the Assiniboine Valley producers since the beginning. We started it after the 1995 flood, and we've been working towards this end ever since. We farm 1,200 acres in

the valley. I have two sons that farm with me. I'm not sure why Keith and I are so lucky, but anyway, it's a challenge in itself.

What we're looking for, and you've heard it from the other presenters, is just to be treated fairly and to be able to farm the land. That's the most important thing. Myself, I'm not looking for buy-outs. I'm just looking for the opportunity to be able to keep farming, and this spring was probably the most fun we've had in a long time. We never went around any potholes. We never had any sluice in things or the river to worry about. So it's been really good.

The differences that I find between, we're talking about the Red River Valley and the Assiniboine Valley, the biggest thing that I see difference is that the Red River Valley doesn't have a dam. Years ago, when I was a little boy we had a flood, and it came and went and if you had the opportunity, you'd plant a crop. That still happens in the Red River Valley. The biggest example of how a flood can be prolonged happened to us in 1995 when the dam was out of control, but it was still controlled to the best of its ability, to make sure that Brandon didn't get any more water. I remember being in Brandon when 18th Street was about that far from going over the highway. If it hadn't been for the dam, it would have.

But what it did to us, it prolonged the flood another six weeks. We're just saying, when we're asking for this compensation package, that the big values that the dam has—and we're not saying that there isn't great value in the Shellmouth Dam for what it does, and being able to maintain water for dry years and all the others, recreation and everything else, good things that it does for the province. We just can no longer afford to be the ones that take the hit.

Thank you very much.

Madam Chairperson: Thank you.

Are there questions from the committee?

Ms. Melnick: Again, thank you very much for staying for your presentation. We had a discussion earlier as to whether or not you wanted to present, so I'm glad that you've decided to. Your comments are in addition to the presentation that was given earlier by AVP, is that—

Mr. Cochrane: Talked about the earlier presentation?

Ms. Melnick: Yeah.

Mr. Cochrane: I agree with everything that was said in the earlier presentation.

Ms. Melnick: In addition to?

Mr. Cochrane: Yeah.

Ms. Melnick: Thanks.

Mr. Derkach: Thank you for your presentation, Mr. Cochrane. I know where you live, so I've witnessed the flooding when I wasn't able to make my way to Griswold from the Gump [*phonetic*] farm, because the highway was under water. I can tell you that one only has to experience what you people have gone through to get a much deeper appreciation of the hardships that you've endured.

Mr. Perron spoke about the issues of crop insurance and the fact that you can get a fairly decent crop outside the valley, if you've got land outside the valley but, because of averaging, sometimes you don't get coverage because, if you combine what's in the valley and what's outside the valley, you just come up to that threshold. You, therefore, get no compensation for the field that was inundated and couldn't be seeded until very late in the season.

In your view, should the Assiniboine Valley, because of its nature and because of the flooding, be treated as a unit outside the higher lands surrounding the Assiniboine Valley for crop insurance purposes, so that it would better reflect the actual conditions that exist because of the artificial flooding?

Mr. Cochrane: Yes, I do. In the compensation package that was put together for '05 and '06, within that package, it did reflect the difference between the valley and the higher land. What they did was separate the particular fields in the valley. There were people in those years that, as Keith said, had really good crops on the higher land because their fields in the valley were completely flooded out and they had zero crop. If they had enough land in that particular crop on the higher land, they received nothing. So within that package, they were able to bring that compensation up to the 100 percent level, which made compensation available that wouldn't have been available before.

The one thing that we've had to do on our farm in the valley before that happened, we had to make a conscious decision of what we were going to grow. If we were going to grow barley in the valley, we sowed the whole valley to barley and grew the wheat up on the higher. It's not good agricultural practices

but, to have some kind of insurance, that was the only thing that we could do.

Mr. Derkach: So, in this bill, should there be some consequential amendment that would impact on the Manitoba Crop Insurance Corporation to allow for farmers to use good agricultural practices in crop rotation, and, yet, to reflect the actual losses that are incurred in the event of a disaster, rather than doing the averaging as is done for crops outside the valley?

* (20:50)

Mr. Cochrane: What we need to do is to be able to—under crop insurance, they have your individual production. Over the last 12 or so years, as Keith said, with the extensive flooding, our individual averages have gone down. So what we need to be able to put into our legislation is that we take out the averages and give us some kind of an area average to start with, so that we can gain back the higher averages that we lost because of the flooding in the valley.

Right now, on our farm, our crop insurance coverage on our higher land is really bad, and it's really multiplied because my two sons came back to farm and we have expanded and we have a lot more land on the higher ground, but we're still suffering from the coverages because of the valley.

Madam Chairperson: Thank you. Time for questions and answers has expired.

That concludes our out-of-town presenters. We will now move to our Winnipeg presenters and we will start with Bill 13, The Highway Traffic Amendment Act (Damage to Infrastructure).

Bill 13—The Highway Traffic Amendment Act (Damage to Infrastructure)

Madam Chairperson: I will now call on Chris Lorenc, Manitoba Heavy Construction Association.

The yellow copies that you see before you are the presentation from Mr. Lorenc.

Mr. Chris Lorenc (Manitoba Heavy Construction Association): Good evening, Madam Chairperson, and I mean good evening. I didn't think, being first on the list, I wouldn't be presenting until 9. I guess it's important to learn the process before you come.

I'm here this evening to address Bill 13 but only a specific aspect of it. We understand that the provincial government is proposing legislation to create a charge, damage to infrastructure, in response to approximately nine incidents of collision between

vehicles and infrastructure assets. We understand, as well, that some of the principles, which underline the proposed amendments include looking to vehicle owners and operators to be in the first line of defence, the need for drivers to pay attention, for vehicle owners to ensure that their drivers and personnel are trained and that there is a message that everyone has a share in ensuring that we not damage infrastructure.

Pursuant to those amendments, the individuals that can be charged include the driver, the person responsible for loading the equipment, the supervisors and the owner, and a maximum fine of \$5,000 would follow on the assumption that the charge is laid and association with the responsibility is found and guilt is determined. On the surface, those amendments seem entirely legitimate and appropriate to what has occurred, and that, we submit, is true with what we read with the exception only of section 189.1(2), which deems an owner of the vehicle guilty by virtue only of ownership, not by virtue of misfeasance or failed responsibility.

If you take a look at that section, it's clear that the owner of a vehicle by means of which or in relation to which an offence under subsection (1) is committed is guilty of the same offence.

Mr. Vice-Chairperson in the Chair

Now, government correctly places the onus upon all of us to train, educate and remind of responsibilities related to workplace safety and health, and we do not disagree. It is, as the government itself has repeated, a shared responsibility. However, this amendment, respectfully, is not only in complete conflict with The Workplace Safety and Health Act concept of shared responsibility, it dismisses the principle of innocent until proven guilty because it deems guilty by virtue only of ownership, not misfeasance, and that, in our opinion, is wrong.

The owner or, frankly, any person, that should be charged and liable to guilt only if it is established that he, she or it was negligent in appropriately instructing or training the driver and/or others involved, and that negligence was a contributing factor to the incident giving rise to the charge. This distinction is important and, as stated, is provided for in the Workplace Safety and Health legislation where offences and violations can lead to charges against the employer or the employee based upon an evidenced failure to discharge responsibility, never upon who they are in the workplace.

In the instant case if, notwithstanding appropriate training, education and instruction, the driver and/or others commit the described offence, why would, or should an owner be deemed guilty of the same offence simply by virtue of owning the vehicle? There must be evidence of failure to discharge responsibility before exposure to a charge and potential guilt of any offence.

We respectfully submit that the legislation should be amended to read that, where it is demonstrated that an owner failed to discharge its responsibilities to train and educate persons noted in section 189, then that owner shall be guilty of the same offence. Frankly, due diligence is not available as a defence to a charge which deems guilt, or which, in this case, as well as effectively, a strict liability offence. The offence responsibility and resulting consequences should only apply to those persons responsible for the incident having occurred, all of which should be expressly provided in the legislation.

Those, Mr. Vice-Chairperson, are the views of our industry as it relates to this particular amendment in the act.

Mr. Vice-Chairperson: Thank you very much.

Any questions for our presenter?

Hon. Ron Lemieux (Minister of Infrastructure and Transportation): Well, no question at this time, but I just want to thank Mr. Lorenc for presenting. Certainly, he's a very good representative on behalf of the Heavy Construction Association. We know him well and we thank him for his opinion with regard to this new legislation.

Mr. Larry Maguire (Arthur-Virden): Thank you very much, Mr. Vice-Chair, and to Mr. Lorenc for your presentation tonight. Thank you very much for being patient in regard to making that time available to us as well.

First, you've indicated that concern about the owner. I share that concern. There's obviously recommended one amendment here at least in regard to, you know, the responsibilities of an owner and I think that would be a natural for any owner to try to train and educate the persons that are working for them and train them in their facility and the type of equipment that they have and ongoing. Of course, I had concern when I read the act the first time indicating that their fine may be up to \$5,000 and as near as I could make it, there were five different people that could be fined which, if it was all the

same, could end up being, if you carried it to the extreme, five \$5,000 fines; \$25,000. At that point, this seemed to me to be less of an opportunity to make the point that we were trying to correct a fault in the system rather than just grab some cash to fix the repairs on some of the items that might have been hit, notwithstanding the \$25,000 wouldn't begin to cover the costs of any bridge or railing or that sort of thing that might be extremely damaged in this.

So, from your point of view, and your association's point of view, I appreciate the amendment. Do you feel the same, that the others may have unduly been impacted by the type of legislation that was put forward in this particular act?

* (21:00)

Mr. Lorenc: Well, as I said in the presentation, we don't quarrel that there's an argument to be made that legislation is required in order to establish a level of responsibility which, when failed, potentially can result in a charge and thereafter a fine being required to be paid by the courts. But the principle, whether it's to the owner, the supervisor, the persons responsible for loading the equipment, or the owner, should be that there is a bar that identifies the conduct that we expect each of these individuals named in the section to meet, and failing meeting those responsibilities, by all means charged and by all means hold them accountable jointly or severally for their actions.

What we find discomfoting is the convenience, simply, of deeming someone guilty by virtue of the position that they occupy and not the responsibility that they failed to discharge. The principle of innocent until proven guilty is a well established principle, and, yes, there are exceptions to that, but those exceptions are rare for a reason, and that is because we expect the level of conduct depending on the legislation that we talk about.

The Workplace Safety and Health Act, I happen to be an employer representative on that task force which reviewed the legislation. We don't have any quarrel with the concept of shared responsibility. We don't have any quarrel with the obligation upon employers to ensure that their employees are competent for the positions in which they are hired, but we do very respectfully disagree with the notion that you deem someone guilty by virtue of their position and not by virtue of having proven that they've failed their responsibility. That's where we part company with respect to this particular act, not the principles for which it stands.

Mr. Vice-Chairperson: Before recognizing Mr. Maguire, we have a little bit under a minute left for questioning.

Mr. Maguire: Just a quick one then. In the minister's comments when this bill was tabled, there were in second reading, there was some—my initial reaction to the bill when I read it is that there is a \$5,000 fine available, and we're setting a new regulation for an offence to be registered and the fine would be up to \$5,000. There were comments to the effect that this was phase 1, and phase 2 would look at going after further compensation from the people that caused the accident or the person or the company to fix or repair the infrastructure as well. Are you aware or have any input into that?

Mr. Lorenc: I'm not aware of it. I'm sure that as and when that phase develops, we'll hear from the minister and the government. We have a good working relationship in that respect.

Mr. Leonard Derkach (Russell): Thank you, Mr. Lorenc, for your presentation. A question with regard to how many people can be charged for the same offence. As I read it now, the owner of the vehicle can be charged for an offence, the person who's driving the vehicle can be charged, as well as the person who may have loaded that piece of equipment or that product may be charged. So, in other words, the government stands to gain a maximum of \$15,000 from one incident where a piece of equipment may have come in contact with the infrastructure. Is that your understanding of this as well?

Mr. Lorenc: Well, Mr. Vice-Chairperson, there are three different individuals that you have identified, each with a different set of responsibilities. Some of them may have been discharged. Some of them may not have been discharged. I think it's appropriate to identify who's responsible for what, and if they failed their responsibilities, to hold them accountable. We don't have a problem with that.

Again, I repeat, our sole objection to what is advanced is the notion of deeming someone guilty as distinct from identifying the standard to which you hold them and then holding them accountable if they failed it.

Mr. Vice-Chairperson: Thank you very much for your presentation, Mr. Lorenc.

I'd now like to call on Mr. Geoff Sine—I hope I'm pronouncing that correctly—from the Manitoba Trucking Association if they are available. This will

be the second call for Mr. Geoff Sine from the Manitoba Trucking Association. Not hiding in the hallway? Okay. They will accordingly be moved down to the bottom of the list.

Bill 15—The Climate Change and Emissions Reduction Act

Mr. Vice-Chairperson: Proceeding numerically, we are now on to Bill 15, The Climate Change and Emissions Reduction Act, and the next person on our list of presenters is Nick Roberts. Is Nick Roberts available? Very good. Mr. Roberts, do you have copies of your presentation for the committee?

Mr. Nick Roberts (Manitoba Used Car Dealers' Association): They've actually been handed out already.

Mr. Vice-Chairperson: Oh, well, fantastic. Please proceed when you are ready.

An Honourable Member: I hope he's not reading the whole thing.

Floor Comment: Come on, Dave.

Mr. Roberts: I beg your pardon? Yes, we're going to read it front to back, in five minutes

Bill 15 aims to reduce greenhouse gases, but I worry that it's only effect will be to create hot air from lawyers, fighting before the courts over what this proposed legislation really means.

My name is Nick Roberts and I appear before this committee as my role as the executive director of the Manitoba Used Car Dealers Association.

The Manitoba Used Car Dealers Association is an organization that, among other things, promotes the interests of its members who sell used vehicles in Manitoba. Our organization is dedicated to the enhancement and improvement of the automobile industry in Manitoba for the benefit of the province's consumers, through identifying public-agenda issues affecting the industry and contributing to the decision-making process.

We are the only trades association representing some 1,400 dealers in the province. Some of the past work that our association has done with government has contributed towards legislative change in Manitoba. Before I begin, I have one housekeeping task and that is to remind you, for your convenience, I've collected into a book of documents those materials in which I intend to make reference during this short presentation.

Part of Bill 15 that most concerns the members of the Manitoba Used Car Dealers Association is the way in which proposed legislation deals with older motor vehicles. In amendments proposed in S21 of Bill 15, changes are made to the Driver and Vehicles Act, prohibiting the import of motor vehicles into Manitoba whose model year predates 1995, where those vehicles have been brought into the province for the purpose of resale and, presumably, trade-ins.

The premise is that older cars emit more greenhouse gases than more modern cars, so the bill introduces steps to reduce the number of older cars. Fewer older cars, the drafters of the bill want us to believe, mean fewer greenhouse gas emissions but there are problems with this approach.

First, older cars do not actually create considerably more greenhouse gases than new models. Referring to tab 4 of our book of documents, you will see that research by the Government of Canada compared cars dating back to 1990. Those studies conclude that the difference in greenhouse emissions is only a variance of 10 percent. In other words, the exhaust from a 1990 vehicle is only the very slightest higher than a 2005 model.

At tab 6 of our book of documents, we have included 10 comparison vehicles, showing greenhouse emissions ratings with data from the Environmental Protection Agency. These show that greenhouse emissions are the same or similar for a 1990 vehicle as it is for 2000 model-year vehicle, even with the slight difference that assumes that the old car and the new car will be driven the same amount of time. In fact, referring to tab 2 of our book of documents, researchers tracking vehicle use conclude that much older cars emit less greenhouse gases, an average of 1.4 tonnes of carbon monoxide less per year than a newer vehicle.

In part, the difference reflects the shorter distances that such older cars travel and the kind of people who drive older cars. So the idea of targeting older cars as a tremendous source of greenhouse emissions is not supported by facts.

The fact is that all motor vehicles produce these gases, so there is not basis for Bill 15 to single out those model years that predate 1995. Even if you disagree with this conclusion and still think older vehicles should be specially targeted, Bill 15 still has problems in achieving this result. While the proposed legislation would prohibit the importation into Manitoba of older vehicles, only those cars and

trucks that were intended for resale would be precluded.

Bill 15 does nothing to stop individuals from buying that pre-1995 and bringing them back into Manitoba for their own use. Presumably, someone thought that more older cars are brought into Manitoba by car dealers than ordinary individuals. The statistics from the Manitoba Public Insurance Corporation show otherwise. In fact, as set out in tab 8 of our book of documents, comparatively few pre-1995 vehicles were imported into Manitoba for the purpose of resale.

Almost three and a half times as many such vehicles were brought in by ordinary individuals, which totalled 1,890 vehicles versus dealers of 553. Bill 35 will, therefore, not even come close to extinguishing the importation of pre-1995 vehicles in Manitoba.

* (21:10)

In fact, there is only one obvious effect that will occur as a result of a ban on importing pre-1995 motor vehicles for the purpose of resale. The Government of Manitoba will see its tax revenues, generated by such sales, dry up to the tune of an estimated quarter of a million dollars.

This arbitrary ban against importation for the purpose of resale also introduces legal problems. I'm not a lawyer but it doesn't take one to realize that Bill 15 is full of loopholes. For example, it prohibits the importation of pre-1995 vehicles into Manitoba for the purpose of resale, but what does the purpose of resale actually mean? Can someone bring an older car into Manitoba, drive it for a week and then resell it? Can two persons each bring into Manitoba a pre-1995 vehicle and then swap those cars between themselves and then in turn flip them for resale?

Even if you get the vagueness of the bill's prohibition, how will the rule against importation for the purpose of resale be enforced? Bill 15 sets out no policing mechanism and no penalties. As it is currently drafted, the proposed legislation seems to rely upon a teenage clerk minding the neighbourhood insurance brokerage store to scrutinize new registrations of imported older vehicles. Do we really want to entrust protections against polluting emissions to a high school student more comfortable with the music of Green Day than the knowledge of greenhouse gases?

There are other legal problems with Bill 15. The proposed legislation would interfere with the way in

which resellers of imported older vehicles can enter into contracts and carry on trade. Bill 15 does not seem to anticipate a constitutional challenge on the grounds that the prohibition may exceed the authority of a provincial government to regulate interprovincial trade. What about a Charter of Rights challenge to restrictions that, some might argue, infringe upon the constitutionally guaranteed right of association to enter into contracts?

Of course all of these problems arise in the context of pre-1995 vehicles, but you will note that the proposed legislation allows the cut-off model year to change from time to time. There is nothing to stop all of these provisions from eventually applying to later-model vehicles in future years.

I've suggested to you that the premise underlying Bill 15 is wrong. Pre-1995 vehicles are not a greater threat to the environment than today's newest cars and trucks. I've also pointed out problems with the way in which Bill 15 goes about trying to limit the number of those older vehicles on the roads of Manitoba which, today, totals 160,000 vehicles.

There is a simpler and easier way, I guarantee, could remove up to 8,000 older-model cars and their corresponding greenhouse gas emissions every year. Every year, the Crown corporation, Manitoba Public Insurance, auctions off older vehicles for salvage. Referring to tab 10 of our book of documents, you can see that in the last three years Manitoba Public Insurance has sold some 34,000 pre-1995 vehicles. In fact, more pre-1995 vehicles get back into the hands of Manitobans through these salvage auctions than all of the cars and trucks that individuals in business bring into the province in any given year.

If this government is serious about curbing greenhouse emissions and thinks that older vehicles are part of the problem, why hasn't it instructed a Crown corporation to stop offering pre-1995 cars and trucks through Manitoba Public Insurance salvage auctions? I would encourage you to take that suggestion as a plug for the kind of innovative thinking that the Manitoba Used Car Dealers Association can bring to the problems that this bill addresses. For that reason alone, I both expect and hope that our association would be invited to join the advisory board that the proposed legislation aims to set up.

So let's review. There's no scientific evidence that supports the contention that older-model vehicles actually pollute more than newer cars and trucks. There are serious and significant loopholes in

the way by which Bill 15 tries to restrict the importation of older motor vehicles. There are possible legal challenges to the whole statutory framework that Bill 15 clumsily seeks to erect, and most distressing, no one has bothered to shut down MPIC salvage auctions which are the number one way that older cars get back onto the roads of Manitoba.

While the idea of reducing harm to our environment is good, Bill 15 and the way it goes about pursuing that goal are bad and the proposed legislation does not deserve your support. In closing, I would like to thank the committee for its attention, and this concludes my submission.

Mrs. Heather Stefanson (Tuxedo): Thank you very much. I assume we're onto questions now.

Mr. Vice-Chairperson: Yes, we're onto questions.

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

Just to go back to MPI, it sounds to me like what you're saying is that there's a bit of a double standard happening here. There's a standard that applies to government through its Crown corporation, MPI, and a different standard that applies to the Manitoba Used Car Dealers Association. I'll just ask, is that right, or did I take that wrong in terms of what you're saying?

Mr. Roberts: No, you took that right. If we look at last year, used car dealers accordingly brought about 500 vehicles into the province for resale. Most of those would have been trade-ins or specialty vehicles.

Consumers brought in 1,800 and Manitoba Public Insurance probably sold somewhere around 11,000. Thirty percent of those would be irreparable, so that's not the total number that they could put back on the road, but it's still a significant number. If they're putting anywhere 6,000, 7,000, 8,000 vehicles that they're reselling that people can put back on the road, they're the biggest car dealer in the province of Manitoba.

Mrs. Stefanson: It seems to me that, if the government is serious about this, first of all, they would apply it to their own Crown corporation but this is somewhat alarming that it seems to, again, be a bit of a double standard out there. There's one standard for government and another for everyone else. To me, that is very alarming.

It leads me to believe that something as simple as this, that you have brought forward this evening, a number of people are probably not aware of. Something as simple as this has either been overlooked by this government, which is pretty significant when it comes to your association and your business, or were you, in fact, consulted with respect to this issue?

Have you brought this forward to the government and, if so, how did they address that to you, this very issue?

Mr. Roberts: Prior to Bill 15 being introduced, we had absolutely no consultation with government. We were not invited to the table. Even members of the Manitoba Motor Dealers Association got an invitation but weren't there, so they had a four-hour roundtable with Dr. Lloyd Axworthy and that appeared to be consultation on their part.

Of course, we came to know about it through the press. So we turned around and requested a meeting with Mr. Rondeau's office. Subsequently, we met with Mr. Clarkson, the deputy minister. We also gave him that same information and showed him how it could work. That's been the end of it.

Mrs. Stefanson: This is the problem that I have with this government because, time and time again, we've got groups and organizations that come out and do presentations. If the government had just taken it upon itself to meet with you and discuss some of these issues beforehand, we wouldn't probably be dealing half of the issues that we would have to deal with. They would have been dealt with beforehand.

This is very alarming to me that they wouldn't have included you in something that affects you and your organization in Manitoba. Certainly, it sounds to me like, when you were given an opportunity to meet, the minister didn't meet with you; you met with one of the deputies. This is a very serious issue in Manitoba for your organization. I would hope that, in future, they would take it upon themselves to include you in consultations.

What indication did they give you at that meeting as to what kind of consultation process you will be involved in going forward?

Mr. Roberts: At that meeting, we were given no direction as to what kind of consultation would take place. None.

Mr. Leonard Derkach (Russell): Thank you for your presentation, Mr. Roberts.

What I find interesting is listening to the presentations that have been made this evening; it appears that Manitoba is moving off in a direction of its own without the co-ordinated efforts of other provinces or, indeed, the national government, for that matter. I think this is an issue that goes even beyond the Canadian borders and one that should be addressed in some form of unison.

* (21:20)

Can you tell us how this is going to impact on your business, given that you probably deal with clients outside of Manitoba's borders?

Mr. Roberts: That would be the largest impact where you're having somebody coming into the province of Manitoba to do business with us and to be able to take a trade. Car dealers in this day and age, pre-1995, we probably take more of them off the road than we ever resell, not like Manitoba Public Insurance, but we take probably more of them off the road. However, you're going to always come across pristine condition, pre-1995 cars that could easily be resold. You lose the tax base, et cetera, on it. It's a big concern and at the same time we seldom—we bring in the least amount yet they want to penalize us. It's not a level playing field. Everybody else can bring them in.

Mr. Vice-Chairperson: Thank you very much. Time has expired.

Now I'd like to call up Bruce Giesbrecht from the Manitoba Motor Dealers Association.

As Mr. Giesbrecht is making his way forward, just for the benefit of folks who may be new to committee process, the reason why we have to say a person's name each time before they talk is for the benefit of *Hansard* and the people who will be transcribing the audiotapes onto paper. So we don't do it to disrupt the flow of conversation. It's there for that reason.

Mr. Giesbrecht, I see you have copies of your presentation here. Thank you for that. Do you want to jump right on in now?

Mr. Bruce Giesbrecht (Manitoba Motor Dealers Association): No. There might be some stuff in there that the committee members would want to have a look at before I start.

Mr. Vice-Chairperson: Please proceed when you're ready, sir.

Mr. Giesbrecht: Well, most of my fire's out so it'll be short and quick. I was full of vigour at about 3:30, 4 o'clock. This is my first time before a committee, so thank you, Mr. Vice-Chair and committee members, for giving me the time today because I really didn't want to come back tomorrow.

First of all, I'm the president of the Manitoba Motor Dealers Association, MMDA, and if you have a look at the information I've sent you, it's kind of a breakdown of who we are.

The Manitoba Motor Dealers Association is an association of all the new vehicle franchised dealers in the province of Manitoba, and we've been in operation since 1944.

I'm just searching for my glasses so I'll see if I can read this without them.

The MMDA is a non-profit industry trade association that serves its membership, the franchised new automobile and truck dealers of Manitoba. We represent the retail sector of the Manitoba motor vehicle industry.

We employ just under 5,000 Manitobans. We provide an annual payroll in excess of \$200 million. We contribute approximately \$80 million in municipal, provincial, and federal taxes per year.

Are those reading glasses? *[interjection]* Oh, perfect.

We have invested in excess of \$500 million in land, equipment, and buildings in this province. Our commitment in terms of direct financial contributions and monetary value of donated staff time to sport, health, the underprivileged, and culture totals over \$7 million annually.

One in seven Canadians are employed either directly or indirectly by the automobile industry.

Our concerns with Bill 15: The Manitoba Motor Dealers Association are a very environmentally responsible group and are certainly not opposed to our government working to reduce greenhouse gas emissions in Manitoba, but we are very concerned with deep-impact regulations rising out of Bill 15 that can severely impact our ability to continue doing business in Manitoba and serving the needs of our customers.

The bill could provide the regulatory authority for the minister to regulate the emissions of all new vehicles sold in this province, starting as early as the year 2010. Any emission standard that divides the

Manitoba market from the rest of North America will have serious product availability implications for Manitoba's new vehicle franchised dealers.

The market cannot manufacture to a variety of differing local standards. Consequences will be that our Manitoba consumers will be severely and quickly constrained in their vehicle choices for families, farmers and small businesses that require specific types of these vehicles.

We also cannot believe that our government wishes to send Manitobans to Ontario and Saskatchewan to purchase their vehicles. We currently have enough to deal with with our customers going to the United States to purchase vehicles. Please don't make it harder for us to do business in this province.

Manitoba's air quality and make-up of the province are totally different than California. Why then, is California referenced throughout this bill? Manitoba dealers historically sell more trucks and SUVs due to the unique needs of our Manitoba weather. Adopting the California standard would reduce the number of trucks and SUVs Manitoba dealers could sell in order to help the industry to meet the fleet average mileage rules regardless of the customers' needs. Adopting an appropriate emissions standard is not a bad idea. Granting California any control of Manitoba air is a very bad idea. Regulations are imposed in California regardless of cost or benefit factors.

We are very concerned that a patchwork of provincial fuel economy standards would create market disruptions, increase compliance costs for vehicle manufacturers and result in higher prices and less choice for our consumers. All of the industries' provincial associations through our national association, the Canadian Automobile Dealers Association, otherwise known as CADA, support the framework for Canada's first motor vehicle fuel consumption regulations announced by the federal Minister of Transport in January, 2008. We are very supportive of this move to regulate the fuel consumption of new cars and light trucks beginning with the 2011 model year. A provincial patchwork of fuel economy regulations would be a nightmare for dealers, manufacturers and more importantly, our consumers.

The move towards new tough federal standards is in line with our industries voluntary memorandum of understanding commitment that is right on track to reduce the greenhouse gases from light duty vehicles

by 5.3 million tonnes by 2010. The pace of development of new designs, products and technologies has accelerated. Our components weigh less, engines and power trains are more fuel efficient. Modern, flexible manufacturing facilities support multiple vehicle platforms.

Twenty years ago, a vehicle model stayed on the showroom floor unchanged for an average of four years. Today the average showroom age is less than three years. To keep pace, to remain competitive the industry must consistently invest in costly new product and process technologies.

In conclusion: No. 1, fuel economy requires a nationally harmonized approach so that Manitoba businesses, employees and customers are not disadvantaged. No. 2, Bill 15 will limit vehicle choice for families, farmers and small businesses in this province. No. 3, Bill 15 will limit the availability of commercially required vehicles like full-size pickup trucks and vans, and No. 4, Bill 15 will specifically limit retail customers with respect to cargo space, passenger room, limited towing capacity and off-road capabilities.

Bill 15 will also shift consumers to used vehicles or out-of-province vehicles as Nick had stated in his message previous to mine.

Also, Manitoba lacks the infrastructure at this moment or at this point to properly regulate fuel economy and this will lead to greater taxpayer expenditure for what is already regulated by the federal government.

As president of the Manitoba Motor Dealers Association, I implore you to please, do not jeopardize the industry of Manitoba new car franchise dealers. Thank you very much for your time.

Madam Chairperson in the Chair

Hon. Jim Rondeau (Minister of Science, Technology, Energy and Mines): Just wondering, are you against the whole thing on the vehicle standard advisory board that says that they're supposed to advise the minister to achieve the most cost-effective efficiency improvements and emission reductions that are feasible for new private vehicles in each year, from 2010 to 2016 inclusively—that's section A—or B, further feasible and cost-effective efficiency improvements in emission reductions for new private vehicles?

* (21:30)

I don't know whether you know this, but it says here that we just have to look at the California rules and basically design our own fuel efficiency standards that are, quote, reductions that are cost-effective and efficiency improvements that are feasible.

So you are against that recommendation in the bill?

Mr. Giesbrecht: We're against the Province for looking at the California emission guidelines and adopting those guidelines.

Mr. Rondeau: You knew that we didn't.

Mr. Giesbrecht: I know that.

Mr. Rondeau: Okay. Thank you.

Mr. Giesbrecht: We're not against Bill 15. We just don't want Manitoba to stand out on its own, and we believe that the infrastructure is not here. We don't want to be disadvantaged as being the only province in Canada with our hands tied as toward selling certain vehicles at this time.

We would also like to be involved on that board to help the government make decisions or to give any advice we can.

Mr. Derkach: Thank you, Mr. Giesbrecht, for your presentation.

As I sit here and listen to your presentation, and those of others involved in the industry, I can't understand how it is Manitoba is going to adopt standards for vehicles that are sold in Manitoba when, indeed, there has to be a national standard in order for us to be able to deal with other jurisdictions, other provinces, and other dealers.

I'm wondering, Mr. Giesbrecht, whether the passage of this bill is going to limit, not only the ability of the Manitoba dealers to sell cars, but to limit the products that the dealers are going to be able to carry on their lots in Manitoba as compared to other jurisdictions.

Mr. Giesbrecht: That's a very good question.

I guess that's more of a wait and see, but as far as we're concerned, the vehicle manufacturers out there right now don't have the ability to meet all of the emission standards that could be in place by the year 2012. So our availability of models would be drastically reduced in this province. I don't have the exact numbers off hand, but I believe in the year 2020 we should be down to a 40 percent increase in

fuel economy. I don't know if the vehicle manufacturers, at this point, are able to get there. So it will definitely reduce the amount of vehicles sold in the province of Manitoba, or in Canada, for that matter.

Mr. Derkach: So although you can't sell those vehicles in Manitoba, perhaps because of their inability to achieve the standards that are going to be set by the government, I as a consumer can purchase a vehicle outside of the province and drive it in Manitoba as long as I've purchased it not from a Manitoba dealer.

Is that your understanding how this is going to work in the end?

Mr. Giesbrecht: Exactly. That is our greatest fear.

Mrs. Stefanson: Well, thank you very much.

I mean, if that is the case—and that was sort of where I was going to get at in my question, but is that not—I mean, if people can still, consumers can still purchase from outside the province, those cars are allowed to come here, is it then not just shutting down an industry in Manitoba and not making any bit of difference to environmental concerns in your opinion?

Mr. Giesbrecht: I agree totally with what you just said. Yes. I don't know—I don't have an answer whether or not the vehicle manufacturers can meet those standards or the standards that eventually will be developed through this bill. But I do know that the automobile dealers in this province are very afraid that they will be disadvantaged. Period.

Madam Chairperson: Thank you. The time for questions and answers has expired.

I will now call on Colin Craig, Canadian Taxpayers Federation. Do you have materials to present?

Mr. Colin Craig (Canadian Taxpayers Federation): Oral presentation, thank you.

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

Mr. Craig: I had good afternoon at the beginning of my speaking points, so I'll change that to good evening right now.

Thank you for the opportunity to speak here today. My name is Colin Craig and I'm the provincial director of the Canadian Taxpayers Federation. The Canadian Taxpayers Federation is a not-for-profit,

non-partisan, advocacy organization that is committed to lower taxes, less waste and more accountability in government.

Having a clean and sustainable environment should be a concern for us all. Without it, there would be no government, no Canadian Taxpayers Federation and, potentially, no human activity on the planet. Of course, that's important. It is, of course, an area that we all need to pay attention to; however, it is also an area with great misunderstanding.

Although some suggest that the planet is warming, we see examples that dispel that myth every day, for example, the snow that we saw here in Winnipeg just a couple of weeks ago. On a similar note, all Manitobans heard about last winter was how it was going to be one of the coldest winters on record. In fact, even David Suzuki can't support the global-warming claim. According to the science section on David Suzuki's Web site, and I quote: Global average temperatures have risen by 0.6 degrees Celsius since 1900.

Ladies and gentlemen, 0.6 degrees is a rounding error. Perhaps, that's why some global-warming activists have switched from claims of global warming to the new term that covers just about everything—climate change. This allows them to cover off things, like cold Winnipeg winters or the snow we received here in May, something which wasn't a first.

At one point, we heard that all the hurricane activity in the United States was due to climate change in human activity. Now, scientists from the National Oceanic and Atmospheric Administration have stated the hurricane activity in the Atlantic is not abnormal and is within the range of variability that scientists should expect.

Of course, the climate is changing. No one will deny that. In fact, it's been changing since the earth was formed billions of years ago. The climate is so hard to predict that weathermen have consistently gotten the weather forecast wrong for decades, despite advances in technology.

This is nothing new. If we can't get the weather right for this weekend, how can we accurately expect to predict the weather centuries from now? Perhaps that's why 31,000 U.S. scientists recently signed a declaration that stated: There's no convincing scientific evidence that human release of carbon dioxide, methane or other greenhouse gases is causing or will, in the foreseeable future, cause

catastrophic heating of the earth's atmosphere and disruption of the earth's climate.

Now, obviously, the science community is split. If Winnipeg had a major smog problem, it would be more appropriate for the government to engage the community in terms of activities that individuals could conduct to alleviate the problem but, certainly, that is not the case here in Manitoba. The government is battling something for which the science community is still divided.

Car pooling to work, recycling and purchasing low-emission vehicles are activities Manitobans can choose to do right now, if they wish to reduce their emissions. Clamping down on the automobile industry and imposing new rules, regulations and fees is not the answer.

On that note, if the government were serious about vehicle emissions, they would look across the way to the Lieutenant-Governor who last year purchased a brand-new V8 vehicle and routinely drives it from his residence to the Legislature.

Meddling in the economy through imposing new regulations, taxes and fees is also not the answer. As we have seen with the vehicles, if consumers desire a low-emission product, the market will respond accordingly.

On behalf of the supporters of the Canadian Taxpayers Federation, I ask that the government reconsider this legislation and let Manitobans decide how they wish to address the debate. Thank you.

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

Mr. Derkach: Thank you for your presentation.

I'm wondering whether the Canadian Taxpayers Federation was consulted by the department or by the minister in the putting together of this legislation. Are you aware of any consultation with your organization regarding this legislation?

* (21:40)

Mr. Craig: I've been on the job for about three weeks now. I certainly saw my predecessor, Adrienne Batras's reaction, when she heard about this, and that was shock. So I assume that she was not consulted on this legislation.

Mr. Derkach: Well, I'm a little bit confused and surprised because I heard previous presenters indicate that there was no consultation with their

organization either and yet the minister from his chair indicated to me that there was plenty of consultation with these organizations. I'm just wondering whom within these organizations the minister's consulting with, so I wanted to know from you whether or not you have had any direct or indirect consultation with the minister regarding this bill on climate change.

Mr. Craig: I thank the member for that question. It sounds like it was open communication behind closed doors. We've seen the same thing that happened with Bill 17. With that, the government went out and had this broad consultation supposedly. They enlisted a bunch of scientists to look at the hog barn issue. The scientists came back and made their findings, and the government responded in a completely different direction. That's why the scientists came out to speak against it. So perhaps maybe they learned from that and decided not to consult with the community on this one.

Mr. Derkach: Has your organization done any guesstimates or any work on what this bill might cost the average Manitoban or the average taxpayer in our province?

Mr. Craig: You know, I'm not sure. I think there's a great quote out there that government is not the solution, government is the problem. It's something that we see quite often is that the government seems to think that they need to go out there and control everything. They need little boards to tell us what types of vehicles to drive, how many drinks we can have in front of us when we go out for a social evening, all kinds of things like that. If we started to treat the people out there like adults, which they are, I think you would see the types of—or Manitobans could act how they want to.

Mr. Derkach: Mr. Craig, in a very serious note on this bill, it would seem to me that the Manitoba automobile association is going to be impacted fairly significantly on the implementation of the regulations within this bill and that in fact may cost Manitoba jobs. If Manitoba dealers cannot offer the variety of products that other jurisdictions do, consumers are going to vote with their feet and they're going to go to other jurisdictions and purchase the products that they want.

Has the Taxpayers Federation done any evaluation of the potential impact of this bill and the fact that there has been no consultation with the affected players and what this might do for the economy of our province?

Mr. Craig: I'm not familiar with any research in that area. As I mentioned, it's week 3 on the job for me, so I'm still certainly learning a lot. But, just on that note, I think what we're seeing right now is Manitobans are voting with their wallets and they're purchasing vehicles from other jurisdictions right now. I think that, if we come in and impose rules and regulations on them, they'll just continue to do the same thing. They'll buy the vehicles that they want. If there's a will, there's a way.

Mr. Derkach: Mr. Craig, I don't think any of us can reject the fact that paying attention to the environment and to climate is an important element, but we have to be practical about the approach that we take. From what I've seen within this bill and the impact that it's going to have on, for example, the automobile association, it would seem to me that without science, without solid evidence, and I guess because of a political whim or perhaps because of interest groups that are putting pressure on the government, it has unilaterally moved in this direction without any studies to give it the basis for the aspects of the bill. To my way of thinking, anything like this, without the proper consultation, is going to have fairly significant and devastating impacts not only on the economy but also on the consumer.

As the Taxpayers Federation, I know that your interests lie in protecting the rights of taxpayers. Your opposition to this bill seems to indicate to me that in fact, you're not against attention to climate issues and to environment; rather, you're opposed to silly aspects of the bill which have nothing to do except political posturing with regard to the environment and the climate.

Mr. Craig: That was a long statement. I'm trying to think of everything that the member mentioned there. But I think the key in this is that we have to be reasonable. Manitobans, most of them, are above 18. They're adults. They can decide how they would like to support the environment if they would like, and I don't think they need the government telling them how they should respond. If your concern is that you want everyone to buy low-emission vehicles, if you reduce the amount of waste that this government conducts each and every day and gave that money back to the taxpayers, they could then potentially buy some of those low emission vehicles which sometimes cost a little bit more than the other ones.

I think the key here is being reasonable and allowing Manitobans to decide for themselves how

they would like to address this issue. As I've stated, clearly the science community is split, and I think that we owe it to Manitobans to let them to decide. If they want to carpool on the way to work, well, that's up to them. If they want to recycle and purchase low-emission vehicles and do other things that help the environment, I think that they're old enough to make those choices for themselves. I think that that's something that we need to definitely consider.

Madam Chairperson: Thank you, Mr. Craig. The time for questions and answers has expired.

I will now call on Margaret Bernhardt-Lowdon, Manitoba Lung Association. Please proceed with your presentation.

Ms. Margaret Bernhardt-Lowdon (Manitoba Lung Association): Good evening, Madam Chair, honourable ministers, members of the standing committee.

I am here to represent the Lung Association of Manitoba as the Director of Health Initiatives. I want to thank you for the opportunity to speak to you tonight on Bill 15.

You may not be aware, but the Lung Association of Manitoba is a non-profit, registered health organization that has a long history in Manitoba. For over 103 years we've been doing our best to help Manitobans breathe. Our tag line, "When You Can't Breathe, Nothing Else Matters" captures the fundamental mission of our organization. We are part of a large national group that focusses its efforts on the prevention and management of lung disease.

We strongly support environmental policies that promote good air quality. Air quality standards must protect the public against acute and chronic adverse health effects. We believe, and we are especially concerned about the effect of poor air quality on the health of vulnerable populations. That would include Manitobans who have lung disease like asthma and COPD. It also includes the elderly, and it also includes children.

We support strategies such as public education and outreach, research advocacy, legislation, regulation, and litigation to protect the lung health of Manitoba. We have several strategies that help us follow up on this. Two I'll mention just briefly, are our Bye Bye Beaters program and the Environmental Health Coalition.

Since November of 2003 we've been running and operating a vehicle scrappage program in

Manitoba called Bye Bye Beaters. We operate it in conjunction with 17 partnering organizations and we have received funding from Environment Canada. This scrappage program is unique in that it is incentive based.

Our national organization has also formed a coalition with the Canadian Cancer Society and the Heart and Stroke Foundation to increase awareness of the risks of environmental hazards and to urge governments, organizations and Canadians to act now to protect Canadians' health. This is the first time in Canada that our organizations have come together to push for action on the environment.

* (21:50)

Climate change does exist. There's increasing scientific evidence that demonstrates the harmful effects of environmental hazards on our health. Air pollution already contributes to respiratory and cardiovascular diseases. We know that long-term exposure to air pollution has been linked to lung cancer and to the premature death this year of 5,900 Canadians.

We know that even short-term exposure has been shown to increase mortality and morbidity, and we know that poor air quality has been linked to increases in emergency room visits and hospital admissions, and we know that it costs money. We know that the overall economic cost associated with air pollution is \$20 billion annually for Canadians.

Climate change has already started, and it's going to progress and we have to take some action. That is why we do support Bill 15. We want to commend the Manitoba government for taking a leadership role on the issue of climate change. We strongly believe that Bill 15 will be an integral part of an effective strategy to protect the lung health of Manitobans.

We recognize the relationship between the causes of air pollution and climate change and support actions that mitigate climate change as a mechanism to improve air quality. We believe that Bill 15 will provide a framework so that this can take place.

In particular, these are the aspects of Bill 15 that we support. We are in support of setting targets for emissions reductions and periodic reporting on our progress. We believe that all Manitobans have the right to know about the environmental risks that they're being exposed to so that they can make informed decisions about their health.

We agree with the article that deals with the requirements of landfill owners. We agree with the restrictions on burning coal and petroleum-based diesel fuel because we favour the transition of fossil fuel power plants from coal or oil burning to cleaner fuels and alternatives. We're in favour of the green building regulations, and we're in favour of the fuel efficiency standards that you've laid out for vehicles.

We also strongly support measures to reduce pollution caused by motor vehicles including cleaner fuels, reformulated gasoline, and alternative fuels; mandatory vehicle inspection and maintenance programs; and the development of a market penetration of low- or zero-emissions technology. We would like to see stringent emissions standards and emission control devices for on-road and non-road gasoline and diesel engines.

We also agree with municipal tax exemptions for underground portions of geothermal systems. We like the fact that you want to provide support for regular and rapid transit systems, and we really like the idea of using advisory committees to guide you through all the complicated matters of the environment.

We would like to see a few little things added though. We would recommend the following additions to Bill 15 in order to enhance your ability to protect the lung health of all Manitobans. We would like to see the registry for emissions credits mandatory for all businesses and this would include industry. We would also encourage the government to enforce restrictions on harmful emissions from industry. We believe that we should enhance the incentives to encourage Manitobans to reduce their driving and adopt active transportation. We support policies that encourage mass transit and alternative transportation options and planned land development that protects the environment.

We also would like to see inclusion of provisions to regulate the emissions for heavy duty trucks since 37 percent of greenhouse gas emissions in Manitoba are caused by the transportation industry. We also would like to see incentives to encourage the most efficient modes of freight transportation.

In conclusion, we would like to say that we are, in general, in support of Bill 15. We strongly believe that it will be an integral part of an effective strategy to protect the lung health of Manitobans, and we recommend that some amendments to this bill take place in order to enhance its effectiveness. We look

forward to working with the Manitoba government in the future to improve the air quality and the lung health of all Manitobans. Thank you.

Madam Chairperson: Thank you. Do the members of the committee have questions?

Mrs. Stefanson: I just want to thank you for your presentation. I'm just wondering, given some of the other presentations that have been made this evening with respect to—and I just want to talk about, maybe, the effectiveness of the bill and where it may be going, that there are some concerns out there that, perhaps, what the intent would be is to reduce greenhouse gas emissions, et cetera, through regulating the auto industry.

What we've heard tonight is that that may not necessarily be the case, that people will go outside of Manitoba; consumers will go outside of Manitoba to do those things. I'm wondering if, given some of those presentations, if you have any thoughts on that side of it and whether or not this bill will be effective the way it is, in terms of addressing that issue.

Ms. Bernhardt-Lowdon: I think, in terms of the legislation, we possibly will have to look at that, although I have to admit that my expertise is in health; it's not in the automobile industry. If there is that loophole, we certainly should address it.

Mrs. Stefanson: No, I appreciate that very much. One of the other things I wanted to ask you—again, the effectiveness of the bill, when it comes to actually reducing things so that people with COPD, et cetera, in the environment—we always like to focus on results and making sure that there are real results coming out of some of these things.

What we're concerned about is—certainly by some of the presentations that have been given this evening, some of the various stakeholders that we've met with—that that may not necessarily be the case. Given that the government has only set a target of completing 5 percent of their Kyoto target over the next four years, leaving the remaining 95 percent for the following years, does that concern you that they may be not really serious about reaching those targets but, more so, just trying to push forward through an election that now has been set in 2011 and, thereby, just sort of pushing this off?

Maybe this bill looks good, sounds good, but will it necessarily be as effective as it could be?

Ms. Bernhardt-Lowdon: Good question, tough question. Again, I have to give that some thought.

I think that this government is committed. We're probably not moving as quickly as we should; I do have that concern. Two, three years down the road, where are we going to be?

I am quite proud of the fact that Manitoba is taking a leadership role. I talk to my counterparts across Canada on a regular basis and we, actually, are well ahead of the game. That's not to say that we can't make some adaptations to Bill 15 to speed things up, but I think we've made a good start.

Mr. Larry Maguire (Arthur-Virden): Just one quick question in regard to—it was the presentation that was made earlier but you also, I see, in your presentation monitor and support the Bye Bye Beaters program and the Environment Health Coalition as two of the examples of some great opportunities. The Bye Bye Beaters program is obviously getting rid of old cars, that sort of thing.

Can you just indicate how the success of that program has gone, firstly?

Ms. Bernhardt-Lowdon: We certainly have done fairly well with the program. We started the program in November of 2003 and, so far, we have removed approximately 850 cars. Now, that's not to say we couldn't do better; we certainly are intending to do that.

Mr. Maguire: In a follow-up, I know that one of the previous presentations had indicated that Manitoba Public Insurance could take out about 8,000 a year. That's quite a startling number and would be a great feather, perhaps, in the hat of being able to reduce some of the emissions, if more of those vehicles weren't turned back in; they have their own reasons for doing that.

One of your points in the presentation here, as well, tonight looked at the regulated emissions for heavy trucks; 37 percent of greenhouse gas emissions in Manitoba are caused by the transportation industry. The 37 percent total from the transportation industry—I've heard that number or very similar ones before—but you're not saying that the heavy trucks cause all 37 percent, are you?

Ms. Bernhardt-Lowdon: No, I'm not. I'm just saying all vehicles involved in the—

Mr. Maguire: Do you have a breakdown of the amount caused by the different sectors of the vehicles that come up with that 37 percent? I'm sure it's—I mean, it is real, but I just wondered if you had

or your association had any work that you done in that area.

Ms. Bernhardt-Lowdon: Thank you. I do have that and I can provide it to you, but just not right at the moment.

Mr. Maguire: Thank you then. I appreciate that and look forward to receiving it, either from yourself, or I see the minister's indicated that he has some of those numbers as well.

One area that really, I think we need to spend a lot more time at in the future, in regard to really making—

Acting Chairperson: I'm sorry to interrupt. We've reached the time of 10 o'clock and, as previously agreed to by the House, the time being 10 o'clock, the committee rise.

Since we have our meeting tomorrow, if committee members would leave copies of bills on the table, that would be appreciated. Thank you.

COMMITTEE ROSE AT: 10:00 p.m.

**WRITTEN SUBMISSIONS PRESENTED
BUT NOT READ**

Re: Bill 13

Keystone Agricultural Producers is Manitoba's farm policy organization representing individual farmers and commodity groups throughout the province. Our mission statement: "to be a democratic and effective policy organization promoting the social, economic and physical well-being of all Manitoba agricultural producers."

Manitoba's farmers are significant exporters to other provinces and countries, but also conduct business across the province with other producers, agri-businesses, and many sectors that serve our industry. We rely heavily on the ongoing health of our infrastructure system to ensure that these business transactions are timely, efficient, and safe.

KAP generally supports Bill 13 as a means to protect the safety of Manitobans and the longevity of our infrastructure. However, we are concerned that producers may be held responsible for damages that are beyond their control. Some farmers are responsible for moving or loading some of their equipment or commodities, and may play a supervisory role for employees or other contracted persons that are given this responsibility, but this is not always the case.

As this Bill moves forward, KAP would also like to strongly encourage government to ensure that appropriate signage is posted to prevent infrastructure damage. Advisories on the height of bridges or overpasses and other relevant information must be clearly posted well in advance, to ensure that drivers have an opportunity to find an alternate route, if necessary. An education campaign or complementary resources may also be useful to help inform drivers, transportation companies, farmers, and other stakeholders of any new provisions.

On behalf of KAP and our members, I would like to thank you for the opportunity to provide input into the Committee's deliberations on Bill 13.

Sincerely,

Ian Wishart, President, Keystone Agricultural Producers

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

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