

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

Chairperson
Ms. Sharon Blady
Constituency of Kirkfield Park

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

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**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS**

Thursday, June 4, 2009

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Ms. Sharon Blady (Kirkfield Park)

VICE-CHAIRPERSON – Mr. Daryl Reid (Transcona)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Messrs. Chomiak, Robinson, Struthers, Swan, Hon. Ms. Wowchuk

Ms. Blady, Messrs Derkach, Eichler, Goertzen, Reid, Mrs. Taillieu

APPEARING:

*Mrs. Heather Stefanson, MLA for Tuxedo
Hon. Jon Gerrard, MLA for River Heights
Mr. Kevin Lamoureux, MLA for Inkster*

WITNESSES:

Bill 7–The Food Safety and Related Amendments Act

*Mr. Glen Koroluk, Beyond Factory Farming
Mr. Ian Wishart, Keystone Agricultural Producers*

*Ms. Enid Clark, Manitoba Women's Institute
Mr. David Wiens, Dairy Farmers of Manitoba
Mr. David Shambrock, Manitoba Food Processors Association*

Bill 6–The East Side Traditional Lands Planning and Special Protected Areas Act

Ms. Sophia Rabliauskas, Poplar River First Nation

*Mr. Marcel Balfour, Norway House Cree Nation
Mr. Garry Raven, Private Citizen*

*Mr. Donovan Fontaine, Sagkeeng First Nation
Ms. Gaile Whelan Enns, Manitoba Wildlands
Mr. Ron Thiessen, Canadian Parks and Wilderness Society*

Mr. Michael Anderson, Manitoba Keewatinowi Okimakanak Inc.

*Ms. Mary Granskou, Canadian Boreal Initiative
Mr. Eric Reder, Wilderness Committee*

WRITTEN SUBMISSIONS:

Bill 7–The Food Safety and Related Amendments Act

*Rory McAlpine, Maple Leaf Foods Inc.
Ruth Pryzner, Private Citizen*

MATTERS UNDER CONSIDERATION:

Bill 6–The East Side Traditional Lands Planning and Special Protected Areas Act

Bill 7–The Food Safety and Related Amendments Act

Bill 25–The Statistics Amendment Act

Bill 27–The Gaming Control Amendment Act

Bill 28–The Private Investigators and Security Guards Amendment Act

Bill 32–The Centre culturel franco-manitobain Act

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Clerk Assistant (Ms. Monique Grenier): Good evening. Will the Standing Committee on Legislative Affairs please come to order.

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

Hon. Andrew Swan (Minister of Competitiveness, Training and Trade): Yes, I nominate Ms. Blady.

Clerk Assistant: Ms. Blady has been nominated. Are there any other nominations? Hearing no other nominations, Ms. Blady, will you please take the Chair.

Madam Chairperson: Our next item of business is the election of—order. Our next item of business is the election of a Vice-Chairperson. Are there any nominations?

Mr. Swan: I nominate Mr. Reid.

Madam Chairperson: Mr. Reid has been nominated. Are there any other nominations? Hearing no other nominations, Mr. Reid is elected Vice-Chair.

This meeting has been called to consider the following bills: Bill No. 6, The East Side Traditional

Lands Planning and Special Protected Areas Act; Bill 7, The Food Safety and Related Amendments Act; Bill 25, The Statistics Amendment Act; Bill 27, The Gaming Control Amendment Act; Bill 28, The Private Investigators and Security Guards Amendment Act; Bill 32, The Centre culturel franco-manitobain Act.

I would also like to add that due to a recent announce-announcement made in the House, the Standing Committee on Legislative Affairs will also meet on Monday, June 8th at 6 p.m. to continue consideration of Bill No. 6.

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

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

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

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

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

Mr. Kelvin Goertzen (Steinbach): I know historically we've accepted the out-of-town presenters first, and I think that that's both respectful of their travel time, and I think the committee should be willing to look at that.

Madam Chairperson: Agreed?

Some Honourable Members: Agreed.

Madam Chairperson: So, with this consideration in mind, we will hear, in keeping with previous practice, we will hear out-of-town presenters first?

Some Honourable Members: Agreed.

Madam Chairperson: Agreed. Okay.

Mr. Swan: If I could just suggest, on, on Bill No. 6, I understand that it's, it's been agreed, of course, that Bill 6 will also be considered on Monday. So, I believe we will, we will work through the entire list, but I think it's, it's agreed that we won't call anyone a second time and have them dropped from the list unless, unless we actually know that they're, they're present tonight. To give anyone who's—in other words, anyone who's registered on the list will have the right to, to present on Monday.

Madam Chairperson: Okay. Is it agreed by the committee that—

Some Honourable Members: Agreed.

Madam Chairperson: Okay.

We will proceed with Bill 6 so that no one is dropped from the list if they are not present and waiting to attend on Monday.

I would also like to inform the committee of a couple of requests that have been received by a certain presenters as follows: on Bill 6, Gaile Whelan Enns, Manitoba Wildlands, is unable to make her presentation prior to 7:30. Is there leave of the committee to not call Gaile Whelan Enns' name before 7:30?

Some Honourable Members: Agreed.

Madam Chairperson: Agreed.

On Bill 7, Glen Koroluk, Beyond Factory Farming, is having to catch a plane at 8:30 and would like to be able to present first.

If there is leave of the committee to allow Mr. Koroluk to pre—is there leave of the committee to allow Mr. Koroluk to present first to Bill 7?

Some Honourable Members: Agreed.

Madam Chairperson: Leave has been granted.

A written submission on Bill 7 from Rory McAlpine, Maple Leaf Foods, has been received and distributed to committee members.

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

Some Honourable Members: Agreed.

Madam Chairperson: Agreed.

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

In accordance with a sessional order adopted in the House, as we currently have less than 20 presenters registered, if this committee has not completed clause-by-clause consideration of these bills by midnight, a number of rules will apply, including: (1) sitting past midnight to hear presentations; (2) if they are not already finished, concluding presentations at 1 a.m.; and (3) interrupting proceedings to conclude clause-by-clause on all bills at 3 a.m., except for Bill 6, as noted before.

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

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

*(18:10)

Bill 7—The Food Safety and Related Amendments Act

Madam Chairperson: I will now call on Glen Koroluk. Glen Koroluk. Do you have any written present—oh, you do have written materials for distribution to the committee? Okay. Thank you.

Mr. Koroluk, please proceed with your presentation when you're ready.

Mr. Glen Koroluk (Beyond Factory Farming): Beyond Factory Farming is a national non-government organization that promotes food sovereignty and socially responsible livestock production. The recent outbreak of listeriosis, which sadly caused the death of 22 people last year, heightened our awareness of food safety and how inadequately our federal regulatory system responds to a major food-borne illness outbreak. Our

relationship with food is arguably the most intimate relationship in our lives. We absorb food into our bodies where it provides nutrients and energy to keep us alive, active and healthy. The trust we place in those who provide our food and those who ensure that it is safe is considerable and often unquestioning.

Unfortunately, though, Bill 7, the Manitoba food safety act, may not improve food safety in this province. In fact, Bill 7 will emulate the current federal trend towards industry self-regulation and further deregulation, and at the same time, it will potentially hamper the small but ever-growing local and sustainable food system. Considering the oversight and flexibility provided by The Public Health Act, legislative redundancy may lead to regulatory confusion for public servants working at the ground level. This same confusion may well manifest itself at the Cabinet table as well.

However, our largest concern with having Manitoba Agriculture, Food and Rural Initiatives assume more responsibility for food safety from the farm to the backdoor of retail, is based on the conflicting mandates that MAFRI would be confronted with, one that ensures the safety of our food system on behalf of the public good and the other which promotes the commerce and trade in food within the market economy.

The newly proclaimed Manitoba Public Health Act clearly defines the role of government as to deliver public health services that protect and promote the health and well-being of the people of Manitoba. Manitoba Health further delineates its public responsibility through its mission: to meet the health needs of individuals, families and their communities by leading a sustainable, publicly administered health system that promotes well-being and provides the right care, in the right place, at the right time. Clearly, Manitoba's health—health priorities lie in serving the best interest of the public at large.

However, we see that MAFRI's mission is narrowly focussed on working with rural and northern communities to accelerate the greater prosperity and capacity of agricultural producers, other entrepreneurs, industry and rural and northern communities. For a department that from its onset was created to increase opportunities in the global agrifood industry sector, having limited public outreach that connects mainly with industry stakeholders and commodity organizations, the new

mandate of ensuring the safety of our food may be trumped by the desire to accommodate stakeholders operating in the market.

With MAFRI assuming more responsibility for food inspections, we are concerned that the level of training and qualifications for inspecting food establishments will not be as stringent as those stipulated by The Public Health Act. Under The Public Health Act, the public health personal-personnel regulation requires public health inspectors to hold a certificate granted by the Canadian Institute of Public Health Inspectors. There are only five or six accredited schools in Canada that rigorously train and certify inspectors. This certification process requires mentorship and field work. Because of these qualifications, The Public Health Act allows inspectors to have similar powers to a medical health officer's allowing them to issue a health hazard order and to seize and destroy hazardous things. Health hazard orders would also allow medical officers and PHIs the ability to recall food in case of a food-borne illness, outbreak or an imminent food safety risk.

The food safety act, on the other hand, does not require inspectors to be certified at the PHI level and food recalls would be declared by the Minister of Agriculture after a closed-door consultation with the Chief Provincial Public Health Officer. We view these two changes as downgrades for food safety in this province. What we really need in Manitoba are more PHIs in the system to ensure public health is protected.

As mentioned, we are concerned that the minister will now have the authority to recall food, thus politicizing food-safety decisions. PHIs who have the power to recall food will no longer be involved in inspecting food establishments except at retail outlets and at restaurants.

Section 9 of the act also concerns us. This section allows the minister to designate any person as an inspector and/or designate any person or class of persons to act as an inspector. Section 30 allows the minister to enter into any agreement with any person or organization or government or agency for the performance of any duty and function under the food safety act that the minister may specify. This broad, sweeping clause combined with section 32, whereby the minister may designate to any person any powers, duties or functions conferred or imposed on the minister under this act, paves the way to further privatization of food-safety responsibilities.

At the federal level, the Canadian Food Inspection Agency, CFIA, is responsible for registering and inspecting abattoirs and food-processing plants and the testing of these products if the food produced crosses provincial or national borders. We've recently seen the transfer of the monitoring of the health of poultry by CFIA inspectors to the private sector, and now federal meat inspectors spend more time reviewing company-generated reports under the compliance verification system than in directly supervising from the plant floor.

These options for self-policing and privatization, perhaps not the intent of this current government, is explicitly written in the food safety act. With the powers of entering into any agreements, Section 30, and delegating any person any power, section 32, combined with section 34(3) which allows any regulation to adopt any standard, code or rule developed by any other government or association or any other body of persons, our food-safety standards and practices will be taken over by private interests, thereby circumventing the public good through deregulation.

With the consent of Cabinet, section 34(3) is also dangerous in that it could allow industry to develop regulation through codes, standards and rules without any public input or public consultation.

Section 34(3), combined with section 31(1), which allows the minister to recover any costs, fees or charges resulting from agreements the minister may have entered into, may negatively impact small-scale food processors, small abattoirs and the local sustainable food system in general.

By setting standards, rules and codes that suit industrial high-volume, high-speed food processing and production systems, the smaller-scale, more labour-intensive operation could be unfairly disadvantaged and pushed out of the market. These industrial rules can also make it extremely prohibitive for new small-scale food processors to enter the market. Any extra costs or fees imposed on the small operator can also lead to closure for some small abattoirs or food processors. For example, when B.C. recently amended its meat inspection regulation under the food safety act, many of the smaller local abattoirs were forced to shut down because CFIA inspection services charged \$40 per hour, and the regulations required extensive capital investment that cannot be recovered by processing small numbers of animals.

What is the real reason behind the new food safety act? It has been suggested that there is a need to house all aspects of food safety under one act. However, upon closer examination, The Public Health Act, already gives the Minister of Health and public health inspectors broad and flexible powers to ensure that our food-safety system is functioning in the best interests of the public at large.

Regulations under The Public Health Act define the qualifications of public health officers, including inspectors, and allow inspectors to enter any food and food-handling establishment, which is defined as a retail food store, food-processing plant, temporary food service establishment, meat-processing plant, slaughterhouse, warehouse or any other premises, structure or vehicle in which food is manufactured, processed, prepared, packaged, stored or handled and is sold or offered for sale. Any innovative regulatory function proposed in the a new food safety act could easily be incorporated under The Public Health Act with a minor amendment.

The Livestock and Livestock Products Act, which is administered by the Minister of Agriculture through the office of the chief vet, regulates on-farm food-safety programs, safe livestock and livestock products, poultry products and hatcheries. We see merit in the Minister of Agriculture regulating agriculture and production systems, including on-farm safety programs, disease testing and animal care at the farm level, as it has the required technical and scientific knowledge and background. But once the product leaves the farm gate, The Public Health Act must provide the oversight. In this respect, we suggest that The Livestock and Livestock Products Act be broadened to regulate the growing, raising, cultivating and harvesting of food at farm gate, including farm safety programs, farm certification programs, agricultural inputs and traceability programs.

If MAFRI takes on more responsibility—

* (18:20)

Madam Chairperson: Mr. Koroluk, I just wanted to let you know you have about a minute left of your time.

Mr. Koroluk: Okay. Almost done. If MAFRI takes on more responsibility for food safety off farm, we're worried that our public health system and the support provided by our public health nurses will become disconnected in situations such as outbreaks of food-borne illness—illnesses.

By giving the Minister of Agriculture the power of recall in case of a food-safety risk, there may arise differences of opinion between a Minister of Agriculture and the Chief Provincial Public Health Officer who's accountable to The Public Health Act and the ministers of Health, leading to conflict and potentially dangerous delay in decision making.

As with any new act of legislation, we like to see a whole suite of public accountability and transparency clauses that ensure citizens are informed, and if they are harmed or concerned they have many avenues to participate in a democratic process. While the proposed, the proposed food safety act is enabling legislation and the details are yet to be spelled out through the development of regulations, the act is, is, as it is, is written, as it is written does not involve the public in any capacity.

Legislation should set goals and time lines that provide for adequate consultation during regulation development, input to regulation development from a broad spectrum of society—

Madam Chairperson: Mr. Koroluk, I'm sorry, your time is up. Does the committee wish to extend the period—yes, sorry.

Mr. Ralph Eichler (Lakeside): Madam Chair, I ask leave for the committee to let Mr. Koroluk finish his presentation.

Madam Chairperson: Does the committee grant leave to allow Mr. Koroluk to com—complete his presentation?

An Honourable Member: Leave.

Madam Chairperson: Proceed, Mr. Koroluk.

Mr. Koroluk: Thank you. So legislation should set goals and time lines that provide for adequate consultation during regulation development, input to regulation development from a broad spectrum of society and provisions to report to the Legislature, such as a public review clause and/or a public audit clause. Except for having access to a public registry that the minister may maintain, the general public, whom the act is supposed to protect, is in the dark when it comes to food safety.

The Public Health Act, for instance, requires the chief public health officer to issue a report to the, to the, of the health status of Manitobans every five years and must be tabled in the Legislative Assembly. The Public Health Act also allows for the publicizing of a public health advisory, the

placarding of a health hazard and the establishment of a registry for a health surveillance system.

A more progressive model can be found in the United Kingdom. The Food Standard Agency has consumer safety as its sole purpose, is independent, operating at arm's length from the ministers and reporting directly to Parliament. It takes a strategic view of food safety and standards across the entire food chain and can publicly state its view on matters related to food and public health.

In closing, we suggest that the new food safety act be withdrawn and that responsibility for food safety rests primarily within the purview of our public health system and The Public Health Act. Any innovative improvements suggested through the proposed food safety act can be incorporated by amending The Public Health Act and The Livestock and Livestock Products Act. Thank you.

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

Mr. Eichler: Thank you for your presentation, Mr. Koroluk. Certainly, you brought a lot of interesting views in regards to this particular bill.

My question for you is in your last part of your presentation, talking about the regulation and consultation of the development of those regulations, what type of a time line and who do you see at the table in that recommendation?

Mr. Koroluk: That's assuming that the act gets withdrawn. I would—I mean, something like this would take at least a year, I would imagine, a year to two years. And, you know, we're talking about food and agriculture. And considering that all of us eat, and there are numerous food organizations in this province that haven't been consulted at all about this piece of legislation, so it would have to be a very broad spectrum of society. Because we all eat food and we just can't focus on some of the agricultural commodity groups. It's important to have them there, but they're not the only ones that should be there.

Mr. Eichler: Back to your comment in regards to the consultation, who do you feel that—who has not been consulted that should have been consulted in your opinion?

Floor Comment: Well, if one looks—

Madam Chairperson: Mr. Koroluk.

Mr. Koroluk: Thank you, Madam Chair. If one looks under the umbrella of the Manitoba Food Charter, I believe they've got at least 50 members, member organizations that belong to that organization. So that would be a starting point.

Madam Chairperson: Mr. Eichler, anything further? Are there any other questions for the presenter?

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): I don't have any further questions, but I'd like to thank Mr. Koroluk for his presentation and wish him well on his journey. I understand you have a plane to catch.

Madam Chairperson: Thank you for your presentation.

We will now proceed.

We are currently experiencing some problems with *Hansard* and we will—the committee will need to recess until technical problems are addressed.

The committee recessed at 6:26 p.m.

The committee resumed at 6:27 p.m.

Madam Chairperson: Order, order.

Our technical difficulties have been resolved so we can proceed as outlined.

Bill 6—The East Side Traditional Lands Planning and Special Protected Areas Act

Madam Chairperson: As mentioned earlier, we had proceeded ahead to Bill 7 to address the request of Mr. Koroluk. We will now be returning to Bill 6, and we will begin as agreed with the outside, the out-of-town, presenters. So I will now call on Sophia Rabliauskas. Rabliauskas; sorry, my apologies, from Poplar River First Nation.

Good evening. Do you have any written materials for distribution to the committee?

Ms. Sophia Rabliauskas (Poplar River First Nation): No. No, I don't.

Madam Chairperson: Please proceed with your presentation.

Ms. Rabliauskas: Good evening, my name is Sophia Rabliauskas, and I'm from Poplar River First Nations. What I'm going to be talking—

Madam Chairperson: Hold on. It seems we are having technical difficulties so just hold on a second.

Ms. Rabliauskas: Hi.

Madam Chairperson: There you go. Please proceed. We just want to make sure that we get everything you say recorded accurately.

Ms. Rabliauskas: Okay. This has been like a short notice for me so you have to bear with me of what I had prepared here. I made a lot of changes. It was a short notice. I was only notified two days ago so it took—the planning to do this is—it takes time for us, for me, anyway, to, to think about things I wanted to present, so.

The issue of the land we consider to be our traditional territory and what happens on that land is so important to us. We feel it's, it's essential part of, part of our life and very existence as people. Our elders and ancestors have cared for and looked after this area for thousands of years. They believe it is our responsibility and that includes all of us here to ensure that this land will be here for our future generations. Our elders believe that this land gives us life and without it, we won't survive, and that includes the whole planet and that's always been the message that was given to us.

Under the direction and guidance of our elders, for the past 15 years, we, as a community, have worked together to establish and plan for the area we consider to be our traditional territory. They gave us specific guidelines and I will mention a, a few of them here: that we, as Anishinaabe, who were given the right and responsibility from our Creator to live on and care for the land we consider to be our traditional territory; that we speak for our own territory and not to interfere with any other First Nation, First Nation neighbours; and to work with the provincial government; and to work and to try to work within the existing laws as best we could.

* (18:30)

We also completed an intensive committee-driven lands management plan. We have tried to incorporate both traditional knowledge and scientific information. This plan describes why the land is important to us, why we need to protect it from unchecked development and how we intend to do this. It also identifies the different land-use categories within our traditional lands.

At 10 years ago, we asked for and were given interim protection status for our traditional territory

under the parks act. This was the only legislation available to us at that time. We needed these past 10 years to work on and develop our plans without having to deal with development issues going on at the same time. Without interim protection—without interim protected status we would not have finished our work. We learned from experience that parks act and creating a park with its rules and regulation would not fit exactly with our plan and would not allow us the best opportunity to work with the government.

When our final draft of the Anishinabek lands management plan was completed, the Minister of Conservation, Mr. Struthers, informed us that the new bill, which turned out to be Bill 6, was being developed. At the same time, both the provincial government and Poplar River First Nation established negotiating teams and worked together to create the Poplar River traditional territory land relationship agreement. It took us approximately 18 months of intense negotiation to create the agreement which was mutually agreed to and was signed by both parties last fall.

And we've had some challenges and, and—because a lot of this was new to us and new to our community, all these processes that we had to go through, a lot of times we had to go back to the community and, and go through a lot of this terminology that was being used to, to work with our—with our—with our negotiations. Because of lack of resources and a, a, a lot of times we felt that, you know, we couldn't be able to push this, this agreement through.

So the agreement, basically, lays out how we will work with the government to implement the land management plan and what are the responsibilities of each partner. The process was long and sometimes difficult. However, through this process we learned that the government was serious about creating a meaningful government-to-government relationship.

Now, getting to Bill 6, we need to understand that the language and terms used by any legislation is very difficult for—even today it's difficult for us to understand. But we continue to do that work that is so important to our, to our people, and so during this time, our own misunderstandings were made clear through the drafting of our lands agreement.

The items most important to us which will become law through the passage of this bill are the following: that the Manitoba and Poplar River will conduct a government-to-government relationship;

our inherent treaty and Aboriginal rights will be recognized and our continued traditional use of this land will not be jeopardized; that the meaningful consultation will be carried to ensure these rights are honoured.

This is a direct quote from, from the agreement: in keeping with the ess-ess-essence of this relationship, Poplar River and Manitoba recognize that the use and management of land and natural resources must protect the interest of Poplar River, in addition, the interest of Manitoba.

And finally, we have spent many years and years of work to, first of all, establish our extensive use of this land. We have proven of—we have proven how well our elders and ancestors has—have cared for and continued to care for this land. The land is beautiful and strong. The importance to the world environment of keeping this land intact are well known. The importance to the health of our people in keeping this land intact are also well known.

We believe we have established our right to meaningfully determine what happens there and our—within our traditional territory. There is a recognition the First Nations traditional territories and the importance of our people to be meaningfully involved in its future. To our knowledge, this is the first government, this is the first provincial government to do that.

We look for acknowledgment and recognition of our land management plan. We look for the ability to protect our, our lands from development. We still have many details to negotiate on our lands mang—land management agreement and also we need to work with and prepare our young people to carry out that responsibility. And these responsibilities that were passed on to us by our, by our elders is very, is, is taken very seriously and that these laws will recognize those, those responsibilities that have been placed upon our people and our young people.

And I want to thank you for listening.

Madam Chairperson: Thank you for your presentation.

Do members of the committee have questions for the presenters?

Mrs. Heather Stefanson (Tuxedo): Thank you very much, and I don't have a question so much as just to thank you for coming out tonight and expressing your views here. I think you made some very, very great comments. So, thank you for coming and being

here this evening despite the somewhat short notice, which is sometimes what happens with these committees but thank you for being here.

Madam Chairperson: Ms. Rabliauskas, any response?

Ms. Rabliauskas: Thank you. Thank you for those comments. Thanks.

Madam Chairperson: The question—the minister, Minister Struthers.

Hon. Stan Struthers (Minister of Conservation): Thanks for coming out, Sophia, and speaking with us tonight and giving us your advice on Bill 6.

First of all, let me, let me commend you on the ambassadorship that you will provide for your community on a provincial stage, the Canadian stage and, I think as we all know, on the international stage, quite recently, with the award that you received.

I also want to congratulate your chief and council for its hard work over a long period of time in getting a management plan together. You, in your, in your, in your advice to us I think you reminded me of two, two commitments that I want to touch upon that I have made on behalf of our government.

We talked about language that we used and to make it easier to understand the legislation we've, we've translated the bill into Cree, Oji-Cree and Ojibway. I will be—we will be bringing forward, in terms of protection of rights, we'll be bringing forward an amendment on Monday night now, a non-derogation clause as asked by Chief Andrews at Gods Lake and that, too, will be translated into your language so that you can read with ease the, the bill that, that is amended on Monday night.

So we—it's been very successful in Poplar River. What advice would you have for other communities that want to, that, that want to move forward with their community land-use plans? What tips could you offer to, to other communities?

Ms. Rabliauskas: Well the, the work that Poplar River has done has come from, from our belief in, in protecting our traditional territory, the belief that if we, you know, continue to destroy what we have around us we, we will, it will cause suffering to people. That's where we, we took that very seriously and, and a lot of those elders have gone on. They're not around to give us advice anymore, and we have to honour their wishes to continue to protect our rights as indigenous people living in, in, in the

traditional territory and, we will continue to do that, and that's where our, our convictions have, have come from that, you know, and that's what we would like to pass on to our, our children.

* (18:40)

We, we need a land base to continue to provide the opportunities for our young people to go out to the land and, and, you know, enjoy what our people have survived from, I guess, basically survive from that. And my advice is to really stand up to what you believe in and don't, don't give up if things don't work out; hard work; and being, being persistent, even with the, with the government. I know it wasn't an easy-coming to the table with different, different values—we had our set of values, and they had a set of their values—and to have a common understanding about what we mean by protection and that, to make sure that we understand, we speak, we spoke the same language, and to work to develop an agreement that will protect our rights and also not to jeopardize our treaty rights.

Hon. Jon Gerrard (River Heights): Thank you for your presentation and for all the work that you've done. I've seen your land-use plan and it's quite a good example for people from elsewhere.

I'd like to give you an opportunity to talk a little bit about how you see the road coming in. What sort of things need to—we should be paying particularly attention to, and what sort of cautions or things that we should be—pay attention to when we're doing the planning together?

Ms. Rabliauskas: We understand the road isn't an essential service to communities. We know that we, we have to take those into considerations when we do plans, and it is something that the community needs to decide. In the end it's the community that decides these things. It's up to individual communities. Each First Nations will have a say what their plans will be. For us, it's—we recognize those things as a, you know, they're essential to our community and to our people. Does that answer your question?

Madam Chairperson: Thank you for your presentation. We have exceeded the five minutes—slightly exceeded the five minutes normally allotted for questions. So thank you for your presentation.

Ms. Rabliauskas: Thank you for listening.

Madam Chairperson: A written submission on Bill 7 from Ruth Pryzner has been received and distributed to committee members.

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

Some Honourable Members: Agreed.

Madam Chairperson: Okay. Now we'll proceed to the next name on the list.

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

Do you have any written materials for distribution?

Ms. Mary Granskou (Canadian Boreal Initiative): We do not have, but we do have a request if the committee would support this. We would actually prefer to present following the First Nations representatives here this evening because we're a third party.

Madam Chairperson: How does the committee want to proceed on this recommendation? Is there leave to do so?

Some Honourable Members: Leave.

Ms. Granskou: Thank you very much.

Madam Chairperson: I will now call upon Chief Marcel Balfour from Norway House Cree Nation.

Do you have any written materials for distribution?

Mr. Marcel Balfour (Norway House Cree Nation): Yes, I do.

Madam Chairperson: Okay. Wait a moment while those get distributed. Please proceed with your presentation when you're ready.

Mr. Balfour: Tansi and good evening, members of the Legislative Committee, ladies and gentlemen, and recognizing Councillor Nick Saunders from Norway House and Elder Nelson Scribe is in the audience.

My name is Marcel Balfour. I am the Chief of the Norway House Cree Nation. I come before you to state the concerns of our nation regarding Bill 6, The East Side Traditional Lands Planning and Special Protected Areas Act.

I want to be clear, though, Norway House does not oppose the principles and stated intent of Bill 6. This bill gives legislative, effect, however, to—oh, oh,

I can't say that—WNO Accord, between the Province of Manitoba and 11 First Nations who have signed the accord with Manitoba.

Norway House Cree Nation recognizes that between government to government, any First Nation can sign any accord with Manitoba that they want. In this, in this regard, we are, therefore, not opposed to the work that has been done by way of the WNO Accord between the Province of Manitoba and those 11 First Nations.

However, Norway House Cree Nation is against Bill 6 as it is a unilateral legislative action that gives effect to the WNO Accord as it disrespects our government-to-government relationship with Manitoba; questions the honour of the Crown; and usurps the legislative process by amending an agreement we have with Manitoba and Manitoba Hydro and Canada that is legislated federally and provincially by way of the S.M., Statutes of Manitoba, 1998, c. 43, The Norway House Cree Nation Northern Flood Master Implementation Agreement Act.

I want to make sure that you are fully aware of the number of important facts. First, Norway House Cree Nation is a signatory to Treaty 5, signed by the Crown on September 24, 1875, in Norway House. Treaty 5 was signed in keeping with the Royal Proclamation of 1763. An adhesion to Treaty 5 was signed on July 8, 1908, that expanded our traditional territories.

The Norway House—the Northern Flood Agreement was, NFA, was signed in December 16, 1977, as an outcome of actions taken by the Province of Manitoba regarding the construction of the Manitoba Hydro Churchill-Nelson River generating project.

The master implementation, MIA, an agreement purportedly to implement the outstanding promises of the NFA, was signed in, on December 31, 1997. This was given effect by Manitoba Legislature by way of the piece of legislation I referred to you at, and in my presentation—I hope you all have a copy—and I'm sorry if some of them are just bound, we didn't have enough time to pull everything together, but I tried. Tab 1 shows the legislation.

I want to remind you of honourable Minister Eric Robinson's statement in the Legislative Assembly on December 15, 2000, and that's at tab 2. He says, and I quote: First, for the first time in the history of this House, the Government of Manitoba

recognizes that the Northern Flood Agreement is a modern day treaty and expresses its commitment to honour and properly intimate the terms of the Northern Flood Agreement as recommended by the commissioners of the Aboriginal Justice Inquiry in 1991. As part of this recognition, the government acknowledges the comprehensive implementation agreements negotiated in good faith and signed with four NFA First Nations as one method of addressing and implementing the terms of the NFA.

Sadly, bill C-6 is not consistent with the honourable minister's statements. However, you can give effect to those statements by ensuring that this bill does not encroach on Norway House's existing agreement with Manitoba, Manitoba Hydro and Canada.

I state this because Norway House is not a signatory to the WNO Accord. Despite our objections to the Manitoba, we have been consistently included in it. I want to draw your attention to tab 3, where you'll see a copy of the signed WNO Accord, but I note that for my signature as Chief of Norway House it's empty. It's blank, as it is for Berens River, Black River, Hollow Water and Pauingassi.

I want to reiterate to you the concerns and statements contained in my May 8 letter to Minister Robinson and I provided that for you at tab 4. We formally object to this bill because: (1) Norway House is in receipt of several form assurance—formal assurances from the government of Manitoba, that this government will continue to fully respect and honour the NFA and MIA, including all processes thereunder, such as the role of an existing already Norway House Resource Management Board.

I've provided for you at tab 5 correspondence (2) Norway House is not a member of the WNO but we maintain observer status; (3) Norway House is not a signatory to the WNO; (4) although the provisions of Bill 6, once passed, are entirely voluntary and will only apply to First Nations on the east side that chose to use it, the proposed land included in Bill 6 passed through a large portion—passes through a large portion of Norway House traditional territory, that's our resource management area.

The passing of Bill 6 will potentially give an impression of legislative authority to any First Nations or, quite frankly, others who chooses to enter into the provisions of bill, to proceed with land-use planning and development of lands within the Norway House Cree Nation traditional territory and

possibly our own reserve lands. In this regard, I point you to the map of the proposed area that is outlined in my June 2009 newsletter to my people. And that's at tab 6. It's nice little map there. Actually, it looks really good, eh, but it's really concerning because if you look close, see where that, that black line is, it goes through our territory and goes right through our reserve.

* (18:50)

Norway House Cree Nation does not need bill C-Bill 6 as we already have a process with Manitoba through the MIA, and that's our resource management board, and I bring your attention to tab 7. This is article 5 which spells out our resource management board.

Bill 6 will affect the exercise of Aboriginal treaty rights of Norway House Cree Nation. It will affect our Northern Flood Agreement and Master Implementation Agreement rights. We haven't been consulted. So there's a number of things and concerns that I wanted to not only provide you in writing but also talk with you today about.

This consultation component is really troubling though. It's ironic because Manitoba right now and Norway House are negotiating a consultation protocol and that's for mineral exploration and also the development in mine called Victory Nickel's Minago project. And, actually, we've got a good draft one going on and at tab 8 you'll see I've invited Honourable Gary Doer, Jim Rondeau and newly elected Frank Whitehead to Norway House regarding our consultation protocol to discuss it. And then also in my, my newsletter, another newsletter to my people, I've expressed what's gone on and the, the outcomes of some of the discussions that we've had with Manitoba in developing a consultation protocol.

Suffice to say we haven't been consulted. I can go on, but on May the 1st I received a letter from minister Robertson stating, the intent of Bill 6 is to provide First Nations on the east side of Lake Winnipeg a new tool for protecting their traditional territory, while at the same time ensuring First Nations have the flexibility to develop lands in accordance with community development land-use plans.

Norway House Cree Nation does not require a new tool. We already have a Resource Management Board and therefore there can't be any justification, even in principle, for the proposed encroachment by Manitoba into our resource area on a new process.

It's kind of weird because this WNO process sort of piggybacks on the work that was already established in developing our Resource Management Board.

You'll see tab 9; that was expressed with respect to some of the discussions with the WN-WNO Accord and the trips and the work, the good work that was happening during that time.

Let's see. Tab 10 shows WNO reports—I think it's 2008, right, and on page 2 it reco—that currently the Norway House Cree Nation has an operating Resource Management Board while the Island Lake communities and the Cree communities are under negotiations to form their own respectively. So even the WNO process recognizes our Resource Management Board.

Madam Chairperson: Just to advise, you have about a minute left in your presentation time.

Mr. Balfour: A minute?

Madam Chairperson: Yeah.

Mr. Balfour: All right.

One of the things that I was really concerned about, and I included, was talking about caribou, traditional knowledge and the area in our territory where there is caribou, coming back, actually, and I think that those types of discussion points and the use of traditional knowledge with respect to this is really important. And so the endangered species list, because we recognize woodlands caribou as being on there, is a, is a major concern. So there's a whole other, in addition to all this technical stuff, there's a whole other really, good component that needs to be discussed locally with Norway House first.

I think that's it then.

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

Mr. Struthers: Thank you very much, Chief Balfour. It's al—it's always—do you want to go ahead—

Floor Comment: No, that's fine. Go ahead.

Mr. Struthers: It's always interesting to hear from you. I, we value the advice that you bring here tonight. I want to leave a—I want to leave a few assurances with you that I—I think you can probably predict what I'm going to say. First and foremost, my colleague the Minister of Aboriginal and Northern Affairs, myself, our Premier (Mr. Doer), our government considers the Northern Flood Agreement

as a modern-day treaty. We will put that on record over and over and over again. We are bringing forward a amendment on Monday night, a non-derogation clause, to make sure that we're not trampling on any treaty that has been signed by your community or others, and that includes the Northern Flood Agreement. I want to be very clear about that.

It includes the map that you have presented in here. What we are proposing here will not give any cause for any other First Nation to claim territory or activities within your traditional area that has been defined by the Northern Flood Agreement. That is something that we're willing to back up in writing or however you see fit us doing that, but that is something that we've been very clear on from the beginning. So I want you some day, if I am not true to that, to read back to me my words in *Hansard* from tonight. We're very serious about that, and we're not going to trample upon the NFA.

We're also not going to do anything that would disrupt the work of the resource management board. You are in a position where many communities on the east side are working to get to, and we participate in that resource management board. As minister, I'm committed to our people still being on that board and working with you on those issues that we deal with.

I wanted to make those very clear, and I hope that gives you some level of comfort. I'd just like to get your comments on that.

Mr. Balfour: Um, okay, so by saying that, I've learned it doesn't mean much until I actually see it on paper, so I'd be willing to work with Manitoba to draft something to make sure that we are excluded absolutely. That's not a problem. There are larger concerns at play. If I wear my other hat, as the chief for natural resources with MKIO, but you're going to be hearing from MKIO shortly anyways. But, if we could work together on that, and then if we can have something in a revised bill that excludes us, that's great.

Mrs. Stefanson: Thank you very much for your presentation tonight, Chief Balfour, and I think what concerns me about part of the dialogue that's taking place right now is that it's taking place now after a bill is already drafted. And I think these are the types of things that need to take place in a consultative process prior to legislation coming forward so that, you know, I know you put a lot of time, effort, and energy putting together this very good presentation tonight, and I think it's unfortunate that you have to

spend your time doing that as opposed to the minister calling you together in a consultative process.

So I guess my question to you: Would you think that it would have been sort of better that you would have had that consultation beforehand, a chance to sit down, have that kind of an agreement, and do you believe it should have taken place prior to this kind of legislation coming forward?

Mr. Balfour: Absolutely. Yeah, for sure. Yes, definitely. It's kind of funny because with MKO we had a visit from the minister, a presenting of some ideas of where we're going with respect to this legislation once. We were sure that it was not consultation and that we would be consulted in some formal manner, and trying to respond as a First Nation has been very difficult. It takes a lot of time, and I don't have the resources to be able to do that, and never mind, for me to be able to do this, a lot of other First Nation as well.

Um, you know, committee process, respectfully, is one thing. Two days' notice is crazy. I'm not just sitting around with presentations for you. You know what I'm saying? And two days' notice is really, really hard to be able to pull together, and had I not already had other things on my plate, I would have definitely taken more time to make a better presentation for you on Monday.

Madam Chairperson: Thank you.

* (19:00)

Mr. Gerrard: Thank you, Chief Balfour, and I think we've been over the issue of lack of initial consultation and clearly that needs to be improved.

I had a couple of questions for you. The first is a specific one relating to the caribou herd and the reference here to the fact that the numbers were down following the railway, and so I would ask you which railway but I would also give you an opportunity to talk in a little broader terms about the view from your First Nation in terms of the road up the east side and planning. What's the importance of this in terms of Norway House Cree Nation and what sort of particular considerations need to be taken into account as that planning goes forward?

Madam Chairperson: Before you proceed with your answer, I would just like to advise the committee that we have passed the five-minute mark during Mr. Gerrard's question. Does the committee grant leave—

Some Honourable Members: Leave.

Madam Chairperson: –leave to continue. Continue, please, Chief Balfour.

Mr. Balfour: Thank you. I should, I should implement some of these rules in my–

At tab 8 I've got a nice little picture again, a nice little picture that shows actually where the Minago is proposed in our territory along Highway No. 6. And we're talking about the use of traditional lands both on that side of our resource area for caribou and then also on the, on the east side there as well. So there was two areas that we were referring to. The–that's without barriers. It's not a railway on the east side, so.

With regard to the development or potential development of an east-side road, Norway House is, is quite in support of that, and we also see that, with the proper consultation and recognition of the environmental impacts on that, would see that that would be beneficial for the development of Norway House in the long term. Certainly seeing Norway House as being a hub, that would be consistent with some of our planning and envisioning of what Norway House can be in the future. But that absolutely needs to be done in a proper process.

You know, I had a presentation by the East Side Road Authority, and they said, here, this is this and there's a bunch of technical things, and this is not consultation, don't worry about it, right? And then they started giving options. I think they went up to six–six options? All right, at six options, where do you want the road? Do you want it here? Do you want it here? And like, there's–here. They show you all these options, right?

So then, they started engaging, right, with my, with my council, and it's like, whoa, wait a minute, hold on, because we need to talk about consultation. We need to talk about a process by which this actually can be done because I don't wanna see some crazy report like I have before, from the Province is saying, oh, I sent Chief Balfour a letter, and therefore it's consultation. I met with him, so therefore it's consultation. That, that, that doesn't make any sense. Meeting with me does not mean that you're meeting with my people when it comes to consultation.

And I have made it quite clear, when I discussed consultation with Manitoba, that, regardless of what my council and I do, we have to bring it back to the people, to the band. It's their land. It's their future as much as it is ours. And so I think if we do proper

consultation, I think it makes sense with respect to the development of a road on the east side.

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

I will now call Gerry Raven. Gerry Raven? Sorry, Garry Raven. My apologies. Garry Raven.

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

Mr. Garry Raven (Private Citizen): Yeah, sure.

Madam Chairperson: Please proceed with your presentation.

Mr. Raven: Thank you, honourable madam, ministers and also the citizens of Manitoba. I'm not reading from any paper. What I'm going to tell you comes from my heart 'cause that's the way I think we should talk once in awhile instead of using papers and calculators and computers because that's what we need to protect our Mother, the Earth. I hold this because he's my clan, the eagle.

I was looking for some strength and courage to come here because this is a powerful thing to do. We only get, maybe, once in every 10 years to come here and talk to you, in front of you, which I think, like, you know, it needs to happen more because we're, we're the Manitobans in Canada that has to work together what we want to do in our province. And there should be lots of consultation because that's the only way we're going to keep our province healthy, not abused–like the way it is right now. I'm sorry to say that, but I see that and if we continue doing that, we're not going to have too much of anything.

I want to mention the four main things of our responsibilities as human beings in this world. One of them is air–fire, earth, and water. That's all we need to live in this world. I don't know why you have so much things that you write up that mean the same thing.

One time, I was sitting with Conservation; half a day, they were talking about ungulates, ungulates, and there was elders sitting there. I asked those elders, do you know what they're talking about? No, he says, that's a new word for me. But it wasn't; they were talking about moose. Why don't they just say, moose?

These are things that we have problems in my community and the sooner we straighten these things out–not complicate things or, I don't know, use language–like, you know, that we don't understand,

in our level. I'm grade 4, myself, that's the farthest—that's the highest education I ever got because I was a product of a residential school. And lots of times I say, lots of people owe me money, government owes me money, because they signed a treaty long time ago that I should be educated. But I'm not going to hold you guys responsible for that because I got educated in another way, with my elders, and that's to work with the land and understand those four elements that I talked about.

We need, we need to go back and understand those things. That's our responsibilities, is to watch those things. Women are the responsibility of water. Every, every meeting that I go, I try to encourage women. Start off drinking an ounce of water, give everybody an ounce of wa—an ounce of water, so we can say thank you to Mother Earth and also to your children. Every one of us that's sit here came from that water.

That's how important those elements are and if we abuse them, they're not going to work for us; simple as that. I think you see that already, globally, all over. I even feel it already, like, you know? The arctic cold is here already—should have been summer here in Manitoba.

But th—those are the things that, you know, that we have to watch and the way, the way I think I see this happening is we have to have a long-range plan. We don't have that. The whole, the whole province of Manitoba has to have at least a 25-year or a 50-year plan so we don't fool around with all kinds of acts like we do right now.

We make acts whenever we want to, but we leave the people in, in Manitoba. You don't give them a chance to be involved in these acts. So we asked them if we can pass them. We, we shouldn't do that, they should be sitting here when these things are drafted up.

That's the way I like to see Manitoba work because if we don't do that, then the foreigners, the immigrants that come here, like, you know, they will take over. I think they are already, in my community, anyways. There's five cottage developers within five miles in my First Nation and we don't have nothing. They don't reso—they don't share. Same as mining, logging—those people don't share.

* (19:10)

We have to learn to work together and I think what—that's what the government is for—to me, anyways, like, you know—is to help people, work

with people, not take over big corporations. I have to say that because, like, you know, that's what I see now which, which I don't think, like, you know, is the right way, but if we all work together with a plan, I think that would change many things.

What I hear today is, like, you know, that's, that's why there's a lack because we don't have a big business plan, a long-term business plan.

I'm trying to do something in my traditional territory because I see somebody else is going to do it if I don't. I had a hard time to get support, even my chief and council wouldn't give a supporting letter, because they don't understand what the interpretive centre is. Yeah.

I worked in the United States two years, three years ago, building the biggest museum in the United States, and I was part of it, and I was glad to bring things from Manitoba over there so people can see what we have globally. And that's why that thing interested me.

But I've been talking about an interpretive centre the last 15 years in the east side. I think, I think it'd be something that we could be proud of, to show people globally what we have on the east side.

When I mention water, water is going to be our No. 1 resource one of these days, and we have lots of it on the east side of Lake Winnipeg. Remember that. Remember that. As soon as, as soon as you start developing there, putting more, more mines, putting more logging areas, watch the way that you develop cottage development, otherwise we're going to kill that water. Lots of pure water in the east side of Lake Winnipeg.

We could, we could be one of the bigger—biggest producers of water globally.

And I like to keep that area the way it is right now because, to me, that's a university, that's a university, on the east side of Lake Winnipeg. But, that's hands on; no books. Come and learn in my territory how to survive without a computer, without a calculator or anything like that that we use today.

One of these days, you might have to use those—that knowledge again, using your hands, using your seven gifts that the Creator gave you: your eyesight, your mouth, your nose, your feelings, your heart. We stopped using those things. We depend on machines. Yeah.

That's what east-side interpretive centre can teach and that's one of the things that, like, you

know, that I miss when—on Bill 6. I read it a few times. There was some pages missing—every second, four, six, eight, twelve pages were missing, like, you know. But, I don't know what they were—what was in—what was in those two pages.

But, anyways, to me, like, you know, Bill 6 will be all right if we all do it like some of the speakers said; sit down all of us, like, not, not saying that you have more power or we sit down and say, like, you know, that we're all equal. We're all Manitobans. Let's develop this big business plan or a long plan that we don't have.

I'd like to see an inventory of Manitoba. I don't even—I don't even have that. I don't even know that. Does it exist? I'd like to know the value of my traditional territory.

Madam Chairperson: Mr. Raven, we are coming up to about a minute left of your presentation.

Mr. Raven: Okay, okay. Good. I have so many things to talk about anyways, but those are the most important things that I have.

I know a lot of things individually because that's my right. I was put on this world to find out, to ask, to do something. Every one of these people that sit here have that right. There's nothing that should be stopping them from trying to help their own kind.

We got a future generation we have to look fo—look at, the younger generation. They're not even here. That's, that's the way we work sometimes, but that's not right. We need those young people sitting here. They need to hear us if we're talking about them. That's why I wanna put up that interpretive centre in my traditional area. And, like, you know, I've talked to some partners, potential partners. They agree. The University of Manitoba. Talked to Manitoba Hydro. The logging companies, well, I didn't get a yes or a no, but—

Madam Chairperson: Mr. Raven, your 10 minutes is up. Okay. Thank you.

Okay, Ms. Stefanson, questions?

Mrs. Stefanson: Thank you very much for your presentation this evening. I think it was very eloquent, and I think was—gives us a lot to think about on a regular basis. I think sometimes, as we're running around with our computers and doing all of these things, to take a step back and I think your message tonight was excellent. So thank you for that.

Part of your message, I think, was a little bit about how we have to consult, and how we have to bring everyone who's involved in the process together and have that consultation process before decisions are made. Part of this bill is about consultation itself, and when there's a lack of consultation before they're bringing in a bill of consultation, does that sort of concern you?

Mr. Raven: Of course. Of course, yeah. Like, you know, before an act is to be brought into the, well, this building, I guess, you know, there should be preliminary work before that happens and agreement by everybody, like, you know, because, after all, we're all Manitobans. That's why I, that's what I like to see. Before like, you know, what is happening today, like that bill C, do you agree with it, like, you know?

I don't agree with it. It's—it's a short time, 60 days or 90 days. You know, it should take a whole year or more, like, you know, because, like, you know, we need, especially our future generations, we need to talk to those people. They don't have a clue what is Bill 6. I asked my chief and council, like, you know, have you read it? You only got 60 to 90 days, I say to answer back to that act. That's one of the reasons why I'm here because nobody didn't want to do anything with it. Thank you.

Mr. Gerrard: Thank you for your presentation, and you clearly care a lot about the area along the east side of Lake Winnipeg and, you know, I read with interest what you have here about creating a boreal learning centre, about needing to teach all people to take care of the land and what it gives us and the vision for the area, to see some kind of a university or learning centre where we can balance traditional ecological knowledge and wisdom and western science.

Can you tell us a little bit more about the vision and how we should be incorporated this into the bill?

Mr. Raven: Well, you know, I think we need to gather all the education people. Like, you know, sit with them. You know, see what they can bring and help us and also sit down with the people that come from these areas. They will tell you, like, you know, how they made living a long time ago, and I think, you know, in own just interest people in Manitoba, we will try to interest people globally, and that is happening today as I stand here. I get people from Sweden, Mexico City, Germany, in my place, my little place over there like—they're all interested in our area, what we have to give them, traditional

medicines, knowledge of the animals, how they help us, knowledge of our trees.

I teach university students over there. They're getting, just about getting ready to get a masters' degree and I pointed a tree to them, and they can't even tell me what that tree is. You know, that's how, that's how far we left our natural ways of learning. We're depending too much—things like, you know, material things and that. If we have that kind of centre, I think everybody will benefit. Your children in Winnipeg, they don't have a clue what's out there, and they need to come to that area and the interpretative centre is one way that we can educate them.

I've got lots of work to do. I had already consultants doing the job over there, you know, on this interpretative centre, but I have to look for partners now, so we can make this thing go.

*(19:20)

Madam Chairperson: We are coming to the last about 20-some-odd seconds of the five minutes. So, Minister Struthers, if you could be quick.

Mr. Struthers: Thank you, Madam Chair, I'll talk real fast. Thanks, Garry. As usual, you've reminded us as to what is important. I thank you for that tonight.

In, in many, many meetings that we had with every, every First Nation on the east side of Lake Winnipeg over the last year, year and a half, having to do with Bill 6, we've, we've been told that community land-use planning is important and that we need to find ways to work elders into that—into that process. Can—I, I want you to—I want to explain why that is important. I think it is, but I think you can do a better job of explaining it than anybody else around this table.

Mr. Raven: See, some of the times when I sit down with, with my elders, these are the ones that I grew—like, you know, that I gathered to try and get this interpretive centre going. It, it isn't—it wasn't hard for me to make them understand what this building is going to do or what this—what the—this interpretive centre is all about. That one elder told me, oh, he says, we know all that already. Just that nobody paid attention to us and same as the other four races of people in this world. They all have that knowledge. But, but that's one way that, that I see that the elders working with us. They're very, very important people in any race. We got to stop keeping them or locked up in personal care homes. Give them a chance to tell

you the things that they used to do too. There's many things. I thought—I go to Riverton, I go to Gimli to talk to elders, and they're happy when, when I go talk to them because they want to give us—that knowledge to us, but we don't take time to find out. I encourage university students to do that. Go visit these elders, you'll get the education that you're looking for at my place. You'll find other different ways to, to get that knowledge too, I say.

Madam Chairperson: Thank you, Mr. Raven.

Mr. Raven: Good, thanks.

Madam Chairperson: I would like to now call the next presenter, Chief Donovan Fontaine, Sagkeeng First Nation. Chief Fontaine? Do you have any written materials for distribution to the committee?

Mr. Donovan Fontaine (Sagkeeng First Nation): None, Madam Chair.

Madam Chairperson: Please proceed with your presentation.

Mr. Fontaine: Good evening, elders, chiefs, Minister Struthers, Minister Robinson and guests.

First of all, my apologies, no, no written information, apologies to Garry that I have to use this. My notice was 4 o'clock, so here I am and, and I'm, I'm just going to be probably all over the proverbial map here, but please bear with me.

First of all, as I've stated many times at many meetings with Struthers and Minister Robinson and others, we, we fully support the principles outlined in, in, in the bill. Stewardship is something we hold dear, respect for elders is something we hold dear to our hearts, respect for the land.

Obviously, no land, no people, no future. We know those things and, and it's the wisdom of our elders and respect—respect for the land that's going to sustain us all. Sustainable development is something we also respect dearly and I, I commend Poplar River for their, their, their stance and their, their, their adamant position that no development proceeds in their area. I commend that, that process and I also want to say that government-to-government is, is not just government and one First Nation or a few, it's it's all of us. It's First Nations and I think it's a collective voice that you must listen to, and I know you tried diligently there in the last few years with the WNO process. It was a—and I must say this, it was going well up to a point. For our community it was going well up to a point and we just felt uncomfortable to proceed any further and we, we

took the stand of not proceeding any further with WNO.

But, as I say, we must respect the sovereignty of all First Nations, not just a few or one. The consultation process on, on the bill was inadequate, if I can say that. It, it certainly was because, I think I seen the document. I had it in my hands for about, you know, 20 minutes at best and, and it had to leave my hands for whatever reason, but we wanted to discuss that and I'm still open for that. I still want to discuss it, but if our participation as a community means it has to be part of WNO, I won't participate. Outside of WNO, I, I reiterated that with Stan, we're certainly open for discussions.

There is so many things on the east side that's been talked about in the last number of years. Bipole III just moving to the west side. No consultations, and, and, and I, I was of the position, once that the Premier (Mr. Doer) made his mind up, I'm not going to beat a dead horse. It's on the west side, it's on the west side. But, again, there was no consultation there, certainly not with, as far as I know, with the ones on the west side. If you want to talk about sustainability, there was questions and merits about that, how much, aside from cost, the extra cost. So that was another dead argument that I didn't want to proceed with that. But as I said, we're always open to discuss these options.

The east-side road, I'm all in favour of that. In fact, that was part of the Throne Speech, the last two Throne Speeches, and I have yet to see a big road there, and a good road, all-weather road. I know they're working hard on that and there are some challenges with our neighbouring communities, Hollow Water, in particular, trying to access some opportunities there. So I, I, I endorse that. I support that fully, the east-side, the all-weather road, obviously, because it's not for me to speak, because, not for me to speak against, because I don't pay \$8 dollars to \$12 for, you know, a jug of milk. That's just, that's just one small example. And how could I not support that?

The east side, of course, as we all know from studies, it's one of the poorest regions in Canada, unemployment. It's also one of the highest rates of suicide in all of Canada. In fact, I would challenge, it's probably one of the highest rates in, in the world. And how do you get out of that then? And I think it's development, it's opportunities, it's economic development. We talk about stimulus packages and all these budgets and global recessions. You've heard

it a few times, lately, that we've been in recession since the treaty was signed. We know what a recession is like. And we've had housing overcrowding. We know the situation now in the Garden Hill area, Island Lakes area, now the potential outbreak of the—I hate to say swine flu, but it's N1H1–H1N1, the virus—and we know that's pretty scary. There's some—it's, it's basically, it's a recipe for disaster waiting to happen in any of our First Nation communities on the east side. These things need to be addressed.

Housing; why is housing an issue when we're right in the middle of all this resource of forests? I can never figure that out. A paper company right next door to us. They've been there for 82 years. Why do we still have a housing shortage in Sagkeeng. I, I, I can never figure that out. I, I grapple with that, but it's, it's something that's there. We see it; underdeveloped areas but, yet, in such a rich resourceful area, rich, rich country, rich province, as you heard Elder Raven speak about the, the wonders and the, the treasures on the east side. There's many there. And that's why we need, you know, we need, we need to protect them to some extent, but as leaders, we also need to develop to some extent as well. There has to be a fine balance there because I cannot provide for my people, my community, on the meagre contribution agreements from Indian Affairs. It's just a recipe for—you try to do a \$10 job—a thousand-dollar job with \$10. That's the recipe and the nature of our funding formula. Talk about fiscal imbalance. Well, we've been way imbalanced for the longest time.

So we need a little bit of development, too. So, so, I, I support development as well. And there's some chiefs on the east side that want to have some development, meaningful development, not some pick-and-shovel jobs, something long-term, sustainable and if it means interpretative centres, well, that's, that's, that's an option as well. If it means partnerships and cottage developments, I'm open for that as well. But you don't go in there and just destroy the land. I, I, I believe we must adhere to those principles, as I said at my opening statements. We believe in development, but let's, let's not do it the wrong way.

* (19:30)

One thing that I've witnessed—I worked for my community in the capacity as an environmental officer several years back and I went to the world summit on the environment in New York in

Manhattan. And one of the challenges—I, I, I, I, I talked to various country leaders there and the challenges they were having—because that was the second one. The first one was in Rio and second one they were already having challenges. And what I heard around the tables there were, it's the poor countries that weren't endorsing it, the global warming, the cap and trade, all these things, and emissions. They weren't supporting it, endorsing it for the very reason it was developed countries that were telling them and prescribing to them, this is what we want to do with the world now, no more development. But, yet they were very undeveloped. You're developed, you're well off now, you're living in your ivory towers and you're coming to us now, the rest of the countries, telling us don't develop. That's why—that's where the challenge was and I think it's still there. I haven't been to any of these, these summits lately, but, I think that challenge is still there. And we see some countries cooking on mud cakes, putting a little bit of extras and nutrients in there and that's, again, that's the global recession.

And I believe in, I guess, the concept of working together, government-to-government. But we're, we're no longer in this box anymore, these silos. The reality is, I, I, I do fear for our future. I have my daughter here. She joined us here this evening. She's 14. I wanted her to listen to this. I wanted her to—she was coming here and asking me questions on what this Bill 6 and what is it about. And I told her it's about the land, it's about the government. Well, I speak from Sagekeeng, it's what the government telling us what they want to do. What, what do you mean telling you what—about our land. Who's land is it? They said it's ours. Well, why are they telling us what to do? So comprehending a child's frame of mind, that's how I kind of put this in. So this is, it's hard, it is hard to explain.

Madam Chairperson: Chief Fontaine, we have about one minute left.

Mr. Fontaine: One minute, well, I will say this. And I said this to Minister Struthers. As governments, as leaders, as ministers, as chiefs, we sometimes think we know what's best for our people and our constituents and our territories but we leave sometimes a grass roots behind, we leave the people behind. We think we know—well, we're given the mandate, we're given a strong mandate, so let's just go ahead and be leaders and do what we should do, develop things. But I think sometimes that's a recipe for disaster. We have to include the people and listen to all voices.

And I appreciate you for giving me the min—a few minutes here this evening. I also thank the lady for extending us the opportunity to move forward before her on the agenda. I thank her. I don't know if she's a stakeholder. And I hate—I always said this, I hate being lumped in stakeholders. We're more than stakeholders, we're—I mean I support all their causes.

I was up in Vancouver Island last week. Beautiful. One of the last standing old-growth forests. I was there.

Madam Chairperson: You're at 10 minutes. I'm sorry.

Mr. Fontaine: And Manitoba east side is just equally beautiful. So I want to protect the area but I also want to develop it where we benefit. Thank you.

Madam Chairperson: Thank you for your presentation. I see we had a number of hands go up for questions from the committee so I hope I am addressing these in the correct order.

Mrs. Stefanson: Thank you very much, Chief Fontaine, for your presentation tonight. I think it was, it was very good, obviously straight from the heart. You believe passionately about your community, believe passionately about the east side. And I think your presentation tonight obviously reflects that and thank you for sharing that with us.

My question for you is along the lines of the consultation. There have been other presentations earlier this evening concerned about the lack of consultation before the bill coming forward. Does that concern you moving forward about whether or not there will be that consultation going forward? Where would you like to see things go from here?

Floor Comment: I'd like to—this is on? Hello, hello.

Madam Chairperson: Chief Fontaine.

Mr. Fontaine: Okay—hello. Obviously I don't want to put up roadblocks, barriers, to throw a wrench into something and walk away. That's not productive. I believe in doing things the right way. There's a—we know what happened in KI situation and the mining. I mean that's not the way to do things. There's another option, another alternative. That's working with the industry and government. DeBeers, we see things happening there, that's done properly. And I think we can do that on the east side and I'm all open for dialogue and we cannot, no longer throwing things on our desk and saying, here, this is the way it's going to be. I think those days are gone. We still get that.

In fact, Tembec came to me the other day in my office, a binder this thick for a 20-year renewable plan. I mean, I don't have the time of day to read that. Secondly, I don't have the expertise, and I don't have the capacity in my department, my staffing personnel, you know, to give a full and honest opinion on this document, but I do believe in working positively together, and there's a right way to do things like I said. KI wasn't the way to go, and DeBeers, that might be a good recipe. There's others out there, of course.

Madam Chairperson: Thank you.

Mr. Struthers: Thank you very much, Chief Fontaine, for coming out this evening. You know we—in the lead-up to Bill 6, we had 80 community meetings along the east side of Lake Winnipeg. We've been in each and every community, and then we had some more meetings following that.

I think one of the most interesting meetings leading up to Bill 6 was in your community when you hosted us, and you showed us some damage along the river, but I think it was most interesting when you took us to that elderly gentleman's house, the fellow who was involved in the invasion of—he was at D-Day, I believe, and you introduced us to him, and he talked to us about land use and land-use planning and the role of elders. I think that was one of the most interesting exchanges that we've had in all of the meetings that we've had to talk about Bill 6, and I thank you for doing that.

Can you kind of recapsulate the advice that your elder gave to us that day about the importance of land-use planning?

Mr. Fontaine: Let me see. What Elder Lawrence Morriveau said, and I didn't want to get too close. It was his conversation with you and I didn't want to, you know—I just kind of stayed away a little bit, but I captured some of it, and the essence of the discussion was we can develop the land. We should develop the land. It's the future of our people, right? That's what he said, and there's so much opportunity and potential there. He even talked about next door to the reserve in the back, there's land. Why don't we develop that? He talked to me about that. He talked about cottage development, but being a former chief, he was a former chief in the early '70s, and his struggle and challenges were, he said, I basically don't have the opportunities you have now. You have a good relationship with governments. Opportunities are there, but get benefits is what he's saying. Get some benefits for your people, and we can no longer

just live within the reserve, within the reserve boundaries. The confinements of the reserve system is not working. Basically, that's sort of what he said.

The advice of elders. We must be involved. We must be included. You heard Elder Raven say similar comments, and I think it's so true, but they're a dying breed, and with them, as Raven said, there's nothing written in the books. With them passing, so does the information. I think we have fewer than, what are they called? Octogenarians? 80-plus? We have fewer than 10 in our community now, so we're losing all this vast information. Interpretive centres, all that stuff, can capture that.

Madam Chairperson: The time for questions has expired.

Mr. Struthers: I just want to say you have a very good memory. That was good. Thanks.

Mr. Fontaine: Thank you, Minister, and thank you all.

Mr. Gerrard: Leave to ask a question?

Madam Chairperson: Does committee grant leave to ask an additional question of Chief Fontaine?

An Honourable Member: Yes.

Madam Chairperson: Leave granted.

Mr. Gerrard: Chief Fontaine, thank you for your presentation. I have been out to your community, which is a beautiful community along the Winnipeg River, and, you know, I want to ask you specifically in terms of mention of the areas where the land is hurting a little bit because of the erosion and the talk about the cottage development, and I know that there's been some issues of cottage development without consultation.

Can you just give us your view of how these sorts of things should be incorporated into the plan moving forward in terms of looking after the land?

* (19:40)

Mr. Fontaine: Well, thank you, Dr. Gerrard.

Erosion's been an ongoing problem, and, and, and our position, it's, it's, it's, it's a result of a Crown corporation. And we've done things in the past. We've been proa—we've, we've been proactive; we've, we've addressed the problem, but not totally. Piecemeal, eh? A few, few kilometres over the last 15 years, so inadequate.

However, we, we, we, we include in all our discussions with the government, and we talk about mining and forestry as well. So everything's included. But when you get too big and then I think you, you cannot digest things, you cannot co-ordinate them properly, so we kinda put things in silos back at home. Hydro's one issue. Forestry is another issue. Mining's another issue. And we've had a pretty good rapport with the government, Minister Rondeau, in trying to establish things for mining.

But I know and if I can state this, I'll say it again, if, if, if I would support this bill to—totally, and if I would, it, it would have to be a clean slate. No forestry then. No mining then. Let's do like what we did in Poplar River. That, I would support wholeheartedly. Then, what, what is my role as serving and developing things in future for my community, right, for my children, our future and all that stuff? It can—I don't think it happen. So it has to be a balance. So—but we compartmentalize all these different areas, but they're all connected, and it goes back to the government, the government relationship. That's where we started; that's how we'll fix it.

Thank you, doctor.

Madam Chairperson: Thank you, Chief Evans.

In accordance with an agreement that was made earlier regarding the request of Gaile Whelan Enns to be called after 7:30, I now call upon Gaile Whelan Enns, Manitoba Wildlands.

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

Ms. Gaile Whelan Enns (Manitoba Wildlands): This time I do, yes.

Madam Chairperson: Okay. Please proceed with your presentation when you're ready, Ms. Enns.

Ms. Whelan Enns: Thank you.

I want to make sure that it's on the record this evening that I'm here speaking only as the director of Manitoba Wildlands in Manitoba, and not speaking for any First Nation community affected by this bill.

I'm going to take a run, if you will, through the clauses in the bill where we have comments.

We would suggest that the purpose of the bill, which is 2 on page 1, if you happen to have it printed out the way I do, needs to be, in fact, consistent with the inherent statements from the Manitoba government in any of their MOUs or accords with the First Nations in the east side in the planning area.

References, by the way, to the planning area are not an endorsement of it. So that would mean that we're missing the principles from the April 2007 accord with these First Nations.

Progressive, well-intentioned legislation for the future can have a preamble and can have a set of principles in it. That then, reduces confusion, increases the ability to work jointly, improves decision making and so on. And this accord from April 2007 is a very strong set of principles.

Twenty-four—and again, I've gotten researcher's notes in front of me—so 24 is—moves into talking about designating planning areas. So it's all a little confusing, and there was actually some discussion in this room last night about how many different acts in Manitoba are about planning. The Province, in the 1940s, quote, designated the trapline districts that are currently a proxy for lands planning and traditional lands planning going on in this, quote, planning area.

So we are layering authority designate. We are compounding approaches in terms of, quote, planning, and of course, it's an open question how The Municipal Act, planning act, the provincial land-use policies, et cetera, would work with, be affected by or countermand what's in this bill.

It's also probably pu—putting in the record that this, this design area or planning area actually cuts quite a few traditional lines or traditional areas up. There's at least five First Nations affected by this bill where they're half in and half out.

Aside from the designation of trap lines that are currently used as a proxy, we, of course, also in Manitoba, which means that we have a Northern Flood Agreement, a variety of laws and statutes of the country as a result, and resource management areas that have been designated, and there's at least one First Nation, again, affected by this bill where all of that's already been designated.

7(2) refers to specified planning activities. The sarcastic question would be: Does this mean that the government of Manitoba tells communities what a planning activity is and tells them what they can and cannot do in planning? We are, of course, here in, in June 2009. It's almost exactly 10 years since the COSDI report was adopted as policy by the Manitoba NDP and there are a variety of stages of planning activities ongoing already within this planning area. They're at different st—different stages for sure by community. You know, it's a little complex but reading this bill cold, if you will, you

could read it as if none of that's happening. It is but it hasn't been 10 years as if government is basically also directing planning.

I do not know—stand, stand to be corrected on this—but I do not know of a single instance in Canada where First Nations conducting their occupancy standards, their traditional use studies, researching their history, making their plans for the future, I cannot think of an example in Canada where it's based on government specifications. There's a dramatic difference between that and—I should of asked the chair to give me a two minute call. Thank you.

Madam Chairperson: I will do that, all right.

Ms. Whelan Enns: There's a dramatic difference between that and, in fact, aiming to have a plan that is viable in a whole range of ways including, for instance, to be able to deal with stakeholders, your neighbouring communities, negotiate with your provincial government, perhaps both cl—Crowns.

If you've combined two, three or four First Nations into one, quote, planning council, then do they each get one vote and how many votes does the Manitoba government have at the table? There's a history of the RMA boards in the north having considerable amount of problems this way in terms of decision making. There's not enough in this bill to tell us how these would be resourced, how they would be funded, how they would be staffed and how these First Nations or communities would actually be able to fully participate.

I began to wonder whether or not the bill would actually begin to institutionalize a dynamic where each single or individual First Nation would be in a minority in decision making and/or whether you'd have neighbours, in fact, disagreeing with each other about what can happen in what has, of course, been for hundreds if not thousands of years a traditional territory for one nation.

8(1) reads very much as if planning is starting all over again, and I'm going to stop there in terms of my notes and let you, let you know what we handed out. You have a copy of the Manitoba NDP press release from the early, in the 2007 provincial election, and this is the press release with the promise contained that's specific to this bill. Again, I'm not in the room to speak for any community or any First Nation, but, rather, to make observations that we need to take a pretty close look and see

whether or not the commitment in the bill and what's in that promise was fulfilled.

* (19:50)

The other two items that you have today are preliminary information regarding the new act that has been—or the new bill that's been tabled in Ontario regarding two things: First Nation lands planning, traditional lands planning in Ontario, and protection. And this is the Government of Ontario's commitment of more than half of the boreal lands in these traditional territories in Ontario. There is significant and real money on the table.

The commitments between the Government of Ontario and the tribal councils were made before promises in the last election. They're now beginning to be acted on. In Ontario, they have an environmental bill of rights where a public posting and a public registry on every step along the way in terms of lands planning is structured and clear.

So what I wanted to do, basically, is say that a lot of time has passed. That there are communities seriously and thoroughly working on the steps for lands plan for their traditional territory within this planning area, but there are many, many—many, many questions with this bill. And I think that it would've benefited from the work with the communities and the kind of consultation that was identified in the first place in 2007.

There are some missing definitions, including resource management area. There's also a very obvious—and this would probably be a closing topic—it's a very obvious question here about what is protected and the relationship between the intent as this bill is currently written and the existing policy, legislation and acts in Manitoba for protected lands.

I would've been very impressed and very pleased to see clear references in this bill about protecting water: waterways, water systems, water in these boreal ecosystems. We don't—it's not anywhere in, in our legislation in Manitoba to date, despite having mechanisms and half a dozen different acts in terms of protecting land. So that's the kind of thing that we've been—we're watching for and hoping for, and I think I'll stop at that point.

I think that it's, it—some people who were in the room were here last night and the night before, so this is, this is a similar kind of presentation. This is about looking for more and clarification and what we would want to see in order to support the bill.

Madam Chairperson: Thank you for your presentation.

Do members of the committee have questions? I believe—Dr. Gerrard?

Mr. Gerrard: Okay. Thank you, Gaile.

You've got a fair amount of experience with land-use planning and I would ask sort of two questions. One is, in the popular land-use plan was prepared before this bill came along, why do we need the bill and what's, you know, so important about having this bill for this?

And second, this bill will create special protected areas, and why do we need to create a special protected area? Wouldn't—would we have been better to actually amend the protected areas act if, you know, what we were doing was, you know, making some changes to protected area status that was consistent?

Ms. Whelan Enns: Thank you. Maybe the question is do we need the bill. There's a bit of a pattern, if I may make this observation, in terms of bills I've spoken to this week; they are about more than one thing. So this is a bill that's about lands planning in one region or potential planning area in the province only that is, in fact, clearly to do with intact traditional lands, intact boreal systems. We are lacking a planning—a lands planning mechanism in the province and we need one.

My comments last night about the environment—environment act amendments bill is the same: we need an envi—we need environmental assessment and there's things together in that bill that need not be. So I think that the protected areas aspect of this bill would best be separate, moving the two apart.

I have participated in and provide secretariat services for the First Nations protected areas MOU in the province between 1998 and about 1996 when it stopped functioning, and that discussion at that table—with staff and representatives from each of the assemblies through the Grand Chief's offices in the room—started talking about the protec—the protected lands mechanism for First Nations in Manitoba over 10 years ago. So we still need one. That's undeniable.

The question is what that mechanism should be, how it would work, and going back to the election promise in 2007, what the First Nations would like as a tool. So I'd separate these two. I would sit down and look at all the different acts in the Province that have one kind of land or development planning

mechanism in them and figure out whether we do need another bill—which I'm inclined to think we do, because of open Crown lands versus private lands and southern lands and development—and then whether we're actually talking about planning before development versus planning a development.

Mrs. Stefanson: Thanks very much for your presentation tonight, Gaile, and that was sort of one of the—that was one of the areas that I was gonna go, and back to the election promises that was made and whether or not this is a bill that can be amended as is or whether or not we—they should look at scrapping it and bringing forward, after due consultation and—in many areas, which we've obviously seen and it's been a theme coming out of, of committee over the last little while about the somewhat lack of consultation when it comes to these things. Is this a bill that is—that also affects other areas, then? Is that what you're saying, is that it affects other areas to do with protected lands or could—and that should be dealt with separately as opposed to trying to put everything into a, into this bill and without, again, doing due consultation in all areas that are affected with respect to this legislation?

Ms. Whelan Enns: That was a few questions in one, but I'll try—

An Honourable Member: We only have so much time.

Ms. Whelan Enns: That's right. That's right.

It's been unclear at the stages of East Side Planning Initiative meetings and sessions through the chiefs' council and into the WNO. It's been unclear to our office why there was a lack of sufficient information about tenure, about existing laws and acts, about the interaction in—on, on the lands and waters—

Madam Chairperson: Excuse me. We have reached the five-minute mark for questions. Is there leave from the committee to finish the answer?

Some Honourable Members: Agreed.

Madam Chairperson: Leave is granted. Proceed.

Ms. Whelan Enns: Thank you. So there's some big gaps in information despite the, the process that's been going on. That makes it harder to relate to this bill, would be my, my supposition, and that's part of why I started saying earlier that we need to see those principles in place and operating, and that probably is more feasible if you break the bill apart. It's very hard to tell, the way this bill is written right

now, whether this is actually about what's intended in the accord and what the communities are working towards, or whether this is, in fact, a development planning bill. You, you can't tell, 'cause those principles are not there.

Now, I missed a piece in the earlier question, but the point of the question, I believe, about Poplar River's plan, which was finished in, in 2005, is that of course a community—and First Nations across the country do this—they set out to plan, and it's their plan, just as it's their traditional territory. That should be the core of the approach in legislation. And it's not a lawyer talking here; it's a fiduciary reality that you need to be absolutely clear what you mean when you say planning. And you can't tell from this bill right now.

Madam Chairperson: Thank you.

I will now call on Ron Thiessen, the Canadian Parks and Wilderness Society. Ron Thiessen.

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

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

Madam Chairperson: Please proceed with your presentation.

* (20:00)

Mr. Thiessen: Good evening, everyone. I'm here to represent my organization's support for Bill 3, that being the Canadian Parks and Wilderness Society, as was mentioned. We are essentially a wilderness conservation organization with chapters across Canada in all provinces and territories except for Nunavut and Prince Edward Island.

As we know, the east side of Lake Winnipeg is a—well it's a jurisdiction that's becoming increasingly unique throughout the world having its ecosystems fully functioning and intact, as well as having a, a number of First Nation communities that have been responsible and effective stewards of the land for countless centuries.

It's my understanding that 96 percent of the people that reside on the east side of Lake Winnipeg are First Nations, so it's, without a doubt, their lands; they're the people that live there. As I imagine, we all know that this area, for the most part, encompasses boreal forest or boreal region which has incredible local and national and global significance for a variety of reasons.

If Bill 6 is passed into legislation—I said Bill 3 when I first got up here, didn't I? I just realized that. Bill 6. There, it's been changed on my notes. If it's passed into legislation, the east-side First Nations will have an unprecedented avenue here in Manitoba that will allow them to rightfully plan for and to manage their traditional territories. And the capacity to protect their territories while planning will provide, I believe, regional communities with the opportunity to plan with confidence.

However, it certainly would be helpful to have a definition or more clarity on what a protected area means in this bill. I think that would be useful.

I strongly believe that the new legislation, when and if it comes into effect, will increase the eligibility of, of the First Nation led and government supported World Heritage Site quest. I think what it will make clear to the, the UN that communities and conservation are top priorities in, in the proposed area for the World Heritage Site.

The new legislation, if passed, if it's backed up with sufficient funding, and I think that's an important point to mention, will enable communities to plan, manage and protect their traditional territories which, in turn, will also be very key in inspiring the UN to choose the east side of Lake Winnipeg as a World Heritage Site area.

Once again, the, the east side of Lake Winnipeg truly is an opportunity that, in most places in the world, is, is no longer an opportunity, with fully functioning large-scale ecosystems and, and Aboriginal communities that are on the landscape and have proven to be valuable stewards of the land. And I think that allowing east-side First Nations to plan for the future of their communities and their traditional territories is not only right in principle, but it will also ensure the region stays healthy and maintains its integral role in earth's life support system.

In closing, I'd like to express my organization CPAWS's support for Bill 6—got it right this time—and encourage everyone to embrace this historic opportunity. And I'd also very much like to congratulate the First Nations involved, as well as the Province, for bringing this bill as far as we've gotten it along today.

So, I, I think I've done well on my 10 minutes, haven't I?

Madam Chairperson: You're actually just under four minutes, Mr. Thiessen.

Mr. Thiessen: Not bad.

Madam Chairperson: Thank you very much. The committee appreciates your brevity.

There are questions from the committee. I believe the first hand I saw was Mr. Gerrard.

Mr. Gerrard: Thank you, Ron, and I think that there is substantial and broad support for the concept of making sure that the area along the east side of Winnipeg—or Lake Winnipeg is well looked after and well planned for.

But, I'm a little confused—right—as to—you know, we've got the Poplar River land-use plan and most of that area I think is now a designated protected area. Are we now going to call that a special protected area versus a protected area? What is the difference? There's other areas in the province which are Crown land or mostly Crown land which are protected areas, do we start calling them special protected areas? I'm—I'm confused as to what this all means, why we should have two separate designations?

Mr. Thiessen: Well, I think that's a very good question, and you know regarding what you would call Poplar River's traditional territory as far as, as a designation at this time and day, I, I can only suppose guess what would the government and the First Nations on the east would—what route they would take on that. Poplar River's traditional territory or the part they've nominated for permanent protection is now identified under the legislation as a park reserve. I would suppose that that wouldn't change under this new legislation, but it might. That might be a better question for the folks at Poplar River and the Province to answer, I suppose, than myself.

Regarding, do we need a different protected area designations? You know, it's, from what I've heard, and my understanding and talking with some First Nations anyway, the, you know, The Parks Act, for example, wasn't sufficient to meet their expectations or their desires for their traditional territories, so it was necessary, I think, to develop a new way of thinking and new designations and perhaps legislation to address that.

Madam Chairperson: Question now from Ms. Stef—Mrs. Stefanson.

Mrs. Stefanson: Again, thank you very much for your presentation this, this evening. Just a quick question for you with respect to this. You had mentioned that it would be important to have the

definition of protected areas, and it was suggested earlier that there, you know, it might be difficult. There's, you know, on one, on one side, there's been sort of a lack of consultation, maybe all around on, on this, and there's a number of things from different areas where there's, there, you know, because of that lack of consultation, that various communities are, you know, have some difficulty with this.

Do you think that this bill can be—I mean, I know you have said that you're in favour of the bill. Do you think the bill could be amended, or do you think, given some of the other presentations this evening as well and some of the other problems with respect to definitions and so on that are not in here, protected lands being one of them, that it's, it would be better to, to look at, you know, going back and doing, going through the consultation process and then, perhaps, bringing forward other legislation after that process has taken place?

Mr. Thiessen: Well, I think, you know, as a whole, it's up to the communities to decide as a collective whether or not they need more consultation. You know, certainly, I believe this bill can be passed as is. However, many outstanding issues do need to be addressed, perhaps through the regulations or otherwise, after the fact.

So, you know, going back to what you mentioned about definition of a protected area, under the, the Manitoba legislation, protected areas are currently areas that are without logging, mining, hydro, oil and gas, industrial developments of that kind. So I'm not sure as to whether—I can make the assumption, but I'm not sure as to, to whether a special protected area in this bill and perhaps legislation soon, exactly what that means. So I can make the assumption it means the same thing as what a protected area is in legislation now, but under this bill, I'm not sure if it would be exactly that same thing. So it would nice to get some clarity on that.

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

I must now make a note for the record that in light of an earlier, out-of-town presenter asking to wait until after all First Nations had presented, her name has been skipped over until all First Nations have been accounted for. This was brought to our attention. So we will now proceed to Vivek Voora, International Institute for Sustainable Development. I call Vivek Voora. Okay. This—Vivek Voora will now be dropped to the bottom of the list and be called a second time, at a later point.

I now call Michael Anderson, from MKO, Michael Anderson. Do you have any written materials for distribution to the committee?

Mr. Michael Anderson (Manitoba Keewatinowi Okimakanak Inc.): I don't this evening, Madam Chair. Thank you.

Madam Chairperson: Please proceed with your presentation, Mr. Anderson.

* (20:10)

Mr. Anderson: Thank you, Madam Chair. Ministers, members of the committee, Chief Balfour. I also would like to advise that I'm, in addition to being joined by Chief Balfour, who is the portfolio chief for my organization, I am the research director of MKO's Natural Resources Secretariat, and I'm also joined by Mr. Louis Harper, who is MKO legal counsel.

The matter before us is of great interest to MKO. Keying on some of the comments that were made earlier, of course, the MKO First Nations all support land-use planning and arrangements on land-use planning between First Nations and government, and have sought them for many years. The examples that were raised earlier, of course, were those that, for example, originate with the Northern Flood Agreement, that were carried on in the master implementation and comprehensive implementation agreements. There, of course, are the arrangements with the WNO, the Opaskwayak Cree Nation co-management agreement, and then the new agreements under the Grand Rapids forebay successor agreements and, of course, recently signed just yesterday—and which I'd like to touch on later—is an accord with the Northlands Dēnesūliné First Nation and the Minister of Mines (Mr. Rondeau).

So land-use planning features prominently in the objectives of all of these agreements. As part of this objective of the MKO First Nations, the MKO chiefs and assembly created the Natural Resources Secretariat in October 1988. We shortly followed that with the establishment of a geomatics facility in the spring of 1989, and so the MKO Natural Resources Secretariat is perhaps the second-longest continuously operating geomatics cap—facility capable of doing GIS and satellite imaging in Canada, probably following only the Nisga'a Nation who now, as we know, is establishing a self-government arrangement in British Columbia.

So we've established that capacity in addition to the ability to conduct traditional land use and

occupancy research precisely for the objectives that are intended by the WNO process and intended by the bill. We can say, though, emphatically—and I have been directed by Grand Chief Garrioch to do so—that no MKO First Nation supports the bill in its, in its current form.

You heard some of the discussion from Chief Balfour about revisions necessary to Norway House. That all includes all of the east-side First Nations who are members of MKO, which would be Bunibonibee Cree Nation, Manto Sipi Cree Nation, the God's Lake Narrows First Nation, the St. Theresa Point First Nation, the Wasagamack Cree Nation, the Garden Hill First Nation and the Red Sucker Lake First Nation. None of our MKO First Nations support the bill in its current form.

One of the things that we'd like to say about perhaps why, if that's the case—and considerable correspondence being exchanged between many of our First Nations and the minister and our Grand Chief and the minister—why we haven't made this public in the way I was describing it today, and the answer to our question—why haven't we been standing on the front steps of the Legislative Assembly with a gigantic trapper's frying pan and a piece of firewood banging it to let everybody in the Leg know that MKO is opposed to the bill—and the reason for that is because in February, we discussed our concerns with the national Chief Fontaine who, as you know, was co-chair of the WNO the east-side planning process. National Chief urged us to assist in creating an environment where he may have discussions with the Premier (Mr. Doer) and to arrive at what was described to us as a further process to examine the principle and spirit of the bill, its specific provisions and mechanisms, and to essentially engage Manitoba directly in a process to amend the bill—to modify it.

We were at—we met with Mr. Vogt and had some initial—one initial meeting on this and had expected and been assured that we would have a further process to examine the principles of the bill and the bill's contents itself. Further evidence of the—this further process is we have a meeting with Mr. Vogt at 1:30 tomorrow with regional Chief Traverse, Mr. Harper and myself about Bill 6. So if the committee had proceeded to consider the bill this evening, give it clause-by-clause and determined a report without amendment—taking into account the amendment Minister, Minister Struthers mentioned—then there would be no purpose in having the meeting with Mr. Vogt tomorrow at 1:30, which,

Madam Chair, by the way, leads me to a housekeeping question I'd like to quickly ask: Is it my understanding the government leader of—in the House is here, that there is an additional session of hearings on June 8th? Is that correct?

Madam Chairperson: Yes, it is correct.

Mr. Anderson: Thank you, Madam Chair, and thank you, Minister Chomiak.

So we had anticipated a further process and that is why we haven't been on the front steps with our trapper's pan and a piece of firewood letting you all know of our opposition. Having given it second reading on the 1st and then, and referred to committee for tonight, we felt it necessary to begin to spread the—our concerns to all the members of the Legislative Assembly so that you are aware of our issues.

In essence—if I summarize them as quickly as I can given our time—there was no substantive consultation on the substance of the bill and it was developed in isolation from the east-side First Nations. I say this in a context because the MKO Natural Resources Secretariat is a matter of reference. We negotiated the Wapusk National Park Establishment Agreement, the MOU on protected areas that Ms. Whelan Enns referred to, with our colleagues, the Assembly of Manitoba Chiefs. We've assisted in settlements with the Grand Rapids fishers and a long list that I need not go on tonight.

So we understand what joint process means. We understand what being in a room with a white board and a pot of coffee and some sandwiches means when you're discussing the principles and functions of an agreement or a piece of legislation or an arrangement that you intend to enter into.

The east-side First Nations had none of these types of detailed technical sessions on the principles of the legislation, on the processes that would be entrenched in the law and on how it would actually affect in terms of the planning objectives of the First Nation and whether it was appropriate for the objectives of the east-side First Nations.

An example of that lack of joint process could be evidenced in article 3.8 of the WNO Accord, which calls on government and the WNO to jointly develop land-use planning mechanisms through regulations under existing laws. The government on its own had determined that there were no existing legislative frameworks in Manitoba suitable to meet the objectives in their view of the WNO and initiated the

process on Bill 6 in isolation from the WNO First Nations.

Clearly, there's a reasonable expectation in the provision of article 3.8 of the WNO Accord that government and the WNO First Nations would have that white board and coffee pot and sandwiches series of sessions to determine what went into the bill. They didn't happen. The first structured view of the bill that was presented, and the only one that I'm aware of, was on February 22nd, 2008, at the Charter House Hotel, in which the Minister Struthers brought a PowerPoint presentation to present to the WNO chiefs. So I was invited by Chief Gilbert Andrews to attend and to listen.

The basic core of the bill was explained and then each one of the printed versions of the PowerPoint presentation were carefully recovered by government and removed from the possession of the WNO Council of Chiefs. So no printed record of the proposed bill was left behind, even though it was a summary. Now, Minister Struthers did say that it's extraordinary to showcase the inner workings of a bill prior to begin first reading introduction in the House. And, in terms of legislative language, yes, I would concur that that is unusual, although I can say we've participated in legislative drafting processes, for example, at the national level at the Canadian Environmental Assessment Act, the Specific Claims Resolution Act. There are mechanisms to jointly develop bills between First Nations and the Crown where the detail of the bill is worked on in at a very close and intimate level. Didn't occur in this particular case, and there were not—and I would say any substantive issues on the mechanisms of the bill, its principles and processes and structures between the WNO First Nations or the MKO First Nations and government. There may have been meetings where Bill 6 was discussed, but it wasn't the detailed substance of the structure of the bill. To my knowledge, no such meeting has occurred, with the single exception of that meeting on February 22nd, 2008.

There's some suggestion that the bill does not affect Aboriginal and treaty rights. In our view, it does. Section 22 of the bill is one area where we believe it, it does for—definitely affect the application of Aboriginal and treaty rights. That section of the bill suggests that a First Nation requesting engagement in the planning process has to accept the existing dispositions and land-use planning framework, the permits and licences that have been issued.

Madam Chairperson: Mr. Anderson, we are at one minute from closing.

Mr. Anderson: Thank you. The aspect of that is that all of the dispositions in the east side of Manitoba cannot be presumed to be lawful on account of the Crown's duty to consult. Where the Crown has issued licences without consultation, they may, in fact, be law-unlawful and subject to revocation, and the government's own policy on Crown consultation says that. We note, for example, that the NDFN protocol, the Northlands Dēnesūliné protocol that was signed yesterday explicitly provides a process to consult on existing licences that were issued without consultation. So section 22 may have substantial adverse effects on the rights of First Nations on the east side.

We also note that it's not consistent with the principle of co-decision authorities established under the Northern Flood Agreement and other arrangements. Under NFA, a chief and council and the minister develop a plan. The chief and council and the minister approve the plan. The chief and council and the minister implement the plan. Under Bill 6, the planning authority and mechanism is largely assumed by the Crown through the planning council—after the planning council's presumed the plan.

But the First Nation is not provided the approved plan again, the completed plan again for its approval. It only goes to government. Government—

* (20:20)

Madam Chairperson: Mr. Anderson, we are at the 10-minute mark. Is the—

Mr. Anderson: I have a, a, few more points—

Madam Chairperson: Is there leave from the committee to proceed?

Some Honourable Members: Leave.

Madam Chairperson: Leave is granted.

Please proceed, Mr. Anderson.

Mr. Anderson: Thank you, Madam Chair. I didn't mean to speak over you. I just wanted to indicate that I have a couple of more bullets. Thanks.

In this mechanism, the process of the NFA arrangements definitely establish a co-decision authority, and its long tradition is established in Manitoba. And it's really the expectation of the east-side First Nations that have seen what the planning

arrangements are in the other areas within MKO, Opaskwayak, NFA, Nisichawasihk, Kenasao Sipi, and others, who had that expectation.

Essentially, the way it's described to me, very simply, is that you'll often hear in meetings, individuals sitting peacefully and patiently, saying you must consult me before you come into my trapline. When the NFA agreements were signed, if we look at the consulta-community consultation reports, it's very clear that a substantial number of the citizens of each of the, the NFA First Nations voted yes because of the land-use planning provisions in those agreements, and because they believed that First Nation authority would be exercised within their resource management area. That kind of thinking has carried through the east side by our First Nations, and the bill doesn't provide for that type of arrangement.

We also would note that it's—in dealing with that, we, we highlight to you, in bringing to your attention, article—section 14, sub 2 of the legislation which provides for revisions to plans in the public interest, unilaterally, by the Lieutenant-Governor-in-Council. The NFA agreements do not provide for any such unilateral revision of plans.

It also indicates there that if a First Nation objects to a revision, that government may not—may no longer be required to consider it. Again, the Northern Flood arrange—Flood Agreement planning arrangements do not contain such a provision.

If we look at whether the bill is consistent with the constitutional duty to consult in the honour of the Crown, we would suggest that the provisions in the bill that rep—that are repeated frequently in respect of providing First Nations the opportunity to consider and comment on regulations, proposed plans and so forth are not consistent with the obligation to consult First Nations in respect to matters that an act or decision of the Crown that may adversely affect or infringe the exercise of their rights.

We draw to the committee's attention, section 6, sub 3, 10, sub 1, sub b; 12, sub 5, 14, sub 1; and 17, sub 3—all of which use that same language, consider and comment.

We would, we would say that whether or not the bill expressly recognizes the duty to consult, it would inevitably leave a parallel consultation process to be carried out, a consultat—a Crown, First Nation consultation process, a section 35 process, in order to implement a plan, particularly if the plan contained

restrictive features in terms of land use, fishing, trapping, hunting, things that are clearly within rights that are recognized under section 35 of the Constitution Act, 1982.

Madam Chairperson: Mr. Anderson, we have added an extra three and a half minutes on for your time. I hope you have—are you at the end of your presentation? May we proceed onto questions?

Mr. Anderson: Yes, Madam Chair, those are all the bullets that I have for my presentation. Thank you.

Madam Chairperson: I have a list of questions here. We will proceed with Mrs. Stefanson.

Mrs. Stefanson: Thank you very much for your presentation tonight. And you've outlined, certainly, a number of reasons why, I think, there usually is more of a consultation process prior to legislation like this coming forward. And one of them is that, that you've mentioned a number of inconsistencies with existing agreements, existing laws. You've mentioned that, in, in some cases, they may contradict other forms of legislation and agreements with other levels of government, et cetera.

And, you know, my question for you is: can this, I know you have a meeting tomorrow on, about this legislation. Is this something that—Is this legislation that can be amended, or is it legislation that you, you just see as, will be difficult to, to have that done in this period of time that you're given? It's, it's—obviously, you've been put in a sort of a difficult position here. So?

Mr. Anderson: Madam Chair, thank you for the question. I'd make the quick observation that the sessional order, as I read it, indicates that there's time between now and November, before the adjournment of the 3rd Session of the 39th Legislature to work on the bill and that committees, and, for example, work in summer. I understand that you're rising on June 11th for the summer recess, but that the bill doesn't die on the order paper. There's time to be working on it through summer and into the fall. September 14, if I read the order right, is when you resume. So, in that sense, there's time.

In terms of amendments, it would require significant structural amendment to reassert or re—clearly place the engagement of chief in council with the government in managing specified identified areas similar to those that minister—Chief Balfour had raised regarding the Norway House agreement.

There are elements of the bill, though, in terms of legislating authority for land-use plans, that are important. Many of you may recall that—I know Minister Chomiak was, would be, would be aware, certainly, and perhaps Dr. Gerrard of the 1992 Split Lake Agreement. The almost-final draft of that agreement did contain provisions to implement the land-use planning provisions of the Split Lake Agreement as a leg-in legislation. There was a proposed framework for amending the laws of Manitoba comprehensively to give effect to that. It was abandoned because of the time they believed it might take to amend on a comprehensive basis, the laws.

Which raises another issue in this bill about structural amendments, and that's section 21, which says that, essentially, any regulations under article 5 or 12 of the act, are paramount to all of the laws of the province. So that, that detail about how do you fit it all together has been settled by section 21 of the act, which means whatever regulations are passed or supreme, paramount to the other laws of Manitoba. The answer is, that is a really important structural mechanism. That's a principle and tool in a bill that clearly needs to be understood clearly by all of the participants intending to use that tool. And we need the time to examine how that would work, what kinds of statutory effect that would have. The definitions in section 21 regarding the kinds of matters that would be touched on by this paramountcy of a regulation under section 5 and 12—it says: when a regulation made under section 5 and 12 deals with the matter issue also dealt with by another enactment, the regulation made under this act applies as if it were contained in that other enactment. That's an enormously significant provision in a statute. And it's the only law in Manitoba I'm aware of, with the possible exception of section 8 of The Interpretation Act, that is intended to apply to all other laws. Thank you.

Mr. Struthers: Thank you very much. Thanks, Michael, for your presentation. In a, in a number of meetings that we've had to discuss Bill 6, whether it be one-on-one or through your organization, at different meetings that we've had a chance to talk about Bill 6, I've come to understand the legal arguments that you make and the points that you make here tonight.

In, in all of the meetings that we've had with east-side First Nations, including those that are part of MKO, dozens and dozens of meetings that we've had, one of the things that came back to us all the

time was that we, we want to do land-use planning, as you said at the beginning. We don't want you as the provincial government to be making a bunch of decisions while we are off doing our land-use planning. We want some kind of interim protection. The only tool that is available to us is what we use in the example of Poplar River, which was the park reserve. And what we heard from other First Nations and including pa—Poplar River, was that was a pretty clumsy tool to use. It was—it gave no flexibility for First Nations to make decisions within that area that it prescribed.

What would you be in favour of? What kind of a tool would you be in favour of that could do the same purpose?

Madam Chairperson: Could I just please note before you answer. We have exceeded the five-minute mark. Is there leave from the committee for two minutes for the response of the question?

Some Honourable Members: Leave.

Mr. Anderson: Thank you, Madam Chair, and members of the committee.

And your question is specific to the protective mechanisms that is also the second part of the bill? We participated intensively with government on the Protected Areas Initiative, and we created what was called a working book. We recognized that protective tools can be used under The Wildlife Act for wildlife management areas, under The Mines Act for section 14 withdrawals from disposition. There's a lot of tools the Crown already has to give substantive protection to lands within the province. What we had proposed was that a set of tools, custom built, to provide protection where you have a co-management arrangement with a First Nation to ensure that land uses can continue, rights can be protected and so forth. Similar, I suppose to the model of Wapusk National Park Establishment Agreement would be ideal. We've, we saw that we could adjust The Provincial Parks Act to provide some of those tools with a regulatory backup. There was a fair bit of thinking done about how we might do that with a minimum overhead in terms of regulatory structure. The object, as you say, is not to interfere but to get the job done. We didn't have those technical discussions with your staff and your department about what our vision might be for the actual tools, and, as you know, our responses are largely as the practitioner. We work on implementation of agreements and drafting of agreements and negotiating agreements all the time,

so we're keenly interested in how all the pieces fit together and actually work in the real world. And, again, we'd love to have that opportunity to examine those tools in the context of Bill 6.

* (20:30)

Madam Chairperson: Thank you. The time for questions has expired.

Mr. Gerrard: I'm wondering if I could have leave to ask a single question.

Madam Chairperson: Is there leave from the committee?

Some Honourable Members: Leave.

Madam Chairperson: Please proceed, Dr. Gerrard.

Mr. Gerrard: Thank you. Just one of the important issues is the what you call co-decision authority and that it's set out clearly. What changes specifically would you suggest in this bill so that that co-decision authority was clear?

Mr. Anderson: Madam Chair, thank you. In summarizing, recognizing I can't give—go through the bill. We do—we, we've reviewed the bill line by line. We're familiar with the workings of it as to the extent that it's presented to the committee and to the Legislative Assembly.

We have designed mechanisms for inserting co-decision authority into the principle of the bill which we take as providing legislative protection for a land-use plan developed jointly between First Nations and the Crown. We think that's an important concept in the bill.

Again, going back to the history of the Split Lake agreement where we engaged in a mechanism to glean our thinking on that. We'd be very happy to provide it.

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

Just an announcement for the committee. In light of an earlier agreement for Mary Granskou to cede her position in line to wait until all First Nations organizations had been heard, now that all First Nations organizations and individuals have been heard by the committee, I would now call Mary Granskou from cana—Canadian Boreal Initiative. Mary Granskou.

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

Ms. Granskou: I'm very sorry, we do not.

Madam Chairperson: That is not a problem. Please proceed with your presentation. Please proceed, Ms. Granskou.

Ms. Granskou: Madam Chair and members of the committee, thank you very much. I know we were here before, at least some of you on Tuesday evening on another bill, so, at the risk of boring some of you, we just want to give a little bit of background on the Canadian Boreal Initiative and why we're here this evening.

We work with, across the country in particular, across our north, our boreal forests and our boreal wetlands and peat lands and the communities that live there span over half of Canada. So in, in one sense boreal is Canada to, to a certain degree. It's in our mythology. We, we are very committed to working with the First Nations. There are over 600 communities in the boreal region and it's, it's very much in the spirit of partnership and supporting the evolution of their work with provinces, territories, and the federal government to advance real government-to-government working relationships on their lands and, in essence, driving the bus into the future.

We have what we call affectionately a half and half agenda, like cream, I guess, if you will, where the goal of all of our major partners—and we have what's called a Boreal Leadership Council—our major partners composed from leading resource companies, leading First Nations communities, and leading conservation organizations, all of which support a vision that has been spoken to by others here in their own way, but all support a vision, and, certainly, Poplar River is very much in support of a vision of keeping the lands whole for the future, for wildlife, for traditional activities, for future generations while achieving a vibrant and sustainable economic opportunities for the future. So those are the principles—principles that we support and we support in, in, in a rough balance across the landscape.

So we're, we're here this evening, in particular, we're here to support the partner we've worked most closely with whose already spoken, Sophia Rabliauskas from Poplar River First Nation. We've been supporting their land management planning for a number of years, and we also here in Manitoba, support Little Grand and Pauingassi's land management planning as well.

So one caveat on our work is that we work where we're welcome, and where we're not welcome, we don't work. So it's very much we work at the invitation of communities who are interested in our support moving into the future. And, as Chief Fontaine mentioned, we are a stakeholder. We are not a government, and we very much support the evolution of moving into the future. So thank you for letting me speak later in the agenda. I really appreciate that.

Mr. Vice-Chairperson in the Chair

So, in terms of the legislation, what we want to say is that it takes courage. It takes courage by the Province, by the First Nations, to move forward on a new regime into the future, so we commend all parties for that, and we really look to and encourage you to really listen to what you have heard tonight and reflect on that in terms of your decisions on how you move forward on the legislation.

And I would just like to reiterate, and I hope that I reflect this respectfully, certainly don't want to represent what Sophia said earlier, but I just want to underscore that we fully support the principles upon which Poplar River has engaged in their land management plan with the Province, of government-to-government relationship, of inherent and treaty rights, of meaningful consultation and meaningful partnership and participation in the authorities and decision making moving forward from here. And so that's their test of the legislation, and we fully support that test.

And, in terms of some of the questions that came up earlier, I think I might want to respond to, if I can, your question around, you know, why the special protected areas and this legislation. Others can say it with more authority, particularly the First Nations. I guess what I want to say is that other provinces are looking at new tools to reflect what the, what the partnership agreement, how the management is being shared moving into the future. I'll just give a couple of examples.

B.C. has the traditional lands protected area. The National Parks System has now brought in a historic site based on Aboriginal history, which is interesting. So we respect and encourage new tools to be put into place. And it's not our job to question the agreement that's been reached between Poplar River First Nation and other First Nations and the governments together in terms of how to address those needs. We just respect that that need is out there. I don't know if that's helpful, but—

And a couple of the other things that we want to underscore, and that is capacity, the capacity for land-use planning. As much as the legislation is extremely important, and I think we welcome the announcement around the increased support that was made recently for communities in the World Heritage region, and we would encourage more investment, and in this time of the economic climate we're in, there is—a land-use plan is an extremely important tool for getting ready for the future, and other provinces are also looking at this as—land use-planning in effect, is in some ways, preparedness, and actually increases certainty for land management into the future for all concerned. So we're really celebrating that in these economic times and others as well, and we have the full support of all of our partnership to do that.

And, you know, I think we're very sympathetic to some of the representations that have been made tonight in terms of notice and the scrambling that resulted as a result of that, so maybe just to be ahead on the consultation question because I'll probably be asked that. All I can say is that, you know, listen to the representations that are being made. And summer's coming, and summer can be used to good ends. So I think we'll wrap up. It's been a long evening, and if there are any questions, I would certainly appreciate those.

Mr. Vice-Chairperson: Thank, thank you very much, Ms. Granskou, for your presentation.

Questions of the presenter, members of the committee?

* (20:40)

Mr. Kevin Lamoureux (Inkster): I guess there—are there—'cause all in all, you're very supportive of the bill itself—were there any areas of the bill in which you feel that there is some discomfort, or you're quite comfortable with the bill in, in its entirety?

Ms. Granskou: Bef—before I answer that, I think we want to be careful not to step in the jam here, because it's really the First Nations who have to determine as a party where they want to go. So what I would say is that, you know, listen very closely to what's been said this evening and decide together on how you would move forward. And we would—you know, we support government-to-government relationships where those questions are, are worked out together.

Could there be improvements? Sure. So I, I think we'll just leave it at that. Is it courageous to move in

this, this direction? Absolutely. Are we in a position to say how? No. Nor do we have the authority to do that, but we are supporting this exercise very much so in, in all of its dimensions. So I, I hope that is enough.

Mr. Vice-Chairperson: Are there questions of the presenter? Seeing nutch—none, thank you very much, Ms. Granskou, for your presentation.

The next presenter we have on our list this evening is Eric Reder, Wilderness Committee.

Good evening sir, do you have a written presentation for the committee members?

Mr. Eric Reder (Wilderness Committee): No, I do not.

Mr. Vice-Chairperson: Then please proceed when you're ready.

Mr. Reder: Thank you. First I would like to thank the signatories to Treaty 1 for an opportunity to meet here today on these lands. Meegwetch.

I am here representing the Wilderness Committee. The Wilderness Committee is the largest citizen environmental group in Canada. We have 70,000 members and supporters across the country. The Wilderness Committee works on trying to preserve the natural heritage that we have and move forward with protection for those areas.

I sort of have some disjointed notes here.

I'd like to thank—I'd like to say that we've welcomed the opportunity to have worked with Poplar River in the past on getting their park reserve into interim protection status, and altho—also like to thank Elder Garry Raven for an opportunity to learn from him in the past as well.

The Wilderness Committee's work trying to put some land aside on the east side, protect it for future generations. In the last several years, we've had roughly 13,000 Manitobans write letters to the provincial government and what they've asked for—what we've been looking for was that a lot of this boreal region to becoming large interconnected protected areas; ecologically sustainable, community-driven economies; meaningful community consultations and community-based land-use plans; and First Nation consent before industrial development in traditional territories. So those are the things that were written into the 13,000 letters that people in Manitoba have sent in.

So, if it is the will of the First Nations affected by Bill 6—in light of the comments made by the MKO, clearly there are still some work to do—but if it is the will of the First Nations, the concept of Bill 6, the Wilderness Committee supports proclamation of this bill—eventual proclamation of this bill.

We believe an essential component for healthy First Nations is self-determination, and I have two examples that—one, at least, has been touched on already—of the two different opportunities. Of course, the Manitoba and Canadian governments have a legal right to ensure traditional activities of all First Nations are not infringed upon and First Nations are given meaningful opportunity to make decisions on their traditional territories, and Bill 6, clearly, with some revisions, will be a logical and welcome step that we hopeful will fill this obligation.

So, the two communities, the two different examples of traditional territory management that I'd like to mention are the KI First Nation in Ontario—embroiled in a legal battle about mining exploration which didn't end well, with the leaders being jailed and a \$10-billion lawsuit from a exploration company. So that's one side of how things can go, and the second side of how things can go is an example from British Columbia that the Wilderness Committee spent a lot of years working on—I think it was 25 years—to get the Stein Valley Nlaka'pamux Heritage Park. This heritage park is preserved for both the ecological and recreational benefit of the public, as well as the traditional uses of the Aboriginals' communities—Aboriginal communities, and is managed jointly by the Lytton First Nation and the government of British Columbia. So that's a positive example, and we're hoping that Bill 6 will be one of the steps towards those type of partnerships on the east side with the communities up there.

Just briefly, I'd like to say that if it is the will of other First Nations across Manitoba, those communities should also be allowed to have the benefit of legislative protection for their traditional territories, based upon their locally produced land-use plans. That seems to be a very good step forward.

And, looking at the announcements of money that have come out on land-use planning on the east side, we feel that there has been an—insufficient funds put forward so that the communities on the east side can produce those land-use plans. So that should be something that we could be worked on. That's something that could be worked on is increase

those resources. That's what I have for you today. Thank you.

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

Questions of the presenter from committee members? Seeing none, thank you very much, sir, for your presentation this evening.

Before we—that concludes the, the list of presenters I have before me this evening with respect to Bill 6, The East Side Traditional Lands Planning and Special Protected Areas Act.

Are there any members of the public with us here this evening that are not currently registered that would like to make a presentation to this bill at this time? For the second time, are there any additional members of the public wishing to make a presentation this evening on Bill 6?

Just for the information of members of the public and for committee members, as was previously announced in the House, this bill will be carried over until Monday to allow other presenters that may wish to make a presentation to come forward at that time.

Mr. Vice-Chairperson: Seeing there's no presenters further presenters at this time, we'll move on with Bill No. 7, The Food Safety and Related Amendments Act.

Bill 7—The Food Safety and Related Amendments Act

Mr. Vice-Chairperson: And the—as previously agreed, the first out-of-town presenter at this point in time is Ian Wishart, the Keystone Agricultural Producers.

Good evening, sir. Welcome. Do you have a written presentation for committee members?

Mr. Ian Wishart (Keystone Agricultural Producers): I do.

Mr. Vice-Chairperson: If you'll just bear with us for a moment until we can distribute, and then I'll give you the signal to proceed.

Thank you very much for your patience, Mr. Wishart. Please proceed when you're ready.

Mr. Wishart: Thank you. On behalf of Keystone Agricultural Producers, I am pleased to share our organization's position with respect to Bill 7, The Food Safety and Related Amendments Act. Keystone ag producers is a democratically controlled general

farm policy organization representing and promoting the interests of thousands of agricultural producers in Manitoba. Our membership consists of individual farm members and commodity groups throughout the province, and our organization is proud to be the voice of Manitoba farmers.

The food system is the social and the economic foundation of farmers' lives. With few exceptions, our livelihoods are dependent upon our ability to produce food which is suitable for human consumption. Simply put, there is no market for unsafe food. We strive to ensure that everything that comes out of our farms is safe to eat, out of moral and economic obligation. We take this responsibility seriously and are eager to engage the government in pro—in the pro—in this process. I would like to extend my gratitude to both the government and to the opposition for consulting with Keystone and other farm organizations regarding Bill 7, prior to, to—today. We hope that this continues as regulations are developed and future legislation related to food safety is introduced.

I will begin with some comments about The Food Safety and Related Amendments Act and how it relates to food safety and food production in general. I will move on to discuss—to issues dealing with specific sections and would like, that we would like the committee to consider amending before passing the legislation into third reading.

* (20:50)

We understand that the government drafted this legislation to be intentionally broad, to allow for food-safety issues to be followed rapidly and accurately through the food chain. The expanded authority of MAFRI to regulate and monitor more of the food system is not a concern to us as long as additional funding and labour power is available so that other MAFRI services are not reduced. We encourage the government to continue to consult with stakeholder groups when developing regulations for the new act. We recognize that it will be through this process that we can ensure the regulations are fair and effective in meeting the goals of the act as well as working for farmers. We have had verbal confirmation from the minister and her staff that regulations will not affect many of the rural groups, like the Manitoba Women's Institute who are here today, who prepare and serve food at community events. These groups are a major part of the social structure in our rural communities and we would encourage the government to be absolutely sure to

protect their ability to operate now and into the future.

While we recognize that food service will remain under the authority of Manitoba Health and regional health authorities, food processors and other value-added operations will need to adjust to being governed by MAFRI. Whether it is a fruit-packing operation or farm-direct sales of burgers made from home-grown meat, farmers are growing in their role as rural entrepreneurs and will continue to strive to produce and market their goods in new and innovative ways. MAFRI must take care to ensure that the regulations they develop do not hinder those emerging rural enterprises. Regulations must be clear, uniform across the province and not impose unreasonable costs for small operations. I'd like to take this chance to encourage the government to be proactive in developing programs to help with any changes small rural enterprises would have to make because of the new legislation and any, any accompanying regulations.

The question of who is responsible for paying for food-safety system is a common theme throughout many of our general and specific concerns. The obvious answer is that those who reap the benefit should bear the responsibility of paying for the system. Everyone benefits from a food—from a safe food system—everyone benefits from a sa—fr—food con—system as consumers. Producers realize that their benefits from food-safety systems and legislation are access and security of markets and value as suppliers of high-quality products. A properly functioning system needs to level the, the playing field within Canada, but there, there is still the issue of international competitors who do not have to operate under the same standards. When costs are significant, it makes us uncompetitive on a world market and also in the domestic markets, as we have to compete with low-priced imports. Consumers expect that the food they buy and eat is safe, but are generally not willing to pay a price premium for this assurance. Therefore, the government must take res—take on the responsibility of any additional food-safety systems that are regulated.

Now I'd like to, to bring your attention to specific concerns for some suggestions for amendments within the bill. I'll begin with part 3, section 4, part 2: person who operates food premise of a type or class designated by regulation must hold a licence issued under section 5. We have had verbal confirmation from the government that it has no

intention of licensing all farms in the province, but we do recognize that the regula—regulation will, at a minimum, require the licensing of dairy farms which are presently licensed under The Dairy Act which will, will be reb—repealed with the passage of this bill. As we have no guarantee of formal input and consultation in the process of developing regulations, we do have to ask our questions now. What types of farms does the government regulation require licensing for?

Regarding part 4, inspections, there are specific content in The Dairy Act that we request be added to the food safety and related act. Under section 9(4) of The Dairy Act, an inspector is required to issue a formal receipt when, when, when removing records for copying. Because information security is a prioty—priority to—for our members and society as a whole, we ask that the legila—legislation force an inspector to issue a receipt when any information is removed from a food premise, be it an original copy, a physical duplicate or an electronic copy.

As in regards to inspections, proposed section 10(3) of the act is not clear—not as clear as the equivalent section, 10(1), in The Dairy Act, where entry of a personal dwelling without a warrant is specifically prohibited. In many circumstances, a producer's home—is in—producer—sorry, a producer's office is in their homestead and we have a—and we are strongly approached—opposed to any breach of personal privacy. The act must be clear on its assertion that a producer's privacy and security is protected. Farmers are in a unique situation compared to other food premises in that there is little or no separation of farm space and family space.

Section 12(2) and 12(3) of the proposed act regulates to the return of seized goods or foods or goods when they are seized for inspection but are determined not to pose a health risk. As it is presently proposed, it would be the responsibility of a producer to reclaim goods at their own expense.

We, we believe the government should bear the responsibility of returning the safe goods after they are sei—seized for inspection. In the case of perishable goods, when, when returned, sorry, where return is either not possible or unreasonable, the government should consider, should compensate a producer for the value of these seized goods. This is further to the point regarding who bears the cost of food safety.

Regarding the review of inspectors' orders, specifically, section 15(3), review requests for the

inspectors' orders are expected to be delivered within seven days after a person receives the original order. Well, a week may seem a lot of time during certain seasons, particularly seeding and harvest for producers, a producer could not possibly have enough time to review the legislation and regulations, consult legal advice, and draft a letter requesting a review. We request the government extend this time limit to 14 days to provide a reasonable amount of time regardless of the season.

On part 5, information pro—provisions, we request the government consider including a section to protect a producer from legal action when they voluntary report a potential food risk. There is a legal protection provided against retaliation by an employer if an employee reports an instance, but there is no protection for the owner-producer. This protection should be modelled after The Public Health Act, 105(a) and (b) which reads: No action or proceeding may be brought against a person who in good faith; (a) complies with the act or requirement to report or provide information under the act, or (b) voluntary reforms or provides information about a health hazard.

The legal protection of producers is a significant concern when dealing with food-safety issues. We need all the actors involved in the food system to immediately report food-safety issues when they occur. Any potential hesitation due to fear of legal retaliation could result in delayed responses or widespread economic damage, increased difficulty in containing the food-safety issues, or, most importantly, place human health further at risk. These must be the, must be the priorities of food-safety legislation and can further be addressed by this addition.

Regulation part 6, under enforcement, section 27(1) and (2) differentiates between corporations and individuals relating to the penalties for an offence under the Act. We understand and appreciate the intent to make larger corporate entities pay higher penalties, but for a variety of reasons including succession planning, many of the province's small farms are legally incorporated.

The penalty should be related directly to the scope of the potential negative impact, not on a system of ownership. Small family farms with limited potential to do harm should not be penalized at the same level as a large corporate processor whose offences cause problems on a far wider scale. Using a measure of volume or a volume of sales

would be a more suitable way to make this distinction.

And finally, on related to part 7, general provisions, under section 31(a) an operator of a food premise is required to pay for the testing of food or other things or the storage, removal, disposal, or return of any food, other things required or authorized under this act. We do not believe that producers should be responsible for these costs when they do not commit an offence under the act or they are not found to have produced an unsafe product. This, again, relates to our position that producers should not, should not be fully responsible for the costs associated with the provision of safe food. The burden must be shared amongst the industry, consumers and government.

Madam Chairperson in the Chair

Thank you again for this opportunity to present to committee. I hope that our comments and suggestions are given serious consideration. I'd be happy to answer any questions that you have.

Madam Chairperson: Thank you for your presentation. Are there any questions from the committee?

Mr. Ralph Eichler (Lakeside): Thank you, Ian, for your presentation. You have several recommendations in your presentation. My question for you is: Ian, do you feel, the organization feel, that, that these recommendations should come in the form of amendments to the bill prior to passage? Or are you content to have the, the bill pass the way it is?

* (21:00)

Mr. Wishart: We do believe that there should be some amendments on some of the specifics. Some of those suggestions can be dealt with either as amendments or as specifics in the regulation, but as we noted, consultation on the regulation, which often does take place, is not a guaranteed under the bill. So it could be done either way, in our fe—in our view.

Mr. Eichler: Just one other, further question. In, in a press release that came out—or a news article in the *Manitoba Co-operator* in regards to the safety-net programs; how—what, what was your reaction there? What, what was the thought process in regards to the safety-net programs? It, it intrigued me, what that might mean.

Mr. Wishart: Our concern related to this is, is, if a farmer was deemed to be a food processor instead of a farmer, then his eligibility for the existing

safety-net programs—which are farm safety-net programs—would be limited. In fact, unless he changed his business structure, he runs the risk of losing access to some of the farm safety-net programs.

Madam Chairperson: Okay, and we have a question from Mr. Goertzen.

Mr. Kelvin Goertzen (Steinbach): Mr. Wishart, thank you for coming out this evening and bearing with us to make your presentation on behalf of the members you represent.

Just on a specific point that you raise regarding section 10(3) of the act and the issue of warrants and its replacement of The Dairy Act. Looking forward to, perhaps, potential amendments at third reading or beyond, is your specific concern that the act doesn't specifically say that a warrant is necessary or is your concern that somebody could enter the dwelling and take information that relates more closely to personal information, as opposed to information related to why the warrant was issued?

Mr. Wishart: It's the latter part of your concern, that it's very difficult in some cases to separate what is specifically required for the food-safety information from the general business of the farm. So it's more regards to that than, than the specific need for a warrant just to get access.

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): Ian, thank you very much for your presentation and the work that you have done on this, on this bill. And, and you talked about consultation with regard to the, to the regulation, and I can give you my, my assurance that as we're developing regulations, as we have with other regulations, we will, we will, we will make sure that there's the opportunity to review those.

I wanted to ask you, just partly on, on section 31(1)(a), where you—you're talking about the costs if—as I understood what you were saying, you're saying that if there's—somebody has some costs, they sh—they shouldn't have to pay them, they should be spread over everybody. I, I'm not quite sure how, if somebody has a violation, then somebody else is going to end up paying for that. If you could clarify for me, please.

Mr. Wishart: That's specific, actually, to whether they're found guilty or not, Madam Minister. If they're found not to be guilty, they still have the costs, and in that case, we believe that someone—not necessarily the producer, who is not guilty of any,

any actions under the act, should not have to pay those costs.

So how you distribute them—I mean, government is the obvious choice to—with the ability to, to access the funds, but we do really believe that consumers bear some responsibility for the costs of food safety. The problem has always been, and still remains, how do you actually give the consumer a bill for the costs of the inspection and food safety, and government has been performing that role and probably will have to perform some element of the costs as well.

Mr. Kevin Lamoureux (Inkster): Short question. You, you posed the question: what types of farms does the government plan on requiring a licence for? And you indicated that you're aware that dairy, the dairy farms—and you made reference to the fact that you had a discussion with the ministry. Is there any indication, or are you really out in left field and really don't have any idea in terms of what farms they're, they're referring to?

Mr. Wishart: We have had some good discussions. But the problem being with, with farms is there's a gradient, right from those that are very market oriented and retail—no element of retail in it, so that basically all products are basically commodities, right through to, to those that really make their living selling as direct to the consumer as they possibly can. And where you draw that line is always going to be the, the difficult issue.

Certainly, you can make an argument that someone who operates a market garden and sells direct to customers is probably in the food industry. If someone who grows table potatoes and grades them on their farm and then takes them through the retail system, is he a food processor or is he a farmer? *[interjection]* That's one possibility, but Peak of the Market is a separate organization. So the farmer himself, is he, is he a food processor or is he still a farmer? And we recognize that these are very grey areas, and we want to be sure that we have good consultation on this whole process.

It's been pretty obvious, as in many cases for—that farmers wish to move closer to the marketplace simply because the shorter the value chain the bigger the share from the farm perspective. And so there is clearly a trend in this direction, part—particularly with small farms—

Madam Chairperson: Mr. Wishart, our time for questions has expired.

Is there leave for an additional minute to finish answering questions?

Some Honourable Members: Sure.

Madam Chairperson: Please proceed, Mr. Wishart.

Mr. Wishart: I'm very, very nearly done anyway. Thank you, Madam Chair.

But, you know, in that transition process exactly where we draw the line is something that we need to be consulted on and there are sectors we have to discuss it with. But it, it has to be well laid out because there is a trend in this direction, and producers need to know how far they can go before they start running into cost issues.

Madam Chairperson: Thank you for your presentation.

I will now call on Enid Clark. Enid Clark, Women's Institute.

Ms. Clark, do you have any written materials for distribution to the committee?

Ms. Enid Clark (Manitoba Women's Institute): Yes, I do. Right here.

Madam Chairperson: Please proceed with your presentation when you're ready, Ms. Clark.

Ms. Clark: Madam Chairman, minister, committee members, I'm president of the Manitoba Women's Institute and I would like to respond to Bill 7, the food-safety bill.

Manitoba Women's Institute, further known as MWI for this presentation, is an organization of rural women whose mission statement focusses on personal development, family, agriculture, rural development and community action locally and globally.

We currently have over 500 active members in Manitoba and we are governed by the Women's Institute Act under Manitoba Agriculture, Food and Rural Initiatives. The rural women in women's institutes, horticultural societies, agricultural societies and various church auxiliaries are often the only remaining dynamic force that keeps many of the small rural towns alive today despite the increasing problems of rural depopulation leading to rural school and hospital closures.

Food safety has always been uppermost in our program since our inception in 1910. In fact, women's institutes were founded by Adelaide Hoodless, after her young son died of drinking

unpasteurized milk. She vowed at that time other mother—to inform other mothers so that they would not have to suffer as she did. Many of the early MWI programs from 1910 to roughly 1950 were directed towards the safe preservation of foods.

With the advent of freezers, safe food preparation and extension programs, food and meat preservation became much safer for rural families. So food safety in Manitoba has always been an integral part of MWI and the new food-safety bill being introduced by our government will be broadly implemented across the province.

MWI takes its organizational mandate seriously as a responsibility to promote safe food, preparation and preservation. With this as our focus, several items included in the food safety act, known as Bill 7, have come to our attention and we would like to address them.

Firstly, MWI is always interested when new food-safety regulations are introduced. One item is the requirement that all food be prepared in a licensed kitchen. MWI understands that part 7, section s indicates the minister is cons—the minister may exempt groups from this regulation and MWI would like to encourage the minister in considering this option.

* (21:10)

Most fundraisers, for 90 percent of rural organizations, is in the preparing and catering of food for community dinners, luncheons and suppers, as well as catering to special events such as weddings, funerals, graduations and homecomings.

Catering often provides the only money-making venture available for these rural organizations. MWI encourages the continuation of the present rules as now apply for community events that are not happening on a regular basis, that they be allowed to remain as they are now regulated. Many communities do have licensed premises and are utilizing various means to meet the current regulations, including having the required number of food service workers meeting their specific level of food-safety training.

Secondly, MWI is very concerned in part 1, under definitions, about the appointment of inspectors. There is no mention in this definition of what qualifications are required to become an appointed inspector. MWI strongly encourages the Manitoba government through the minister to ensure and identify the educational requirements needed for

safe foods and health training, which would be required before any person could be appointed as a food inspector. These educational requirements could include education, health, food safety and/or animal husbandry, certificates or/and degrees. The way Bill 7 reads now, MWI understands that any person may be appointed a food inspector without any educational training qualifications necessary. MWI notes that, again, under part 4, section 9(1) and 9(2) states: Any person may be appointed as an inspector with, again, no mention of any educational qualifications needed for this position.

Thirdly, under part 4, section 10(7), it states: Inspectors may enter a suspect premise or premises and, upon entering, is only required to produce identification if requested. MWI urges the minister to make it mandatory that inspectors produce identification upon entering any premises, suspect or not. It is felt this would create an open and positive dialogue when both parties understand the authority by which a person has entered the premises.

MWI strongly encourages you to recognize that so many small, rural areas are struggling with depopulation, the closing of schools and hospitals, people having to travel long distance for their daily services, resulting in less and less people to keep organizations in these rural areas viable.

MWI is supportive of new regulations designed to enhance the safety of the population, however with a balance in place to understand the unique struggles facing many rural communities and how these regulations could impact many of their events.

Food health safety for all Manitobans is of the utmost importance to the Manitoba Women's Institute. Thank you for allowing Manitoba Women's Institute to make this presentation on Bill 7, food safety and amendments act. Thank you.

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

Ms. Wowchuk: Thank you, Ms. Clark. I, I want to just clarify a couple of things, a—an—and I just want to say to you I'm a rural person and I know the value of our fall suppers.

As you said, they are very important to our community centres, but I believe that each one of us, when we're working at those facilities, take every precaution we possibly can because we, we want to ensure that we're preparing safe food, and I believe that if you looked at the record, they, there are—the

occasions where somebody becomes ill at one of these events is quite rare.

But what I did want to tell you was, you are, you are worried about the fall suppers, and I want to assure you that the fall suppers that you are talking about are still covered under the regulation of the public health officials under The Public Health Act. They are not covered by this act. The public health inspectors will continue investigating any problems as they arise and, and will take the appropriate action. So nothing is going to change in that aspect because they will—those events that you're concerned about will, will still fall under The Public Health Act.

Does that, does that give you any comfort?

Floor Comment: Yes. Yes, it does. Thank you.

Madam Chairperson: Mr. Eichler. *[interjection]* Oh, sorry, follow-up question. Minister Wowchuk.

Ms. Wowchuk: The other one that I wanted to clarify for you—and I think an earlier presenter had indicated—there, that there was a concern about the qualifications of an inspector and if I can share with you that MAFRI agrifood inspectors are well qualified to perform food-safety inspection duties. The inspectors all have post-secondary degrees or diplomas in animal health, dairy science, food science or other agriculture-related disciplines and we—there's further enhanced food-safety training, the CVO/Food Safety Knowledge Centre staff, in conjunction with the University of Manitoba, have developed food-safety courses for public health inspectors, Canadian food agency inspections—inspection agencies and for agrifood inspectors.

So I, I wonder whether that gives you comfort as well, that the inspectors that will be used will have training.

Ms. Clark: Could that not be addressed in the bill rather than saying any inspector—any person can be appointed as an inspector?

Ms. Wowchuk: Qualifications would be outlined—we would, we—are outlined in the regulations, but I would have to clarify that with staff, but I will certainly take your advice.

Madam Chairperson: Ms. Clark. *[interjection]* Okay.

Question from Mr. Eichler. Mr. Eichler. *[interjection]* Oh, just to add—Minister Wowchuk.

Ms. Wowchuk: Sorry. Just to clarify that, that, that, that is something that will be addressed in regulation, but the regulations aren't drafted yet.

Madam Chairperson: Finally, Mr. Eichler. Please proceed with your question.

Mr. Eichler: That's fine. I'm glad that the minister clarified that because—Ms. Clark, I, I—first of all, I want to thank you for what you do, what your organizations do to keep our rural communities alive, and I can assure you that was the very first question that I asked the minister whenever we had our briefing on the bill 'cause it was a concern that when the minister introduced the bill, there was a number of organizations such as yours that do such a great job in, in rural Manitoba, keeping 'em alive and feeding 'em. And, of course, I know you, you all take that job very seriously, so I can assure you that I know the minister is correct in what she says in regards to your organization being exempt far as that food safety.

So I want to thank you for your presentation and, and taking time to stay with us this late this evening.

Madam Chairperson: Thank you for your presentation, Ms. Clark.

I will now call on David Wiens. David Wiens, Dairy Farmers of Manitoba. Mr. Wiens, do you have any written materials for distribution to the committee?

Mr. David Wiens (Dairy Farmers of Manitoba): Yes, I do.

Madam Chairperson: Okay. Please proceed with your presentation.

Mr. Wiens: Thank you, Ms. Chair and ministers and members of the committee. First of all, I'll just say a little bit about myself and about our organization as to where we approach this issue on.

I am a dairy farmer from the Grunthal area and I'm also chair of Dairy Farmers of Manitoba. I will say that we did have, as a bo—as a, as the Dairy Farmers of Manitoba, we have had some consultations with, with this bill and I'm not going to repeat what the previous presenters have said. I'd like to raise a couple of issues that we have that are specific to dairy. Now, in our consultations, it is my understanding—our understanding that, that the existing dairy regulation will be placed under the food safety act and we have a couple of concerns there, which I will highlight, but I'll first say a little

bit about Dairy Farmers of Manitoba and dairy farmers in general.

Canadian dairy farmers are proud to demonstrate leadership and commitment to on-farm food safety. That is something that we've strived for for a very long time already. Dairy Farmers of Manitoba are committed to producing milk according to standards that are among the highest in the world and as part of this commitment, dairy farmers in the province and across the county are implementing the Canadian Quality Milk Program, or CQM as we call it, on their farms. Now, this CQM program is an on-farm food-safety program. It was designed to help dairy farmers prevent, monitor and reduce food-safety risks on the farm.

* (21:20)

The CQM program is based on HACCP, the Hazard Analysis Critical Control Points principles, which is an internationally recognized food-safety system, and that is designed to prevent and reduce food-safety risks. Dairy farmers on the program implement the best management practices on their farms to keep records to monitor these critical areas of food safety, and for us it is, it is also a very useful management tool on the farm.

The CQM program is technically recognized by the CFIA, adhering to, adhering to the HACCP principles and being scientifically sound, and we are pleased to see that there's elements of the CQM program that will be included in the revised dairy regulations to be released in the near future. This includes things like milking procedures, equipment, sanitation procedures and permanent record of veterinary drugs used, and as, as my own farm has been registered on this program for over a year, we expect that all other dairy farms in the province will be registered on this program by July 31st, 2010. That's a deadline that we've set for our producers.

Our quality standards are among the highest in the world. However, we are always looking at ways to improve these standards even further. So as dairy farmers doing their part to ensure consumers are receiving safe, high-quality milk, and now we need processing plants in our province to take the high standards even further. And I'd like to point out a couple of areas where I think we could see some improvements because if, in fact, as I understand it, the dairy regulation that pertains to food safety will come under the food safety act.

Now, there's certain elements of our dairy regulation pertaining to food safety that we think does not have the teeth that it needs to, to actually enforce safety at its high standard, and one of the issues I want to talk about is washing the interior and the exterior of bulk milk truck tanks. And that is important to ensure the safety of the raw milk and, ultimately, the finished product for our consumers.

For over 30 years, dairy processing plants have been responsible for the cost of interior and exterior milk truck washing, the tank, both the interior and the exterior. Then there was a demand or, or there's actually notification by the processors that they would no longer provide this service to us because they considered it a service and nothing more. So that was suspended for a period of six weeks.

Now the milk delivery system to be efficient and cost effective, the best place to wash the interior and the exterior of a milk truck tanks, is at the processing plant where the washing facilities already exist. As dairy farmers, we are responsible for the costs of washing the interior and the exterior of our bulk tanks on the farm, as this is where the milk is produced and stored. Therefore, Dairy Farmers of Manitoba believes the responsibility for the cost of washing the interior and exterior of the truck tanks falls within the processors' realm, as this is where the raw milk is unloaded. And we soon found that when they suspended that service to us in spring that, in fact, the current regulation could not force them to, to actually wash the, the exterior of the truck, in fact, not even the interior of the trucks. However, they continued to wash the interior but not the exterior.

In Ontario where 33 percent of all the raw milk in Canada is produced, processors are responsible for the cost of interior and exterior truck washes, and here, under their Milk Act, regulation 761, clause 42, states the use of tank truck wash station and equipment and materials for cleaning and sanitizing tank trucks shall be made available by the operator of a plant without charge to operators of tank trucks delivering milk to the plant. And 44—clause 40.4 states the use of tank-truck wash station and the equipment and materials at a plant are restricted to cleaning and sanitizing the interior of tanks and equipment thereon and washing the outside of tank-trucks.

And the reason I raise this is because one of the processors approached us before their, their, the suspension of that service and when we inquired about how they operate in Ontario, they said, well, in

Ontario it's in the regulation and we do it. In Manitoba, it is not enforceable within the current regulation and, therefore, that is an area that, that we will not—that service we won't perform here.

And, in fact, since then, we've, we've made some arrangements with processors where they are washing trucks again, although there's one, one plant that refuses to wash trucks even today. So, the issue is not something that's gone away.

The raw milk is unloaded at the processing plant. Therefore, it makes sense for processors in our province to be responsible for the cost of interior and exterior truck washes. This will ensure the raw milk used to make their finished product for consumers is as safe as when it leaves the farm.

And, I just, you know, sometimes the comment is made, well, what is the exterior of the bulk tank have to do with food safety? And, in fact, in those six weeks when the trucks were not being washed, it was quite a horrendous mess. Certainly, it, it's not, you know, it's not a good image, but much more important than that, there was a test done by the safety people of one of the plants on the exterior of the tank, and in fact there was some evidence of listeriosis bacteria on the external of the tank. So, it is really a food-safety issue, and I think it needs to be part of the regulation.

So, anyways, as a result, we believe that the dairy regulation, which will be included in the food safety act, should also include this and be much more definitive as to exactly what needs to happen.

At the farm, at the farm through our CQM program, we provide the first line of defence, and the second line of defence needs to be at the, at the receiving bay in the processing plant.

Then there is another area of concern for Dairy Farmers of Manitoba, and that is the safety and integrity of the raw milk supply depends on accurate, reliable and the most up-to-date technology for testing of all raw milk for antibiotics.

Antibiotic testing is conducted at processing plants before the milk is unloaded. So, in fact, every truck before it is unloaded, the milk is tested for antibiotics. And, and it's important. We are committed to producing milk according to the standards that are among the highest in the world, and it is rare for a truckload of milk test—to test positive for antibiotics; it happens very rarely.

Madam Chairperson: Mr. Wiens, just to advise you there's one minute left.

Mr. Wiens: Okay. Thank you.

Currently, the technology is available and that is in, in the inhibitor testing, Charm SL6. It allows for the three drug families to be tested which are most commonly used on the farm. Now, this full range of testing is not done at every plant for every truckload, and it is a concern. It becomes—for some it becomes a matter of a risk-based approach, but our concern is that we should have absolute certainty that every load is tested for the—for all possibilities.

So, anyways, in closing, I'd just like to summarize and stress that raw milk is unloaded at the processing plant. Therefore, it makes sense for processors in our province to be responsible for the cost of interior and exterior truck tank washing. This will ensure the raw milk used to make their finished product for consumers is as safe as when it leaves the farm.

And, in addition, DFM believes the dairy regulations, which will be part of the food safety act, should be specific and state that processors must perform full testing—scale testing for antibiotics and most up-to-date technology.

So, anyways, the approach that we've taken is we just wanted to have certain, certain things tightened up in the regulation. We know that the existing dairy regulation has been under review for some time, and we'd hate for it to be lost as, as it moves into, into the act.

Madam Chairperson: Thank you, Mr. Wiens.

Thank you for your presentation.

Do members of the committee have questions?

Mr. Eichler: Thank you, David, for your presentation. Thanks for staying, and I know it's late.

I do have a question or a concern in regards to the washing of the, of the bulk trucks that you talked about actually quite a bit in your presentation.

Two things that probably becomes a liability issue about who is ultimately responsible, and it's—I, I don't know if it should be in the regulations or part of an amendment to the bill. If you want to comment on that.

And, also, in regards to HACCP, how can they have a HACCP licence or do they have a HACCP

licence in regards to their trucking from your farm to the processor?

* (21:30)

Mr. Wiens: Well, the second question first.

I know that some of the plants are, are HACCP or do follow the HACCP program. My understanding is that, that in the CFI-like most of these are, are federal—are, are plants that fall under the federal regulation, and it, it does not specify the whole issue of, of the trucks coming into the plant. And, and so we see, we see that, that becomes a weak point there, that, that point where our milk enters the plant is the point that I think needs to be strengthened in the, in the current regulation.

And your first question?

Mr. Eichler: It, it, it has to do with the liability issue. I mean if you, if you're loading on a truck that hasn't been washed, who—where does the liability lie then? You, you're picking up a product that you feel is safe, and, and, and ultimately if it goes into an unwashed truck, then who has the liability issue here? Is it the producer or is it the processor?

Mr. Wiens: That hasn't been tested.

Mr. Eichler: That's a pretty important question.

Mr. Wiens: Quite, quite, yes, it's, it's, it's a critical question but it really has not been tested, and, and, and we hope that it will not come to that. Like it's—but, ultimately, we understand that if there is an issue like that where, where consumers are impacted in the end, you know, we can identify where, where the liability lies, but it is so damaging to the entire industry. You know, right from farm gate to, to, to the, to the plant right to the, to the retail level. So it, it is an issue that, that should be concerning all of us.

Mr. Goertzen: Thank you, David, for staying this late as well. My colleague from Lakeside mentioned from—coming in from Grunthal, I know you're not marked as an out-of-town presenter, but Grunthal, as far as I know, is out of town. And so—and a couple of people from Grunthal are here tonight, some working on staff, so we're well represented here at the Legislature.

Colleague mentioned the issue of liability. It seemed to me it might be difficult actually to trace liability in some cases where you don't have a, a clear delineation of who's responsible and perhaps where food liability is, is coming from. But, more

specifically, you mentioned the cost through your, through your presentation. I'd be curious to know what the cost is, first of all of the washing to see how cost prohibitive it is on either the producer or the processor. But, also, it's got to be much more significantly than just cost, it has to deal with the safety issue and if you had the processor doing—responsible for the cleaning, I mean you could have, I think, an easier time doing the inspections because it's happening at a one specific location. The standards then follow with the processor. Is that correct? So what's the cost? And wouldn't it just be easier on an inspection basis to have it done with the processor?

Mr. Wiens: Thank you. Yes, that's a, that's a good question. That's what we, we wrestled with in this past year. In the past, the processors have provided that service at no cost and they did it, and, and, and for all the good reasons. But when they realized that they didn't have to do that in Manitoba, they stopped the service and they demanded a fee. And so what we initially did is we, we did pay them, and, and we are still—and, and today we are paying them. We're paying them \$13.85 a truck wash. It's just a number pulled out of the air, it doesn't reflect the real cost of a wash, but it's a most effi—it, it makes sense to do it there. It's in the facility, and while the truck is, is being washed internally, the driver is also washing the truck externally. So it's a very efficient use of time.

Our fleets are basically maxed out in terms of, of, you know, the, the number of hours that the drivers spend on the trucks. So this reduces the overall amount of overtime that they have to put in. So that is a most efficient place to put it. If we went to, you know, if we'd pull in to some kind of a commercial truck wash it would probably be \$100, but, but it wouldn't make any sense because it takes time out of their routes. And, and so the truck wa—the, the plant is the most logical place to do it, and, and we still, like I said earlier, we still have a plant where that isn't happening and it is a concern.

Madam Chairperson: The time for questions has expired.

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

In what order does the committee—

Floor Comment: There's, there's one more. There's a presenter.

Madam Chairperson: Oh, there is a presenter. My apologies.

Floor Comment: Sorry, my apologies. I registered at about 5:30 today.

Madam Chairperson: Okay. Just hold on for one moment while we, while we get documentation.

Sir, could we please get your name for the record.

Mr. David Shambrock (Manitoba Food Processors Association): David Shambrock, Executive Director, Manitoba Food Processors Association.

Madam Chairperson: Thank you, Mr. Shambrock. Do you have any written materials for the committee?

Mr. Shambrock: No, I do not.

Madam Chairperson: Then please proceed with your presentation.

Mr. Shambrock: Thank you. I'm sorry, I'm not sure what happened with the script but I was here at 5:30 filling out the papers, so thank you very much for allowing me this opportunity, especially in light of that mess-up.

What I'd like to do is give you a very brief overview of what a Manitoba Food Processors Association is and then I'd like to give a little bit of a history lesson on how food distribution has changed very dramatically in the last 10 years and hopefully that will provide a little bit of context for the, the comments I'd like to make.

First of all, Manitoba Food Processors Association is an industry non-profit trade group. We are—we were created in 1993. We have 300 member companies here in Manitoba. I have the good fortune of working with large processors like Maple Leaf meats, with Peak of the Market, Old Dutch Food, and more and more and more, I'm working with small companies that are in some ways the, the product of what Minister Wowchuk is doing, helping many producers move up the value chain into the industry. So they are entrepreneurial start-ups. I say that because the food-safety issues are dramatically different when you're dealing with Maple Leaf meats and a small, two- and three-person, food-processing start-up operation. As I said, I have the benefit of working with all of these companies. I report to a

board of directors. I'm proud to tell you that the chair of that, of my board, Mr. Andy van Patter from Smith's Quality Meats is here as well. That is where I get our, our direction from.

So what I'm saying to you is that I'm not here representing what big companies need or what small companies need. I'm trying to present a few ideas on what an industry needs to make sure that there is a food—a safe food supply even for those companies that times don't want to admit that and don't want to be part of that.

I want to talk about food distribution, how it's changed dramatically 'cause this is a fundamental issue that the, the regulations that are going to come need to address. Think back 10 years ago, most of us traditionally bought most of our groceries at grocery stores. It was produced in large plants. It—you would go to a Safeway, you would go to your Loblaws, whatever it's going to be. Fast forward to today, you and I can go home, fill up at the Esso station with gas and buy a complete meal now, right. You can—and in many cases those are large companies supplying those Esso stations or a Shoppers Drug Mart or a Costco, and in other cases, it's small companies that are just getting started.

What I'm saying to you is the complexity of the distribution system has changed dramatically. Whatever food-safety systems we put in place need to address that. So, with that background, as an industry association representing about \$4-billion worth of sales and economic activity, we're mostly in favour and supportive of the regulation that—sorry, legislation—that's in place.

We fully support the tightening up of a patchwork of regulatory systems and regimes that basically mean, in the city of Winnipeg, depending on which side of St. James Street you are, you have a different set of inspectors that will come in. A different set of—a different government department and a different set of regulations. This, this is a very dramatic step forward in dealing with that.

We also support the philosophy that, of—that's behind this of it being a risk-based system. In other words, companies and products that are showing that they have a higher level of risk because of the nature of their product or that they have not put in place their own food-safety system are going to be inspected more, more clearly and more thoroughly.

Few points that I'll just comment on briefly that to me are the, the, the crux of what the legislation

needs to deal with and I'll start off the whole registration and licensing process. I would be so bold to say that is probably the most important thing you're dealing with here. If you think about it, right now there is a grey area where many companies are producing, many individuals are producing food, are selling to the public and are under the radar screen of many, many of the systems that are out there. Why? Because they're not licensed.

This should not be an expensive system. As a matter of fact, it should be a zero cost system to, to companies. We need to get them into the system. Why that's important, if there's a serious food-safety problem we need to know how it originated, where it originated and be able to track back.

* (21:40)

The very, very first speaker tonight commented on Maple Leaf situation and the tragedy of 22 deaths. I would like to suggest to you that had it not been Maple Leaf that had that problem with their food-safety systems and their ability to trace back the products, the number of deaths would have been significantly higher. Think of trying to imagine a situation where we don't know who produced the food. It's a scary, scary thought.

So what I'm saying there on that point, we have to be encompassing. We have to make sure that a small company that is producing food and selling primarily in a farmers' market, needs to be licensed and registered and into the system, so that we know where they come, as if they were a Peak of the Market or a Maple Leaf meats.

I want to just give you one quick statistic to keep in mind. Farmers' markets, again, 10 years ago, were there. They were in the system, so to speak, now, today, they're tremendously an important part of the food distribution system. Many of you, I'm sure, have gone to St. Norbert on a Saturday or a Wednesday evening. Many of those companies are doing \$8,000 to \$10,000 worth of business on a Saturday. That's a lot of dollars, but think about how many products that represents and how many households that product has gone into. We need to make—be able to track back and know where those products are going. It's no different from that kind of distribution system or through a Safeway that you and I might go to.

I'll leave that. I'd like to go onto—there's been much talk about inspectors. We fully support that you need a strong network of inspectors that have

power to go into plants, close them down, confiscate products when they have concerns, when there are issues. At the same power—sorry, at the same time, while they need to have that power, they need to be trained. A few people have mentioned that already.

Food processing is rapidly becoming a high-tech industry. It is not just about safe food handling. It is about understanding the different technologies. Running a dairy plant is exceptionally challenging and is quite different from running a meat processing plant. The, the inspectors need to be trained in food science, and they need to be enstrained—sorry, trained in technologies that are in place.

At the same time, and this is also a, a point I'd like to stress, there has to be an accountability system on those inspectors. They need the power, but they need to be accountable. Why am I saying that? One of the most serious issues our industry faces today is the abuse of power by inspectors. How do they choose to interpret the regulations as left up to them? Frank might come in today and tell me one thing, Paul comes in tomorrow, and Paul's having a bad day, Paul can say something quite differently. And that is a serious, serious problem and a very expensive problem that companies have to deal with.

The last point I'll, I'll just touch on. I really have to commend MAFRI for how they've expanded their portfolio, what they're doing in the value-added side of things. But, again, the first speaker tonight raised a, a, a, a point that I think is something worth considering.

MAFRI, a few years ago, didn't have much to do with food processing. It was primarily focussed on agriculture. Today, though, you have programs that work with your producers and help them turn themselves into value-added processors. That's a very positive thing. You also have the Food Development Centre that creates, sorry, provides technology transfer services, helps with product development and process development, as well. You now have the food-safety initiative; that is a very, very excellent program that is working with companies, particularly small companies and helping them develop their own food-safety systems.

Now you're looking at adding inspectors that will be doing inspection from gate to plate. I'm not going to suggest that's a conflict of interest. I'm sure you're—you know how to deal with that. I'd like you to consider the public relations fiasco you would have if you'd had one of those clients that went from gate, through a technology development situation,

through development of a food-safety program and then was inspected all by one department. I'm not sure how the public would view that. And I'm saying that I think it's something to consider. I say it respectfully, but it's also, if you look at what the federal government was forced to do when the Canadian Food Inspection Agency was created, they were split—excuse me—split from Health Canada and Agriculture Canada for that very reason. They wanted to make sure that there was a split of responsibility—

Madam Chairperson: Mr. Shambrock, you have one minute left.

Mr. Shambrock: One minute. Okay.

How do we go forward? There's been much comment about consultations and I do agree that is the way—the legislation is fine as far as I'm concerned the way it is. It is the regulations that will come forward that bring it to life. That is where the, the serious consultations have to take place. And I, I commend the department for already acknowledging that that will take place and we will certainly be there. The results of not doing that could be disastrous, not having industry at the table.

By way of an example to that, I just ask you to look at the current Product of Canada situation where the fe-federal government ignored their consultative process and did something that's probably one of the most disastrous things they've done for consumers in Canada and for the industry.

So I thank you very much and I'll stop there. I'd be happy to take any questions.

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

Mr. Lamoureux: You made reference to east-west St. James. Is that because of their, their two levels of government? Is that the City of Winnipeg and Province of Manitoba?

Mr. Shambrock: It goes back to how—oh, I'm sorry. It goes back to how the, how the, I guess the city has grown and how the industry's grown, and how the, a series of, of regulations have been, have been put together by different groups and it's not been coordinated. So I think that's one of the most, I guess, positive things that's coming out of Bill 7 is taking that away and replacing it, hopefully, with one cohesive set of regulations.

Madam Chairperson: Thank you.

Follow-up question, Mr. Lamoureux? Okay, no.

Ms. Wowchuk: Mr. Shambrock, thank you for the—being so patient and for staying to make your presentation and to clarify—and for clarifying some of the— your thoughts on, on previous presenters. I, I don't have questions but I want to, all, just indicate that your comments about working together and regulations are very, very important and I give my assurance again that we will be working with the industry as we develop these regulations.

Mr. Shambrock: Thank you.

Madam Chairperson: Thank you for your presentation.

Are there any other presenters in attendance who wish to make a presentation? Okay, just double checking. Seeing none, that concludes public presentations.

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

Hon. Andrew Swan (Minister of Competitiveness, Training and Trade): Yes, of course we won't be dealing with Bill 6 tonight but other than that, I would ask that we—that given that we just finished hearing from some presenters on Bill 7, that we start with No. 25, go numerically and then finish up with Bill No. 7.

Madam Chairperson: Thank you, Minister Swan.

Is that the agreement of the committee? Is it the agreement of the committee to proceed as suggested?

Some Honourable Members: Agreed.

Madam Chairperson: Agreed.

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

Is that agreed?

Some Honourable Members: Agreed.

Madam Chairperson: Okay.

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

Bill 25—The Statistics Amendment Act

Madam Chairperson: Bill 25, does the minister responsible for Bill 25 have an opening statement?

Hon. Andrew Swan (Minister of Competitiveness, Training and Trade): No, thank you, Madam Chair.

Madam Chairperson: Thank you, Minister.

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

An Honourable Member: No.

Madam Chairperson: Thank you.

Shall clauses 1 and 2 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 1 and 2 are accordingly passed.

Shall clause 3 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 3 is accordingly passed.

Shall clauses 4 through 8 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 4 through 8 are accordingly passed.

Shall clause 9 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 9 is accordingly passed.

Shall clauses 10 and 11 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 10 and 11 are accordingly passed.

Shall clauses 12 and 13 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 12 and 13 are accordingly passed.

Shall clauses 14 through 17 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 14 through 17 are accordingly passed.

Shall the enacting clause pass?

Some Honourable Members: Pass.

Madam Chairperson: The enacting clause is accordingly passed.

Shall the title pass?

Some Honourable Members: Pass.

Madam Chairperson: The title is accordingly passed.

Shall the bill be reported?

Some Honourable Members: Agreed.

Madam Chairperson: Agreed, the bill shall be reported.

* (21:50)

Bill 27—The Gaming Control Amendment Act

Madam Chairperson: Bill 27. Does the minister responsible for Bill 27 have an opening statement?

Hon. David Chomiak (Minister charged with the administration of The Gaming Control Act): No, thank you.

Madam Chairperson: I thank the minister.

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

Mr. Kelvin Goertzen (Steinbach): I'll reserve comments for third reading.

Madam Chairperson: Thank you, Mr. Goertzen.

Mr. Goertzen: Thank you.

Madam Chairperson: Shall clauses 1 and 2 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 1 and 2 are accordingly passed.

Shall clauses 3 through 5 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 3 through 5 are accordingly passed.

Shall clauses 6 through 8 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 6 through 8 are accordingly passed.

Shall clauses 9 through 11 pass?

Some Honourable Members: Pass

Madam Chairperson: Clauses 9 through 11 are accordingly passed.

Shall clauses 12 through 14 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 12 through 14 are accordingly passed.

Shall clauses 15 and 16 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 15 and 16 are accordingly passed.

Shall clauses 17 through 21 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 17 through 21 are accordingly passed.

Shall clauses 22 through 26 pass?

Some Honourable Members: Pass

Madam Chairperson: Clauses 22 through 26 are accordingly passed.

Shall clauses 27 through 30 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 27 through 30 are accordingly passed.

Shall the enacting clause pass?

Some Honourable Members: Pass.

Madam Chairperson: The enacting clause is accordingly passed.

Shall the title pass?

Some Honourable Members: Pass.

Madam Chairperson: The title is accordingly passed.

Shall the bill be reported?

Some Honourable Members: Agreed.

Madam Chairperson: Agreed.

The bill shall be reported.

Bill 28—The Private Investigators and Security Guards Amendment Act

Madam Chairperson: Bill 28. Does the minister responsible for Bill 28 have an opening statement?

Hon. Dave Chomiak (Minister of Justice and Attorney General): No, Madam Chairperson.

Madam Chairperson: Thank the minister.

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

Mr. Kelvin Goertzen (Steinbach): I reserve comment until third reading.

Madam Chairperson: We thank the member.

Shall clause 1 and 2 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 1 and 2 are accordingly passed.

Shall clause 3 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 3 is accordingly passed

Shall clauses 4 and 5 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 4 and 5 are accordingly passed.

Shall clause 6 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 6 is accordingly passed.

Shall clauses 7 through 11 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 7 through 11 are accordingly passed.

Shall clauses 12 through 14 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 12 through 14 are accordingly passed.

Shall clauses 15 and 16 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 15 and 16 are accordingly passed.

Shall clause 17 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 17 is accordingly passed.

Shall clauses 18 through 20 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 18 through 20 are accordingly passed.

Shall clauses 21 through 23 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 21 through 23 are accordingly passed.

Shall clauses 24 through 27 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 24 through 27 are accordingly passed.

Shall clause 28 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 28 is accordingly passed.

Shall the enacting clause pass?

Some Honourable Members: Pass.

Madam Chairperson: The enacting clause is accordingly passed.

Shall the title pass?

Some Honourable Members: Pass.

Madam Chairperson: The title is accordingly passed.

Shall the bill be reported?

Some Honourable Members: Agreed.

Madam Chairperson: Agreed. The bill shall be reported.

Mr. Chomiak: I want to thank the members of the committee and I just want to make—all of us want to reflect on all of the people who've been here all night doing all of the work and continue to do that all around us. I mean, we all do appreciate it.

Madam Chairperson: Thank you, Mr. Chomiak.

**Bill 32—The Centre culturel
franco-manitobain Act**

Madam Chairperson: Bill 32. Does the minister responsible for Bill 32 have an opening statement?

Hon. Eric Robison (Minister of Culture, Heritage, Tourism and Sport): No, Madam Chair.

Madam Chairperson: We thank the minister.

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

Mr. Kelvin Goertzen (Steinbach): No.

Madam Chairperson: Shall clause 1 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 1 is accordingly passed.

Shall clauses 2 through 7 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 2 through 7 are accordingly passed.

Shall clauses 8 through 11 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 8 through 11 are accordingly passed.

Shall clauses 12 through 15 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 12 through 15 are accordingly passed.

Shall clauses 16 through 18 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 16 through 18 are accordingly passed.

Shall clauses 19 through 22 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 19 through 22 are accordingly passed.

Shall clauses 23 and 24 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 23 and 24 are accordingly passed.

Shall the table of contents pass?

Some Honourable Members: Pass.

Madam Chairperson: The table of contents is accordingly passed.

Shall the enacting clause pass?

Some Honourable Members: Pass.

Madam Chairperson: The enacting clause is accordingly passed.

Shall the title pass?

Some Honourable Members: Pass.

Madam Chairperson: The title is accordingly passed.

Shall the bill be reported?

Some Honourable Members: Agreed.

Madam Chairperson: The bill shall be reported.

Bill 7—The Food Safety and Related Amendments Act

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

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): Absolutely, Madam Chairman. I would like to say, very shortly, that I think—I want to let you know that—and for those people who made presentations that, that they are very valuable. We do listen to people, and as a result of the presentations, I have a few amendments that I will be introducing.

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

Mr. Ralph Eichler (Lakeside): I do, Ma'am. Yes, it'll be interesting to see the amendments as they come forward. Certainly, we, we believe in listening to the stakeholders in consultation and know there's—a large amount of consultation was done by the minister and her staff, but obviously, we have a lot to learn and there's some, some serious amendments that need to be looked at. And, if not delivered tonight, we certainly have the weekend to develop those amendments that need to be discussed and debated in the House, so we will have that opportunity in third reading.

Madam Chairperson: We thank the member.

Shall clause 1 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 1 is accordingly passed.

Shall clauses 2 and 3 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 2 and 3 are accordingly passed.

Shall clauses 4 and 5 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 4 and 5 are accordingly passed.

Shall clauses 6 through 8 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 6 through 8 are accordingly passed.

Shall clause 9 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 9 is accordingly passed.

Shall clause 10 pass?

Some Honourable Members: Pass.

Madam Chairperson: It has been mo—Minister Wowchuk.

Ms. Wowchuk: I hope this is the right section. I have a—I have an, an amendment to clause 10.

Madam Chairperson: We will wait for the amendment.

Ms. Wowchuk: I move that clause 10, bracket 2 of the bill be amended by adding, bracket, give a receipt to the person from whom they have—from whom they were taken and, bracket, after, bracket, but must.

Madam Chairperson: It has been moved by Minister Wowchuk that clause 10, bracket 2 of the bill be amended by adding, quotes, give—dispense?

Some Honourable Members: Dispense.

Madam Chairperson: Dispense. The amendment is in, in order. The floor is open for questions.

No questions?

Ms. Wowchuk: Just, just to clarify, Madam Chairperson, the issue was raised about issuing a receipt when materials were picked up and that is what is reflected in this amendment.

Mr. Kelvin Goertzen (Steinbach): I would like to thank Keystone Agricultural Producers for bringing forward this idea for the amendment tonight.

Madam Chairperson: Thank you. Is the committee ready for the question?

Some Honourable Members: Question.

Madam Chairperson: The question before the committee is as follows: that clause 10(2) of the bill be amended by adding, quotation, "give a receipt to the person from whom they were taken and", end of quote, after, quote, "but must", end of quote. Shall the amendment pass?

Some Honourable Members: Pass.

* (22:00)

Madam Chairperson: The amendment is accordingly passed.

Shall clause 11 pass? [*interjection*] Oh, sorry, shall clause 10 pass? My apologies. Shall clause 10 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 10 is accordingly passed, as amended. My apologies to the committee.

Shall clause 11 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 11 is accordingly passed.

Shall clause 12 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 12 is accordingly passed.

Shall clause 13 pass?

An Honourable Member: Pass.

Madam Chairperson: Clause 13 is accordingly passed.

Shall clause 14 pass?

An Honourable Member: Pass.

Madam Chairperson: Clause 14 is accordingly passed.

Shall clause 15 pass?

An Honourable Member: No.

Ms. Wowchuk: Again, I, I have an amendment to clause 15, bracket 3, and that the bill be amended by striking out, seven days, and substituting, 14 days.

Madam Chairperson: It has been moved—
[*interjection*]

Okay, it has been moved by Minister Wowchuk that clause 15(3) of the bill—

An Honourable Member: Dispense.

Madam Chairperson: Dispense.

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

Mr. Goertzen: Just to note that this was an amendment, suggestion brought forward by the Keystone Agricultural Producers this evening. We thank them for their thoughtful presentation which has resulted in some amendments and perhaps might result in more at third reading.

Madam Chairperson: Thank you. Is the committee ready for the question?

An Honourable Member: Question.

Madam Chairperson: The question before the committee is as follows: That the clause 15(3) of the bill be amended by striking out—

An Honourable Member: Dispense.

Madam Chairperson: Dispense.

Shall the amendment pass?

An Honourable Member: Pass.

Madam Chairperson: The amendment is accordingly passed.

Shall clause 15 pass?

An Honourable Member: Pass.

Madam Chairperson: Clause 15 is accordingly passed, as amended.

Shall clause 16—clauses 16 and 17 pass?

An Honourable Member: Pass.

Madam Chairperson: Clauses 16 and 17 are accordingly passed.

Shall clauses 18 through 20 pass?

An Honourable Member: No.

Madam Chairperson: Oh, sorry.

Shall clauses 18 through 19 pass?

An Honourable Member: Pass.

Madam Chairperson: Clauses 18 through 19 are accordingly passed.

Shall clause 20 pass?

An Honourable Member: No.

Madam Chairperson: Okay, for the purposes of clarification, we will re-ask the question.

Shall the clauses—shall clauses 18 through 20 pass?

An Honourable Member: Pass.

Madam Chairperson: Clauses 18 through 20 are accordingly passed.

Ms. Wowchuk: I ask for clarification then, because it is after clause 20 that I want to make another—add another clause. So, so—it's 20.1.

Madam Chairperson: So it has been moved by minister—move, move it. Please move the motion.

Ms. Wowchuk: I move, that fol—that the following be added after clause 20 to the bill: Protection of persons who report. Persons reporting protection from liability, 20.1 No action or proceeding may be brought against a person who in good faith (a) complies with the request or requirement to report or provide information under the act, or (b) voluntarily reports and provides information about the food-safety risk under this act.

And, and again, Madam Chairperson, that is reflecting what we heard from the presenter this evening.

Madam Chairperson: It has been moved by Minister Wowchuk—

An Honourable Member: Dispense.

Madam Chairperson: Dispense. Okay. The amendment is in order. The floor is open for questions.

Mr. Eichler: Just, just for clarification between—is it—should be "or" or "and"?

Ms. Wowchuk: If I, I could clarify, it, it, it should be under—after (a) "or". If I said "and", I withdraw that and put "or" in—between (a) and (b).

Madam Chairperson: Okay. Is that satisfactory?

An Honourable Member: Yes.

Madam Chairperson: Any more questions?

Is the committee ready for the question?

An Honourable Member: Question.

Madam Chairperson: The question before the committee is as follows: no action or proceeding—

An Honourable Member: Dispense.

Madam Chairperson: Dispense. Okay.

Shall clause 20.1 pass?

An Honourable Member: Pass.

Madam Chairperson: Clause 20.1 is accordingly passed.

Shall clauses 21 and 22 pass?

An Honourable Member: Pass.

Madam Chairperson: Clauses 21 and 22 are accordingly passed.

Shall clause 23 pass?

An Honourable Member: Pass.

Madam Chairperson: Clause 23 is accordingly passed.

Shall clauses 24 and 25 pass?

An Honourable Member: Pass.

Madam Chairperson: Clauses 24 and 25 are accordingly passed.

Shall clauses 26 and 27 pass?

An Honourable Member: Pass.

Madam Chairperson: Clauses 26 and 27 are accordingly passed.

Shall clauses 28 and 29 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 28 and 29 are accordingly passed.

Shall clauses 30 and 31 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 30 and 31 are accordingly passed.

Shall clauses 32 through 34 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 32 through 34 are accordingly passed.

Shall clauses 35 through 37 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 35 through 37 are accordingly passed.

Shall clauses 38 through 40 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 38 through 40 are accordingly passed.

Shall the table of contents pass?

Some Honourable Members: Pass.

Madam Chairperson: The table of contents is accordingly passed.

Shall the enacting clause pass?

Some Honourable Members: Pass.

Madam Chairperson: The enacting clause is accordingly passed.

Shall the title pass?

An Honourable Member: Question.

Madam Chairperson: Oh, question?

Mr. Kevin Lamoureux (Inkster): I actually just wanted to express my appreciation in terms of it's always nice when you see amendments brought forward based on presentations. I think that is healthy in terms of the, the system and going through this process which makes Manitoba one of the unique provinces in Canada that allows for the input, and I do acknowledge that.

But the question I just had for the, the minister is: One of the presenters made reference to this east-west side of St. James. It's kind of intrigued me, and that is—happens because I believe that there's City of Winnipeg inspectors versus Province of Manitoba inspectors.

Ms. Wowchuk: That's right. One section is inspected by City of Winnipeg, and one is by provincial inspectors.

Mr. Lamoureux: Yeah. I, I know I've had, I've had individuals indicate that to me, and I had thought that that was rather odd. And I think it has something to do with more of the—I don't know if it's Unicity or whatever it caused it to occur. I just think that there is some, some value in terms of the, the province looking at addressing that, that issue. And I just want to leave it at that.

Ms. Wowchuk: That's exactly what this bill—that's exactly what we're doing here. That will be addressed in—when this bill is passed. *[interjection]* These amendments and The Public Health Act amendments will, will address that.

Madam Chairperson: Shall the title pass?

Some Honourable Members: Pass.

Madam Chairperson: The title is accordingly passed.

Shall the bill be reported? Shall the bill be, as amended, be reported? My apologies.

Mr. Eichler: Yes, I just wanted to, again, thank the minister for listening to the presentations tonight.

There is a couple of recommendations that I would certainly ask the minister and her staff to have a look at that was brought forward in regards to the presentations tonight, that was not dealt with, and I would like her input, her staff to have a look at some of these recommendations prior to third and final debate being brought forward on this bill.

Ms. Wowchuk: I believe most of those that the member is referring to are, are in regulation and those will be dealt with in regulation.

Mr. Goertzen: Just for clarification, there are some that wouldn't be specifically with regulation I think, and I refer to the question that I asked about having somebody enter, an inspector enter a dwelling house and taking information, bringing more clarity that it wouldn't be personal information taken. And I think that that could be clarified specifically in the act, although I, I recognize that might not be the sort of amendment that, that you'd want to draft here tonight, and it might be better off if that amendment come forward in third reading. So, I mean, if there's concern about, about that clarity, it could be brought forward at third reading and probably isn't, isn't good legislation to be drafting at this hour anyway.

Ms. Wowchuk: Thank you for that, and I will get further legal advice. But as I look at section 7—page 7, section 10(1), I believe that that is covered where it says: an inspector may at any reasonable time or in their—but, i—i—if you'll read through that section, those issues we believe are addressed. But I will get further advice on it.

Madam Chairperson: Shall the bill as amended be reported?

Some Honourable Members: Agreed.

Madam Chairperson: Agreed? The bill shall be reported as amended.

* (22:10)

The hour being 10:10, committee rises.

COMMITTEE ROSE AT: 10:10 p.m.

**WRITTEN SUBMISSIONS
PRESENTED BUT NOT READ**

Standing Committee on Agriculture and Food
Legislative Assembly of Manitoba

Dear Members:

**Re: Bill 7 – The Food Safety and Related
Amendments Act**

On behalf of Maple Leaf Foods I would like to commend you for considering legislative amendments that will strengthen food safety in Manitoba. As you know, Maple Leaf Foods is a significant player in the Manitoba agri-food industry. We currently employ 3,082 people in the province at seven facilities. Our activities include hog production, pork processing, further processing, feed manufacturing, rendering and bakery distribution. We estimate that in 2008 our business activities in Manitoba had a direct economic benefit of \$692 million and an indirect benefit of \$1.1 billion.

Maple Leaf Foods was at the centre of a food safety tragedy last year which led to illness and loss of life. From this tragedy our goal is to establish Maple Leaf Foods as a global leader in food safety. But perhaps even more importantly, we are committed to working with all governments and industry partners to strengthen the Canadian food safety system and minimize the risk of such tragic events in future.

We believe that food safety is best addressed in a supply chain context, from production to consumption, and in a proactive manner with a focus on prevention of problems where risk is greatest. No food safety system can assure zero risk and all stakeholders must be prepared to act quickly to protect the consumer when problems are identified.

Attached is a discussion paper on "Strengthening the Food Safety System in Canada" which we provided to the House of Commons Sub-Committee on Food Safety in March. While this submission was made in the context of strengthening the national system we think it is just as relevant at a provincial level. In fact, the challenge for Manitoba is to recognize that pathogens do not respect jurisdictional boundaries and that Canadians, regardless of where they live or from where they obtain their food, should expect nothing less than a uniformly high standard of food safety and enforcement based on harmonized requirements and highly integrated federal-provincial-municipal government oversight.

All of our facilities in Manitoba are federally registered and inspected and so fall outside the scope of Bill 7. We however support the provincial government's efforts to clarify and strengthen food safety standards and their enforcement and ensure that all food premises are regulated to a similar standard. We also urge Manitoba to fully support national harmonization of meat hygiene standards, meat inspection and meat plant registration requirements.

We know this is a difficult message for provincially licensed facilities but the confidence of Canadian consumers and our international trade partners depends on this. In the past five years we have been through several crisis events in the Canadian livestock and meat sector including BSE, the Aylmer Meats event, Avian Flu, *E. coli* contamination and Listeriosis. In an environment where markets are highly integrated and consumer confidence is uniformly vulnerable, governments must do better to integrate and harmonize food safety governance, standards and enforcement, pooling resources and aligning them to current and emerging risks. Many years of delay in achieving this for the Canadian meat sector should no longer be tolerated.

Thank you for the opportunity to provide these comments.

Sincerely,

MAPLE LEAF FOODS INC.

Rory McAlpine

Vice President of Government and Industry
Relations

cc: Honourable Rosann Wowchuk, Minister of
Agriculture, Food and Rural Initiatives

Mr. Barry Todd, Deputy Minister of Agriculture,
Food and Rural Initiatives

Strengthening the Food Safety System in Canada

Background

The Canadian food industry and federal and provincial governments in Canada share a common vision of providing Canadians and consumers worldwide with safe, high quality and nutritious food. In this regard, industry and government have complementary roles, with government setting standards and providing oversight while industry is responsible for the production of safe food in compliance with, or exceeding, government standards. Food safety is best addressed in a supply

chain context, from production to consumption, and in a proactive manner with a focus on prevention of problems. Since no food safety system can assure zero risk, industry and government must also be prepared to react quickly to protect the consumer when problems are identified.

Principles

Experience in strengthening food safety systems in Canada and globally in recent years suggests that continuous improvement in addressing the physical, microbiological and toxicological risks to our food supply are best achieved when the following six principles are observed.

1. Science, and continual advances in scientific knowledge, should be the foundation for food safety practices and regulations. Science-based approaches are more likely to achieve public health and consumer confidence goals while ensuring an abundant and nutritional food supply for Canadians.

2. Food safety outcomes are enhanced where programs are:

- i. risk based and systems-oriented, focusing on "prevention" rather than
- ii. "reaction" (e.g. Hazard Analysis and Critical Control Points (HACCP), Good Manufacturing Practices, Quality Management Systems, etc.);
- iii. prescriptive about what must be achieved but flexible enough to allow continuous improvement in how goals are achieved;
- iv. grounded in demonstrable proof of industry self-responsibility and accountability;
- v. subject to comprehensive third party audits and government oversight.

3. Continuous improvement in managing food safety depends on approaches that encourage the search for and reporting of hazards, not the celebration of their presumed absence or punitive responses to hazard identification. Across both industry and government, there should be a goal of removing obstacles to and promoting best practices that enhance product safety while also meeting consumer expectations for quality and nutrition.

4. Food safety standards, systems and enforcement must be consistent in interpretation and application for similar foods offered for sale in the Canadian marketplace, whether domestic or, imported. Canadians should expect the same, high level of food

safety regardless of which jurisdiction has regulatory responsibility.

5. Transparency—for example, regular, fact based reporting of food borne illness trends, industry-wide food safety outcomes and enforcement activities - is necessary for enhancing industry and regulatory performance and accountability, while strengthening consumer confidence. Consumer and media education also requires continual investment.

6. Industry and government can only achieve improved outcomes on the basis of a strong commitment to shared accountability. Industry must be consulted and have the opportunity to provide meaningful input to regulatory standards and enforcement mechanisms, bringing forward the operational perspective that will ensure their successful implementation.

Opportunities for Improvement

Food safety (or animal health) crisis events will always suggest areas for improvement in the operational response capacities of both industry and governments. As well, governments must maintain a comprehensive, scientific and statistically sound understanding of relative risks to public health and focus on proven investments that strengthen risk prevention at all levels of the food continuum over time.

Based on the experience of Maple Leaf Foods, we believe that the Canadian food safety system can be strengthened as follows.

Smart Regulation

"Smart Regulation" in relation to food safety should focus on preventing problems and targeting the highest risks. This should entail a greater investment in risk identification and risk mapping from "farm to fork". Regulatory resources should be better aligned to relative risk and coordinated across jurisdictions. Canadian food safety standards and their enforcement (which are captured in thousands of pages of legislation, regulations and policy manuals) should be modernized, simplified and made more "outcome oriented". Regulations need to evolve in a more timely fashion as risks, technologies and marketplace expectations change.

Information Sharing

Canada needs a more comprehensive, timely and transparent reporting of food borne illness trends, food safety performance at all levels of the agri-food

supply chain and the outcomes of CFIA's ongoing surveillance and compliance verification activities. Greater transparency in terms of aggregate, measurable outcomes will help both industry and regulatory authorities benchmark performance and continually improve. More transparency is also a foundation for strengthened consumer confidence and maintenance of the "Canada brand" internationally.

Consistency of Enforcement

Greater clarity and consistency of enforcement (including with respect to imports) is needed across the Canadian food safety system. Whether due to a lack of direction, training or resources, inspection can be inconsistent across regions, from establishment to establishment and at different levels of the food chain. Enforcement needs to be standardized in situations of similar risk, avoiding the tendency to focus on easily identified risks while putting less emphasis on more systemic, complex risks. Under the new *Listeria* policy, consistency of interpretation and response to microbiological test results will be essential for success.

Federal-Provincial-Municipal Governance

Pathogens and contaminants do not respect jurisdictional boundaries or institutional mandates and so federal-provincial-municipal governance of food safety demands better coordination, a shared approach to risk identification and more resource sharing to minimize gaps and avoid duplication of effort. There is a particular need to harmonize federal-provincial meat hygiene and plant licensing standards, coordinate the food safety programs of public health authorities across Canada and coordinate prevention and response to pathogens that threaten both animal and public health.

Resources

A strong food safety system requires a strong and credible regulator. More CFIA inspection resources should be made available where most needed, noting that better outcomes generally depend on comprehensive, consistent and science-based audits of food safety systems and programs, verification testing and results measurement, not necessarily more routine inspection of finished products. More resources should be devoted to CFIA staff training, research and lab testing capacity, import compliance checking, surveillance for pathogens and contaminants and communicating regulatory requirements clearly to industry.

New Food Safety Technologies

Government policies and programs should encourage the development and adoption of new food safety technologies in areas such as testing methodologies, in-plant interventions, processing systems, packaging innovations and new food ingredients. Canada should accelerate the approval of technologies already approved by other developed countries, fund more research into new food safety technologies and remove bureaucratic hurdles to food industry innovation that would directly benefit public health protection.

Government-Industry-Science Partnership

Maple Leaf Foods would welcome a renewed commitment by government agencies to strategic collaboration with the food industry (possibly governed by a new, senior level consultative committee involving CFIA, Health Canada, the science community and industry) in order to define industry and regulatory best practices, food safety research priorities, opportunities for new technologies, means to enhance information reporting and consumer education, etc. The articulation of common goals can help ensure stronger coordination of industry and government efforts at the operational level.

Conclusion

Maple Leaf Foods is committed to building on its food safety leadership by working with all stakeholders to further strengthen the food safety system in Canada. Our commitment to the health and safety of consumers is unequivocal.

For further information:

Rory McAlpine
Vice President
Government and Industry Relations
Maple Leaf Foods Inc.

* * *

Comments and Objections on Bill 7, The Food Safety and Related Amendments Act

Committee Submission,
June 4, 2009

By Ruth Pryzner
Alexander, Manitoba

Let me begin by noting that Bill 7, if passed into law, will directly impact all farmers in Manitoba. As such, I object to these hearings being scheduled

during one of the busiest times on the farm. Indeed, I am unable to attend this hearing precisely because I am seeding, as are most other farmers. Surely, the views of those who will be directly impacted by Bill 7 merit the attention of the legislature. It would have been appropriate to schedule this hearing either in March, or to have had them scheduled after harvest.

My main objection to Bill 7 is that, notwithstanding the assurances of the Minister of Agriculture, farms and in particular *traditional family farms* will be classified as “food premises,” and will hence be subject to the provisions of this Bill. Bill 7 defines “food premises” as:

... premises where, in the ordinary course of business, food is grown, raised, cultivated, kept, harvested, produced, manufactured, slaughtered, processed, prepared, packaged, distributed, transported or sold, or is stored or handled for any of those purposes.

While the Minister claims that it is not the intention of the Government to include farms in this definition, it is clear to me that, by language of this definition, farms and in particular *traditional family farms* are included, and that the courts would likely would likely interpret it as such.

If it is the actual intention of the government to ‘exempt’ farms, and particularly traditional family farms, then Bill 7 *must* be amended to *explicitly state* this. *A blanket statement to that effect is most desirable. Failing this, I would recommend an amendment explicitly excluding grain farms and livestock operations under 300 animal units from the provisions of Bill 7.* In the case of livestock operations, the 300 animal unit specification would harmonize Bill 7 with the Planning Act and the Environment Act.

If the actual intent of the government is to include farms, and in particular traditional family farms, then I vigorously object. In this instance, Bill 7 would provide the means to eliminate traditional family farms, and particularly those farms with small flocks of animals, from Manitoba’s rural landscape. While this would undoubtedly be of benefit to corporate and industrial agricultural interests, it definitely would be against the public interest. In a number of livestock categories (sheep, chickens, turkeys, etc.), small flocks make up a significant amount of production, most of which is locally consumed (farm

gate sales). As the public demand for local -- and traditional family farm -- food production continues to increase, subjecting traditional family farms to the provisions of Bill 7 will objectively and completely compromise the capacity of these producers to meet the public’s expressed demand. The imposition prohibitive infrastructure requirements and unnecessary ‘food safety’ compliance costs upon traditional family farms, as implied by Bill 7, will simply drive traditional family farmers out of business, and leave the public with no means to satisfy their demand for locally produced food.

For example, will traditional methods of raising free-range chickens now become unacceptable, under the auspices of Bill 7? Will existing barns and other traditional animal housing facilities, which have been used in livestock production for decades, now be considered inadequate under Bill 7? Will traditional family farmers be prohibited from on - farm slaughtering for farm gate sales under Bill 7? And so on.

In this context, I am also concerned that the provisions of Bill 7 will be applied to local abattoirs, and will be used as a means to eliminate these facilities from the rural landscape, and to leave the market these facilities currently serve to conglomerates. I object to this. Local abattoirs must also be, by amendment, exempted from Bill 7 (after all, they are regulated under other statutes). Our local abattoir, for example, has served as an essential element of the market for locally produced and consumed food for generations – and no one to my knowledge has gotten ill or died from consuming their output. One cannot say the same for Maple Leaf foods.

In any case, in rereading Bill 7, it occurred to me that if the concern of the government is actually food safety, then Bill 7 is redundant. Food safety is a health issue, not an agricultural one. If health issues arise in an agricultural setting, they are most efficiently addressed under the Public Health Act as it exists or as it may be amended.

As such, the question is: why the necessity of Bill 7? Unless farms, particularly traditional family farms, and abattoirs are exempted from its provisions by amendment, then one cannot escape the conclusion that this Bill is a market-capturing device for corporate agricultural interests. This is definitely not in the public interest.

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>