



First Session - Thirty-Seventh Legislature

of the

**Legislative Assembly of Manitoba**

**Standing Committee**

**on**

**Public Utilities**

**and**

**Natural Resources**

*Chairperson*

*Bonnie Korzeniowski*

*Constituency of St. James*



Vol. L No. 11 - 10 a.m., Monday, July 31, 2000

ISSN 0713-0454

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Seventh Legislature**

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**LEGISLATIVE ASSEMBLY OF MANITOBA**

**THE STANDING COMMITTEE ON PUBLIC UTILITIES AND NATURAL RESOURCES**

**Monday, July 31, 2000**

**TIME – 10 a.m.**

Mr. W. J. Turnock, Chair, Manitoba  
Environmental Council

**LOCATION – Winnipeg, Manitoba**

Mr. Peter Miller, Private Citizen  
Mr. Ken Emberley, Private Citizen

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

**WRITTEN SUBMISSIONS:**

Bill 35–The Planning Amendment Act

**VICE-CHAIRPERSON – Mr. Stan Struthers  
(Dauphin-Roblin)**

Mr. Brad Kirbyson, Association of Man-  
itoba Municipalities

**ATTENDANCE - 10 – QUORUM - 6**

Bill 43–The Sustainable Development  
Amendment and Consequential Amend-  
ments Act

*Members of the Committee present:*

Hon. Mr. Lathlin, Hon. Ms. Friesen

Mr. Nick Carter, Private Citizen  
Mr. Barrie Webster, Private Citizen  
Mr. Richard Howard, Private Citizen

Ms. Cerilli, Mr. Dewar, Ms. Korzeniowski,  
Messrs. Loewen, Maguire, Penner  
(Steinbach), Struthers, Tweed

**MATTERS UNDER DISCUSSION:**

**APPEARING:**

Bill 35–The Planning Amendment Act

Hon. Jon Gerrard, MLA for River Heights  
Mr. Marcel Laurendeau, MLA for St.  
Norbert  
Mr. Harry Enns, MLA for Lakeside

Bill 43–The Sustainable Development  
Amendment and Consequential Amend-  
ments Act

\* \* \*

**WITNESSES:**

Bill 35–The Planning Amendment Act

**Madam Chairperson:** Will the Committee  
please come to order. We must proceed to elect a  
Vice-Chairperson for the Standing Committee  
on Public Utilities and Natural Resources. Are  
there any nominations?

Ms. Elizabeth Fleming, President, Provincial  
Council of Women of Manitoba  
Mr. Ted Muir, General Manager, Manitoba  
Pork Council

**Ms. Marianne Cerilli (Radisson):** I nominate  
the Member for Dauphin-Roblin (Mr. Struthers).

Bill 43–The Sustainable Development  
Amendment and Consequential Amend-  
ments Act

**Madam Chairperson:** Are there any further  
nominations? Hearing none, the Member for  
Dauphin-Roblin is elected Vice-Chairperson.

Ms. Christine Common-Singh, Private  
Citizen

Good morning. Will the Standing  
Committee on Public Utilities and Natural  
Resources please come to order. This morning

the Committee will be considering the following bills: Bill 35, The Planning Amendment Act; Bill 43, The Sustainable Development Amendment and Consequential Amendments Act.

We have presenters who have registered to make public presentations on each of these bills. It is the custom to hear public presentations before consideration of bills. Is it the will of the Committee to hear public presentations first? *[Agreed]*

**Ms. Cerilli:** Madam Chairperson, I would recommend that we hear Bill 35 first and then Bill 43 and that we hear the rural presenters first. At the will of the Committee, I guess we would have to hear the rural presenters first on Bill 35.

**Madam Chairperson:** Is it the will of the Committee to hear the rural or out-of-town presenters first and to deal with Bill 35 and then Bill 43?

**Mr. Larry Maguire (Arthur-Virden):** I do not know how you proceed with this, but is each of the presenters here for Bill 35?

**Madam Chairperson:** We will get to that when we call their names. I will read the names of the persons who have registered to make public presentations this morning.

On Bill 35, The Planning Amendment Act, Brad Kirbyson, Association of Manitoba Municipalities; Elizabeth Fleming, Provincial Council of Women of Manitoba; and Ted Muir, Manitoba Pork Council; Bill 43, The Sustainable Development Amendment and Consequential Amendments Act, Christine Common-Singh, private citizen; Dr. W. J. Turnock, Manitoba Environmental Council; and Richard Howard, private citizen.

Those are the persons registered to speak this morning. If there is anyone else in the audience that would like to register or has not yet registered and would like to make a presentation, would you please register at the back of the room.

I would like to remind presenters that 20 copies are required of any written version of presentations. If you require assistance with

photocopying, please see the Clerk of the Committee.

How does the Committee propose to deal with presenters who are not in attendance today but have their names called? Shall these names be dropped to the bottom of the list? *[Agreed]* Shall the names be dropped from the list after being called twice? *[Agreed]*

\* (10:10)

I would also like to inform the Committee that written submissions from Dr. Nick Carter, private citizen, and Dr. Barrie Webster, private citizen, have been received. Copies of these briefs have been made for committee members and were distributed at the start of the meeting. Does the Committee grant its consent to have these written submissions appear in the committee transcripts for this meeting? *[Agreed]*

Before we proceed with the presentations, is it the will of the Committee to set time limits on presentations?

**Ms. Cerilli:** Madam Chairperson, I would move that we have 10 and 10, 10 minutes of presentation and 10 minutes of questions.

**Mr. John Loewen (Fort Whyte):** I would move that we allow 20 minutes in total. So a 15-minute presentation, we have 5 minutes for questions. I do not want to cut anyone off in their presentation.

**Madam Chairperson:** 15 and 5?

**Ms. Cerilli:** I think we could have that kind of flexibility, either 10 and 10 or 15 and 5.

**Madam Chairperson:** So it is agreed that there will be a 20-minute limit on presentations including questions. As a courtesy to persons waiting to make presentations, did the Committee wish to indicate how late it is willing to sit this morning?

**Ms. Cerilli:** I think that as usual we can sit until noon, and at that point if it looks like we can hear all the presentations if we sit a little bit in the afternoon, that we should have that flexibility. Are we going to hear the out-of-town

presenters on both bills prior to the Winnipeg presenters that are listed? So would we hear Brad Kirbyson first and then Richard Howard, just for clarification?

**Madam Chairperson:** What is the will of the Committee?

**Mr. Mervin Tweed (Turtle Mountain):** I would think with the number of people that are here, an extra 20 minutes for either one to hear five—I do not know if Mr. Howard is from out of town.

**Madam Chairperson:** Yes, he is.

**Mr. Tweed:** If he wants to present, I do not think we have a problem here. I think the key is to get through the presentations as quickly as possible.

#### **Bill 35—The Planning Amendment Act**

**Madam Chairperson:** So we will proceed with the presenters for Bill 35 with the out-of-towners first, and then the out-of-towners for Bill 43. I will now call on Brad Kirbyson from the Association of Manitoba Municipalities. Brad Kirbyson? Brad Kirbyson's name will now go to the bottom of the list. Elizabeth Fleming, Provincial Council of Women of Manitoba.

**Ms. Elizabeth Fleming (President, Provincial Council of Women of Manitoba):** Elizabeth Fleming, President of the Provincial Council of Women of Manitoba. We appreciate this opportunity to speak to the Standing Committee on Bill 35, The Planning Amendment Act.

In 1998, the Provincial Council of Women of Manitoba questioned a number of changes contained in the then Bill 38, The Planning Amendment and Consequential Amendments Act. However, a public consultation process was not used then, because it was thought that the changes were mostly administrative, nor was it used with the amendments being considered today. Although they are technically of an administrative nature, we would suggest that they have far-reaching consequences for the public. That is why we are here today.

This bill to amend The Planning Act proposes to improve public notification requirements and public accessibility to professional

and technical advice regarding proposed intensive livestock operations. For this we commend the Government.

However, the Provincial Council of Women of Manitoba made a number of specific recommendations to amend The Planning Act in its brief to the Livestock Stewardship 2000 panel. One was to ensure that the posting requirements for conditional use hearings allow residents over a much larger area proper notice and time to respond.

Another recommendation was for a comprehensive land use and resource registry to be established and maintained alongside the environmental registry.

Accordingly, we would like to suggest three amendments to Bill 35.

The first is that municipal councils give longer public notice of hearing. The notice of 14 days is insufficient, in our view, given that many rural residents have to travel some distance to pick up their mail. Mail, including the local newspaper, may only be picked up once a week, and this could leave little time to follow up if there are concerns.

Ideally, because of the potential adverse effects on social and environmental well-being, we would prefer 28 or 30 days notice. At the minimum, 21 days notice should be given. We note that under The Environment Act, the staff there try and give 30 days notice in the case of development class Environment Act licence applications. We feel this is a good working time to allow people a good chance to respond if they have concerns.

Secondly, the definitions of not remote and inaccessible need to be given. Definitions of not remote and inaccessible would give municipal councils and the public more specific legislation, which in turn makes it more likely that this will indeed be observed.

We note the vagueness of The Planning Act in providing discretion for municipal councils and planning districts to make minor alterations to draft development plans and zoning by-laws between public hearing and second reading. In

one recent case, some 400 such alterations were deemed by a council to be minor and were therefore not advertised. The province thought otherwise but because minor alterations was not defined in the Act, the municipality's decision held.

Third and last, we would suggest that livestock operation applications and technical review committee reports be put on the public registry. We agree that the Minister should be referring all applications for livestock operations to technical review committees, and we hope that this becomes routine procedure.

It is desirable that a copy of the livestock operation application and the accompanying material also be placed on the environmental public registry, along with all the technical review committee reports, those done in the past and those which fall under sections 53.1(5) and 53.1(9). The public should have assured access to all the application materials and the professional and technical reports. This information would also be of assistance in drafting development plans and zoning by-laws. Thank you.

**Madam Chairperson:** Thank you for your presentation, Ms. Fleming. Do members of the Committee have questions to address the presenter?

**Mr. Larry Maguire (Arthur-Virden):** Thank you very much, Ms. Fleming, for your presentation. Just looking at The Planning Act changes in regards to your not remote and inaccessible in the definitions, you are saying that you would like to see municipal governments be able to determine a greater definition then for those particular concerns?

\* (10:20)

**Ms. Fleming:** Yes. I think it comes into play when notice is given by mail. We agree that the wider area or radius around the operation is a good idea, but we feel that, because not remote and inaccessible are not defined, they should be, because mail notice is an extra way of letting people know that a conditional-use hearing is coming up.

**Hon. Jon Gerrard (River Heights):** Thank you for your comments which were quite helpful. Maybe you could go further in terms of how you would suggest that remote and inaccessible be defined more clearly.

**Ms. Fleming:** Well, usually livestock operations are not sited in very crowded places, and maybe we should just be letting everybody know by mail within that radius that there is an upcoming hearing. That would really cover off everybody in the area in a more assured way than the way it is left in the Act where it is left to the discretion of the Council to decide whether to do a mail-out or just to leave a posting and possibly a newspaper advertisement. But, there again, if it is remote, there may not be, and also the circulation of papers do not necessarily cover an entire area, sometimes they only cover part of it.

**Mr. Gerrard:** There have been clearly a number of instances where livestock operations have been located right at the edge of a municipality, and if you took an area around, you would include a number of adjacent municipalities. Are you suggesting that there be mail-outs then to people in the adjacent municipalities who are within a certain distance?

**Ms. Fleming:** That would be a very good idea, because, yes, the problems from livestock operations may not be restricted to the municipality. Whether the municipality is obliged to do that, presumably it would be, if it is a two-kilometre radius, and if it were remote and inaccessible, that should apply.

**Mr. Gerrard:** What sort of radius do you think is appropriate, and also in terms of where we are looking at watersheds, and the effects may be downstream, whether, in fact, a circle is most appropriate or whether a distance, which could be considered to be affected by the potential livestock operation, depending on the nature of the watershed, would be more appropriate?

**Ms. Fleming:** You make a very good point. We were very pleased to see the improvement from a hundred metres to two kilometres, and that is certainly an improvement, but you are correct in saying that the distances could be greater. In fact, at the Livestock Stewardship hearing, a family did present from the R.M. of Morris, and

they were five kilometres distance from a hog operation that was causing them incredible difficulties from the point of view of odour and health, and five kilometres, in this case, they would have to rely on a newspaper advertisement. They would not receive mail. But we do appreciate that two kilometres is better than a hundred metres.

**Mr. Gerrard:** Thank you.

**Hon. Jean Friesen (Minister of Intergovernmental Affairs):** Thank you very much, Ms. Fleming, and thank you for making the presentation today and obviously, as well, for the Council of Women's long-term interest in planning issues in Manitoba.

I wanted to say on the issue of the range of application that the concern that was raised about boundaries, the municipal councils will be required to notify people across boundaries if the amount specified in the proposed legislation does cross a boundary. We also anticipated that the newspaper requirement, the requirement to publish in a newspaper would also enable a larger sphere of information. So those are some of the steps that we are taking. I note that some of the things that you are talking about here as well do deal with larger issues in The Planning Act. They are not just specific to livestock issues, which is what really we are attempting to do at this point, until the livestock panel has reported and until we have had a broader look at the provincial land use planning issues. So I wanted to thank you for that and also to let you know that we would be taking all of this into account at both those times.

**Madam Chairperson:** Thank you, Ms. Fleming.

**Mr. Marcel Laurendeau (St. Norbert):** I was just in conversation with the Association of Manitoba Municipalities office in Portage la Prairie. I spoke to both the secretary and to Brad Kirbyson. They were informed on Friday at 4:30 that this committee was going to sit on Tuesday. That is why they are not here. They are wondering if we could rearrange for this committee to sit tomorrow so their presentation could be heard on this matter. I am prepared, as the House Leader of the Opposition, to meet

with the Government House Leader and see if we can establish that as long as this committee is willing not to close public representations on this matter until such time as the Manitoba Association of Municipalities has been heard. So if the Committee could deal with that matter, but I will take it upon myself to meet with the House Leader.

**Ms. Marianne Cerilli (Radisson):** It is unfortunate that something like that could happen. I think that we should try to accommodate the AMM. What I would suggest that we do then is hear all the presenters that are here on both the bills, and if we have time before the agreed upon time to adjourn today, then we could get into the clause by clause on the Bill 43 and then we would have to have by agreement of the House leaders another date set for hearing that remaining presenter and going forward. I just want to perhaps check with my colleagues on the Committee, though, to see whether that is agreeable.

**Madam Chairperson:** Is it the will of the Committee to not close the public presentations on Bill 35 until the Association of Manitoba Municipalities has had an opportunity to speak? Is that the understanding?

**Mr. Mervin Tweed (Turtle Mountain):** Madam Chair, I think that is fair. I wonder if we should not just say, until we have consulted with AMM, I do not think—if they are not available tomorrow or within a time frame that is reasonable, I am sure you do not want to leave this bill lying on the table for that length of time. If contact has been made and the House leaders can agree, I am sure we can set up a time.

\* (10:30)

**Ms. Friesen:** This is very unusual. It is an extremely unusual request and sets a very difficult precedent for all other hearings. That is my concern. I do not believe this has been done in other committees. If there are other precedents I would certainly like to look at them. I think if I can suggest, for the moment, I would like to confirm with the AMM what has happened, to see if in fact they have a written presentation, which I am sure they do, and whether that can be faxed and read into the record. I think we could

delay the decision on this until I have had an opportunity to speak to them.

**Mr. Laurendeau:** Yes, I think that would be appropriate, Madam Minister. I have had that opportunity to speak to them, and I thought about them just faxing over their presentation, but they have not had an opportunity yet to have it reviewed and signed off. That is why they cannot fax it in. That is why I have requested that we need till tomorrow. If it had been prepared, I would have asked them to fax it in and just had it put on the record.

**Ms. Friesen:** Well, Madam Chair, I appreciate Mr. Laurendeau's information on this, but I would like the opportunity to confirm, myself, what the situation is.

**Mr. John Loewen (Fort Whyte):** Madam Chair, I appreciate the Minister's position, just for the record. I mean, even as government critic, I did not find out until this morning. We were notified of this committee meeting last week in which I believe only Bill 43 was on. It must have been some time Friday, when I was out of town, that Bill 35 was added to the agenda or late Thursday, I am not sure, but I am sure that is likely what happened in AMM's case as well. So I agree it is an unusual circumstance, but given that it is the summertime and then it was added, I think we should give AMM some leeway on this issue.

**Ms. Cerilli:** I just want to clarify then. I think that the Minister's caution on setting a precedent is a good one, and that maybe what we can agree to do right now is to revisit this issue at noon or maybe at 10 to 12. Maybe, once we are finished dealing with Bill 43, the Minister will have a chance to do that consultation.

**An Honourable Member:** Before noon.

**An Honourable Member:** Yes, before noon, once we finish Bill 43.

**Some Honourable Members:** Agreed.

**Madam Chairperson:** Agreed.

I will now call upon Ted Muir, Manitoba Pork Council. Mr. Muir, you have copies being

distributed. Please proceed with your presentation.

**Mr. Ted Muir (General Manager, Manitoba Pork Council):** My name is Ted Muir. I am the General Manager of Manitoba Pork Council, and the Council is the membership association of hog producers here in Manitoba. We deliver programs in eight different areas responsible for everything on behalf of the producers with the exception of the actual marketing of the hog.

I apologize at the outset for the chicken scratching across the top of the page. This was written this morning rather hastily, so I just wanted to let you know who it came from.

The Manitoba Pork Council recommends the tabling of Bill 35 until such a time as the province has had the opportunity to review the Bill in the context of recommendations flowing out of the Livestock Stewardship consultations currently being undertaken by Dr. Ed Tyrchniewicz and his panel.

The Manitoba Pork Council supports the public consultation initiative on the sustainability of the province's livestock industry. Response to the meetings, as many of you know, from all segments of society has exceeded everyone's expectations. The Winnipeg meeting, which was slated to be a one-day affair, ran for three days. Steinbach, which starts today, promises to be even bigger, with in excess of 30 presentations scheduled as of last Friday.

This is an important initiative, make no mistake about it, and government is to be commended for stepping into the public arena on this most important topic. From the standpoint of Manitoba Pork Council, we would hope that the province would take a holistic approach to the expansion of the livestock industry and give the stewardship consultation process an opportunity to comment on all aspects of land-use planning, including the proposed expanded role of technical review teams. We need a planned, deliberate approach to fostering the sustainability of the livestock industry. I think, at all costs, we want to avoid piecemeal efforts.

Council supports the intent of Bill 35, to enhance the role of the technical review teams.



Our concern, ladies and gentlemen, is one of timing and being able to know that the developments are proceeding in a planned, logical manner. Pre-empting the stewardship consultation process with Bill 35 runs the risk, at least in the public's mind, of being reactionary and perhaps jeopardizing the integrity of the stewardship consultation process.

In terms of the proposed, enhanced role of technical review teams, we urge government to ensure that adequate staffing and financial resources are committed to the process. The teams will not only be reviewing new conditional uses, but their role has also been expanded, as stated in the March 3, 2000, news release, "to include the evaluation of the local cumulative impacts of the livestock industry." From my personal experience, I know that the professionals currently involved in the review process are strained and require additional resources to do their job adequately.

In the absence of enhanced support, the process runs the risk of bottlenecks, adding costs to the project and, under the worst case scenario, shackling the orderly expansion of the livestock industry. We would draw attention to the need for a review protocol to be developed in order for timely review of projects, and to ensure consistency of review procedure and all other matters inherent in ensuring that the process is credible, timely and meaningful.

In closing, I reiterate the recommendation of Manitoba Pork Council that Bill 35 be introduced in the context of the findings of the final report of the sustainability of the livestock industry. That concludes my remarks.

**Madam Chairperson:** Do members of the Committee have questions to address to the presenter?

**Mr. Gerrard:** My first question relates to the fact that this committee is meeting concurrently with that in Steinbach, the major hearings. My guess would be that many people who might have wanted to present before this committee are probably tied up in Steinbach at those meetings. Is that right?

**Mr. Muir:** I think that is a fair observation, Doctor Gerrard. All of our resources and

attention from both sides of the issue, and the vast majority of the people that are in between are devoting their energies to making fair representation at the meetings that are going on today, as a matter of fact.

**Mr. Gerrard:** Are those meetings and the presentations to those meetings dealing with some of the same details which are being dealt with here? That is, the planning process, the role of technical review committees, and so on.

**Mr. Muir:** Again, I think it is fair comment to say that this whole land use planning matter is one that is integral to the sustainability of our industry. Certainly within the Winnipeg meetings, the only ones that I have observed, there were issues germane to this topic.

**Mr. Gerrard:** I also want to ask a question in relationship to your comment of the need for additional resources. Were this to proceed in the fashion that is recommended here, what sort of additional resources do you feel would be essential for the technical review committees to work effectively?

**Mr. Muir:** I think I would leave that to Minister Friesen and her capable staff in determining what they need to do the job adequately. Government is very good at introducing new initiatives, but sometimes slow on the draw, committing the resources to making them happen in a timely fashion. We think there is value. We should be embarking on this review at the appropriate time. We just want to make sure that it is done properly for the benefit, not only of our industry, but for the citizens of Manitoba. Our gut feeling is that the staff out there in many government departments are lean. Their numbers need bolstering, from my personal observations dealing with people with the livestock industry.

**Mr. Gerrard:** One of the aspects of this act is that it would set up a process for regional technical review committees. The issue I would ask you is whether having a variety of regional committees might lead to different decisions being taken in different parts of Manitoba and whether that might create a problem as we have now in some cases with different municipalities taking quite different approaches to the hog

industry and approving the plans for development of the hog industry.

\* (10:40)

**Mr. Muir:** All I could say is, sure, we would concur. Whatever is implemented has to be consistently delivered throughout the province on any aspect of these initiatives. That is why we call for a protocol being put into place. Tell us what you are going to do, how you are going to do it and when you are going to do it, and involve us early on in the process I think is really all we are asking for.

**Mr. Gerrard:** Thank you.

**Mr. Loewen:** Thank you, Mr. Muir, for your presentation. I must say I do agree with your presentation. It seems a little strange that when we had the departments and the ministers of Intergovernmental Affairs, Conservation and Agriculture announce a public consultation regarding the livestock industry, it seemed a little strange to be moving ahead with this bill at the time when those consultations were in mid-stream.

I guess the one issue also that I wanted to touch upon is the technical review committees. I am not sure if you have had an opportunity to see the Bill in detail, but it certainly does provide the Minister's office with tremendous latitude in terms of the establishment of the technical review committees, both in terms of their make-up, and I guess, their geographical participation in the committees.

We have heard before from the AMM with regard to setting up conservation districts based on watersheds. Have you had a chance to look at that, or do you have any thoughts regarding the geographic make-up of the technical review committees and how many there should be to cover the province adequately?

**Mr. Muir:** No, sir, we have not been consulted on that, but I think it would suffice to say that our faith rests with Minister Friesen's department. We would welcome an opportunity for them to consult with us in the development of those initiatives.

**Madam Chairperson:** Are there any further questions?

**Mr. Maguire:** Thank you, Mr. Muir, for your presentation. You mentioned that in Steinbach, which starts this evening, the process had 30 presentations, I believe, in your verbal presentation to us and your document says 60. Is that a more accurate reflection of the numbers?

**Mr. Muir:** Yes.

**Mr. Maguire:** It is my understanding that they will go on about three days in the Livestock Stewardship hearings that are being held in Steinbach. Is that correct?

**Mr. Muir:** Yes, sir. I stand corrected. There were over 60 presentations, 61 as of late Friday, and the extent to which they run will be left to the prowess of the chairman I suppose and how quickly they proceed in this final step.

**Mr. Maguire:** Thank you. Having attended one of those meetings myself, an indication, the types of presentations that are coming forward are very good with good balance of views on the various issues around the livestock industry in Manitoba being presented by the people that were coming forward. You have expressed then, and I guess you are looking at the supports of public consultation that you support, but you are still recommending then that they look at tabling Bill 35 until such time as Doctor Tyrchniewicz's committee has reported and brought in its recommendations?

**Mr. Muir:** That is correct, sir. We believe there is some real potential here for this bill to be harmonized with the deliberations and findings of Doctor Tyrchniewicz's panel, and we hate to lose that opportunity by using a piecemeal approach to it.

**Mr. Maguire:** I would also commend the Manitoba Pork Council for bringing forward the work that it did in regard to activities around livestock management programs in the province of Manitoba, in particular the pork industry.

Are you satisfied that the rules and regulations that have been put in place to date would continue to meet some of the needs of the

general population in regard to care and the difference as to how a hog plant or a hog farm is located in the province of Manitoba today?

**Mr. Muir:** I think it would be a fair comment to say that we believe we have got a good set of regulations in place followed with reasonable guidelines.

We welcome the most recent steps taken by this administration to assure the public that we are doing things properly with the livestock industry relative to the inspection of lagoons and the encouraging of municipalities to embark on planning districts. We think those are all moves in the right direction.

We are way ahead of many other jurisdictions around the world, but we also share many of the conflicts of other jurisdictions around the world. One of the main conflicts is between farming and the non-farming community, I suppose, and the extent to which we can set farmland aside solely for the purpose of farming, I think, will benefit this administration and the orderly expansion of the livestock industry overall.

Clearly, we have some challenges ahead of us. I think the public is coming out with some excellent ideas, many of which we endorse. We think there is a wonderful opportunity here for Manitoba to do it right. We believe we have the set of regulations in place. We have a civil service force that is committed to doing things right. We have got the expertise, the capital, the access to feeds. Everything is in position, and the rest, I think, remains on making sure we make the right moves because we will not be able to backtrack very well.

We are looking forward to the future. We think we can do it right, and we are certainly open to suggestions. One of the biggest challenges that we have had, and Elizabeth alluded to it, is in the area of nuisance odour. There is no question about that. Our industry and other jurisdictions are spending literally millions of dollars in trying to address this issue about nuisance odour. If we could deal with that one, I think we would be much further ahead. We are already doing a lot of reasonable things with using manure as an organic fertilizer and soil

conditioner. I think we are ready to embrace the changes ahead of us. We just need to do it on a united front.

**Mr. Jim Penner (Steinbach):** Mr. Muir, I will be listening to the presentations in Steinbach today since that is my riding. I was wondering if Doctor Tyrchniewicz has been consulted about a request to delay the Bill and whether he concurred with the request to delay passage of the Bill until the consultations have taken place.

**Mr. Muir:** We have not had those discussions.

**Ms. Friesen:** Thank you, Mr. Muir. I wanted to thank you for making the presentation. I appreciate that you did it quickly and that this time of the summer is a difficult time to make public presentations, particularly since there is a larger public hearing going on as well. In spite of all that, I am very glad you are here and that we have heard from your council.

I wanted to make a couple of points. One was there was some discussion around the table about the technical review committees. The information that we had provided to the Opposition but not necessarily, obviously, to all presenters was that the regional technical review committees will continue as they currently are based on the regions and with professional civil servants attached. So there is no change from the previous situation in that context. It was available in what we call the side-by-sides to the Opposition.

I appreciate also your request for a holistic look at all of the issues surrounding the livestock expansion. Obviously it is a judgment call. We did put in place public hearings so that we can hear from the public around submissions that are very contentious in some parts of the province. It will take some time for that report to be made. It will take even more time for legislative changes arising from that report to be made. It seemed that there were some serious concerns in parts of the province and some communities about this. We felt that codifying, making more certain, giving greater consistency to the existing situation across the province was something that we could do. We also anticipated in giving greater direction in the second part of the Bill where it indicates that proponents must have all

approvals in place before they begin to construct that that too would give greater certainty to the industry as well as to the general public.

\* (10:50)

So in each of the areas that we are approaching in the legislation at this time, I recognize that it is in advance of the report of Doctor Tyrchniewicz's committee. We are aiming for consistency and certainty for both the industry and the communities. We are also aiming for public availability of the technical review committee reports in order that we have in these many discussions that are going on in communities in Manitoba an informed and open access to the information that is available. In some cases that has been there in the past, but it has not been in all cases. I think there is a general concern about that. What we are looking for is informed public discussion at a time when there are tremendous economic opportunities opening up to Manitobans, urban and rural, through the expansion of the livestock industry generally, not just pork, as you are concerned with.

So that would be the case that we are making. I appreciate that you are making a different case. I hope that you understand the judgment call that we have made on this one.

**Mr. Loewen:** Mr. Muir, one question that I would have to you would be regarding, I guess, the possible timing delays that could result from every application being required to go to a technical review committee. Do you have a view on how that might or might not affect entrepreneurs and I guess investors with regard to their decision in terms of where to build and I think equally important whether or not they will go ahead, given that they could be facing some long time frames between the time they look at making an investment and when they get through this process.

**Madam Chairperson:** The question time has expired. Is there leave for the presenter to finish his answer? *[Agreed]*

**Mr. Muir:** I guess any time that you put a new process into place, and this is a new process, with a number of hurdles or steps that you have

to go through, you have to make sure that everything is geared to facilitate it. So we would hope that this initiative, when it does come into place, would be done in a timely manner, because if it did put in unnecessary hurdles and blockages, I think that would be to the detriment of the livestock industry. I would just make the personal observation that I think, and I am somewhat hesitant to even get into this discussion, in a lot of cases, the more bureaucratic requirement you put into place, the more difficult, certainly psychologically it is, for producers from the ilk of the family farm to embrace those hurdles. The bigger players will cope with anything you can throw at them and that has been the experience around the world. It is really what you would call "the family farm" that you really have to be careful in terms of what you implement and how well it works, and the key is how well it works of course. So it is certainly a valid comment. sir.

**Madam Chairperson:** Thank you for your presentation, Mr. Muir.

#### **Bill 43—The Sustainable Development Amendment and Consequential Amendments Act**

**Madam Chairperson:** I will now call on presenters for Bill 43 and, as agreed upon, we will have the out-of-town presenters first. Would Mr. Richard Howard please come forward.

**Floor Comment:** Madam Chair, I had a phone call from Mr. Howard, and he has a medical appointment that could not be broken. He has forwarded a copy of his presentation to the Minister of Conservation (Mr. Lathlin), and I think I can turn it over to him. I just wish to put in that apology on his behalf, but it could not be avoided at this very short notice.

**Madam Chairperson:** Thank you. I call now on Christine Common-Singh.

**Mr. John Loewen (Fort Whyte):** Just before we hear from the next presenter, it is unfortunate that Mr. Howard, due to medical reasons, is not able to be with us this morning, but it was mentioned that he did give a report in writing to the Minister's office. I am wondering if the Minister could give us that report, and perhaps if

we could enter that into the committee record, as we have with the other written reports, so at least we have the benefit of receiving that information and reviewing it.

**Madam Chairperson:** Copies are being made. They will be delivered shortly. We will let the presenter begin. Ms. Common-Singh.

**Ms. Christine Common-Singh (Private Citizen):** I am very pleased to have the opportunity to appear in front of this committee. I would like to ask leave of this committee to make a comment on two presentations, which were delivered and entrusted to me this weekend, by Dr. Barrie Webster and by Dr. Nick Carter. They brought them to my home.

Mr. Carter, of course, is tied up with the livestock hearings in Steinbach, and gives regrets that he could not be here. He wanted me to relay to you the message that he would have loved to have been here to speak to this issue. So, instead, he hastily faxed me this copy of which I hope you all have copies. He draws the same sorts of conclusions that I do, that this is a little bit premature, this bill. He also gives the Minister a very gentle way out of any dilemma which this bill may create for the Minister. It is worth a read. It is a very well-put-together document, probably better than most of us could do because he has been inside the system for so long and has worked outside of it as well. He has an experience which none of us have, and I think his words of wisdom should be really seriously considered by all of you.

\* (11:00)

Dr. Barrie Webster delivered this to me last night, comments on the Bill, and asked that you not proceed with this bill based on some of the comments he has made. I think all of us who are going to present on this bill are going to ask for the same thing: Please do not proceed with this bill in its present form.

So, having said that and having delivered these two documents from pre-eminent Manitobans who are very knowledgeable in this policy area, I am going to proceed with my own presentation.

First of all, I would like to make a couple of general statements before I get into my own presentation.

**Madam Chairperson:** Could we just have a moment?

**Mr. Loewen:** Well, I am just wondering, Madam Chair, I do not have anything in my package that I can see.

**Floor Comment:** There were 20 copies made of both of these.

**Mr. Loewen:** Okay, there we go. I got those this morning.

**Madam Chairperson:** Please continue.

**Ms. Common-Singh:** They were very hastily put together by distressed people who did not find out about this until Saturday and Sunday, because I only heard about it on Friday morning that this committee hearing was going to be convened today. So a lot of people, like Jennifer Shay, Diane Malley, and others, who really wish to be here to speak to this could not be here. All of them share the same opinion: Do not proceed with this bill at this time. So, having said that, I will get on with my own presentation.

A little preamble to my written presentation. First of all, I would like to make the point that there is a great difference between the MEC and the Round Table, the MEC, of course, being the body with the greatest longevity and record of achievement in the province. I would also like to say I have served personally on both these committees and can speak to that difference.

Over time, successive governments have repeatedly chipped away at the MEC for various reasons, some of which we can determine and some of which are indeterminate, but no doubt some of them have been quite political.

Thirdly, the drafters of the legislation which created the Manitoba Environmental Council were obviously real believers in participatory democracy. This is going back into the '70s. We would all do well to remind ourselves of that proud moment in Manitoba's political history. Doctor Turnock's brief will contain some of that

history. I urge you all to read it well before any final decisions are made on the future of the Bill. It speaks clearly to the large difference between the MEC and the Round Table. The letter of the law may make them look similar when you read the documentation, but in actual practice they are quite different. They actually play complementary roles to each other. Rather than decimating one of them, we should be building bridges between them and strengthening them both.

They also have a very different profile in the minds of the general public who are aware of the existence of these two bodies. That is a fact that many of us can speak to. It would be a very sad day for democracy in Manitoba if this bill is allowed to drive a stake through the heart of the Manitoba Environmental Council, thus creating another blow to participatory democracy in our province. Members of the first bodies of the MEC have contacted me by fax and phone over the weekend, about six or seven of them, to express their dismay, many of them eminent scientists in their respective field. Each one supports that this bill in its present form should die.

So now, getting on to the body of my presentation. I am proposing that this bill is three things. Number one, it is premature, incomplete and not well considered. Two, it does nothing to strengthen a woefully inadequate piece of legislation. Three, it is not a response to any concern raised by the public at large. I will deal with each of these proposals separately.

First of all the first one, premature, incomplete and not well considered. On May 22, I wrote a lengthy memorandum to the Honourable Oscar Lathlin documenting the sections of The Sustainable Development Act that had been breached by government. You can see your attachment. The letter is attached. The letter was co-signed by Jack Dubois from the Round Table and Bill Turnock representing the Manitoba Environmental Council. The signatories pointed out that the legislation in its present form was in need of amendment or repeal, and they offered, quote, assistance, advice or support consistent with the legislated mandate designated to us under The Manitoba Environment Act and The Sustainable

Development Act. You can refer to your attachment for that quote.

On June 15, some time later, a reply from the Minister clearly assigned any responsibility for such amendments to the Round Table. He stated, and I quote: If upon deliberation the new round table wishes to propose legislative amendments to their act—I have underlined "their", that was not in the original letter—as you suggest may be advisable, I will be happy to consider any such proposal. Please see your attachment.

Shortly after receipt of this letter, the authors were shocked and dismayed to learn that the Minister had announced amendments to the Act without consultation with the Round Table. Indeed, it had not even been reconstituted yet.

So the question we ask is: Why did the Minister not wait for the revised Round Table as he had stated? That is a question that needs to be answered. In this unfortunate comedy of errors, not only has The Sustainable Development Act been breached, but the Minister has also arbitrarily abandoned his own written response directives to those who wrote out of genuine concern for the rule of law. That is a very important foundation of democratic due process in our country, the rule of law.

Secondly, it does nothing to strengthen a woefully inadequate piece of law. In May of 1997, in my capacity as a member of the Round Table, I wrote in confidence to Bryan Gray. That was the role assigned to me, was one of confidence, which again speaks to the difference between these two bodies.

I wrote to Cabinet regarding my serious concern with respect to the sustainable development draft 3B, which was dated on May 7, 1997. I cautioned that, although it contained most of the ideas that were addressed in parts one to six of the white paper, in its legislative form it remained very, very weak. As such, there was a significant risk that it might not be taken seriously by either government or the public at large. I say to you all, that is exactly what has happened.

This piece of legislation is not taken seriously by the public at large. It has been

breached by the government of the day. So my prophecies in a way came true. I was worried about this. So it is significant that this has happened.

With the loss of the assessment and licensing parts of the proposed legislation, the already weak act has been further weakened. You all understand that that was lost. That the government of the day decided to proceed with just the sort of preamble, the stage setting for the legislation. What is left is without context. It is dangling up there, because it has no licensing and assessment attached to it. It was intended to set the stage for that hard law section of the Act. That part of the Act never made it to the Legislature.

In retrospect, it could be debated that the sections which were legislated should have been left as policy until the Act could have been legislated in its entirety. Then it would have brought some meaning to the preamble and the initial sections. It would have given it context and legal meaning.

The basic purpose of the legislation remains unclear. These are my view of how you can strengthen this act, not the existing bill. It does nothing to strengthen the Act. It further weakens an already weak act. Here is how you can strengthen this act. This is the kind of thing the amendment should have been dealing with.

\* (11:10)

One, the basic purpose of the legislation remains unclear. The preamble should contain a recitation of the basic problem that the legislation is trying to address. What is it trying to do? What is it following up on? Is it the Royal Commission on environment and development? Is it our commitments that we signed in international covenants in Rio de Janeiro? What is the intention of this bill? The legislation is silent on that. It gives us no direction.

Secondly, almost all of this legislation resembles policy more than law. I will let you read that for yourself. If you want to take out the references that I have from libraries, it is very interesting to read about the difference between policy and law. I did a study on this in 1997. I

came to the conclusion that it resembles policy more than law. That is why it is difficult for government to use it as legislation.

Third, there is no independent monitoring authority or watchdog appointed to ensure compliance. All jurisdictions in Canada that have instituted requirements for government, environmental or sustainable development strategies have also created independent watchdogs or commissioners to oversee their creation and implementation.

The Government of Canada amended the Auditor General Act to create the commissioner of sustainable development who tables a report to parliament on an annual basis. I think we would all do well to read his reports. He must be a very frustrated man at this point in time. He talks about how difficult it is. I have frequent talks with Bryan. It is about this very policy area. He is as frustrated as I am. We are willing to work very hard towards it, but it is a very difficult row to hoe.

All such independent authorities are also given the power to respond to citizen inquiries or petitions regarding sustainable development. This leads to my next concern. There should be rights of citizen inquiry and petition.

Fifthly, there must be a clearer statement of the need for reform of government fiscal policy and tax policy and practice. I heard the Budget speech this year. I went to the Legislature to hear it. I did not hear any indication that this was happening in the budgeting process. I heard the word "sustainability" used by the Minister several times, but it was out of context. There was actually nothing in there about adhering to the Act in terms of fiscal policy or even moving towards that.

Six, provisions for audits and independent reviews must be strengthened, and seventh, the Round Table continues to lack sufficient independence from government, although it is acknowledged that there is a need for strong representation and leadership from Executive Council. The body is not taken seriously by various interest sectors and countless individuals in Manitoba. With Bill 43, its future direction remains a little unclear. The body has a

legislated mandate and an organizational structure, but there is no provision for a secretariat. What is going to support this?

The last government had a strategy document which had schematics in it which clearly showed the relationship of the Round Table to the Sustainable Development Co-ordination Unit and the relationship of the Co-ordination Unit to Executive Council. We have no such schematic in the strategy to show us how the organizational structure is going to be put in place for this. So why are we considering this bill before we even have that?

In conclusion to the second point I make is that the proposed amendments to Bill 43 do nothing to address the fundamental weaknesses in the Act. In fact, it further weakens a policy area which is urgently in need of strengthening. It will be a challenge for the Minister and for all of us.

Part three, and that is to deal with public complaints. There are no recorded complaints from the public about the Manitoba Environmental Council. Indeed, the public appears to have had confidence in MEC over time as demonstrated by their ongoing tendency for the members of the public and various interest groups to approach the Manitoba Environmental Council. They feel it is a very approachable body to bring their concerns to.

As a volunteer organization, MEC is certainly not a drain on the public's Treasury. There is nothing allocated to it whatsoever in the current budget. Quite the contrary, it provides valuable intellectual resources to the Government free of charge, and as Diane Malley pointed out to me, it also keeps the Minister's pulse acquainted with the pulse of the public. It is an important body as a go-between between the public and the Minister if the Minister wants to make it such.

So what is the rationale for disposing of this valuable body? We have not seen any. So we have to ask the question: Is it ministerial convenience? If it is, then what about the public interest. Government is supposedly here to serve the public interest. As Nick Carter suggests in his documentation, we are likely to hear that

government is taking pains to submerge public criticism, and I do not think any government wants to be viewed in that light. So clearly this bill, in summation, is not a response to a public interest issue.

Finally, my conclusions are that this bill should go no further until very careful reconsideration of its merits have taken place. Future amendments should deal with meaningful and rational strengthening of the legislation rather than meaningless tinkering with existing legislation for political purposes. That is the end of my presentation.

**Madam Chairperson:** Thank you for your presentation, Ms. Common-Singh.

**Mr. Larry Maguire (Arthur-Virden):** Thank you very much for your presentation, Ms. Common-Singh. Certainly I think the comments that struck me most in your salient points in regard to part two, you were talking about that this process had been breached by the government of the day. Can you elaborate on—

**Ms. Common-Singh:** You have a letter which cites every article of the legislation that had been breached and how it had been breached.

**Madam Chairperson:** I am sorry. Ms. Common-Singh, you have to be recognized for your mike to be on.

**Ms. Common-Singh:** I am making the same mistake as the Pork Council. I am sorry.

In answer to your question, Mr. Maguire, there is a letter attached to my presentation which articulates everything, every way in which the Government has breached its legislation.

Consistent with my fears in 1997, the legislation is unclear. It does not give proper direction to government. It was predictable that this would happen, and it has happened. That is my point. I am not trying to say anybody has been bad or deviant. I am trying to say we have to rethink this legislation. We have to strengthen it. We have to do whatever we can together to work with what we have. It could be repealed; it could be radical amendment, but the legislation, as I have stated, has little meaning hanging there



in limbo without being attached to some hard law section.

So the Government is going to have to decide what it wants to do with the fragmented piece of legislation that we have which is not tied to any regulatory or assessment mechanisms.

**Hon. Jon Gerrard (River Heights):** My first question. You have been a member of the Round Table. When did you cease to be a member of the Round Table?

**Ms. Common-Singh:** I have had no notification about whether or not I still remain on the Round Table. We have tried to press for an answer on the issue of the Round Table since last fall because there were important Round-Table initiatives on the table in the fall that have not been carried forward to date. So I have no idea where I stand. I would imagine that, given the nature of my presentation, I am no longer on the Round Table. I am quite sure of that.

**Mr. Gerrard:** But your experience on both the Round Table and the Manitoba Environmental Council is clearly significant. The comment that Barrie Webster makes, eliminating the Manitoba Environmental Council, is, at best, short-sighted. Combining it with the Round Table would demonstrate a lack of understanding of the requirements of current legislation and the need for strong environmental leadership in Manitoba. Would you comment on that?

**Ms. Common-Singh:** I agree totally with Doctor Webster's comments. I think, as I said in my own presentation, we need strengthening of both bodies rather than a fragmentation and an elimination of one body that is very different from the other body. We should be building bridges between these two organizations.

Having served on them both, I was one of the people that pressed for building bridges between the organizations that would assist government in a more holistic way in creating good policy which represents the public interest.

**Mr. Gerrard:** Could you just expand briefly on the different role that the Manitoba Environmental Council has and the Round Table

on Sustainable Development as an example of why it is so important to continue to have the Manitoba Environmental Council?

**Madam Chairperson:** Ms. Common-Singh, and I would remind you there is less than a minute left, please.

**Ms. Common-Singh:** The Manitoba Environmental Council has much more independence from government than the Round Table does. In our experience out on the landscape there, and our experience is pretty vast, because we have done public hearings all over the province, the Council is felt by the public to be the body that is more approachable because it is not seen as connected to politics. So we have been approached many times over, as I said in my presentation, by concerned citizens and interest groups who feel they would like us to build a bridge between them and the Minister to take their considerable concerns to the Minister.

\* (11:20)

We have also been called to their meetings out on the landscape about other issues which are of concern to them. The Round Table has a very different role. It is a very valuable role. They work closely with cabinet, or have worked with cabinet and Executive Council in the formulation of policy, in taking it out on the Manitoba landscape to the various jurisdictions as policy proposals and bringing recommendations back to government.

Government acts on those recommendations. Sometimes we were very disappointed. Sometimes we were very happy with the outcome. It is not the same role. It is a very different role. The Manitoba Round Table also requires a significant budget as a secretariat. The Manitoba Environmental Council wishes it could have the same, but does not; functions very well without it, I would say. Given the nature of our presentation here today, I would think that you would have confidence in our ability to be able to continue.

**Madam Chairperson:** Time for questions has expired. Thank you very much, Ms. Common-Singh.

**Mr. Loewen:** Madam Chair, I think obviously the Committee still has more questions, and I would like to echo my thanks to Ms. Common-Singh for her presentation. I wonder if the Committee would be agreeing to extend this presentation by another 10 minutes, which would still leave us approximately half an hour to deal with the last presenter. We have not yet received any comment from the Minister on this information that we received. So I guess I am asking for leave to extend this presentation time for 10 minutes.

**Madam Chairperson:** Is it the will of the Committee to extend presentation time for this presenter?

**Mr. Mervin Tweed (Turtle Mountain):** Madam Chair, again, I think, with the time that we have available, it is an important piece of legislation. I think that if there are further questions, an additional 10 minutes, we have saved on the few that have not been here today already, so I would suggest we ask for another 10 minutes.

**Madam Chairperson:** I would like to inform the members that there has been one more speaker added that will be registered this morning, that you may not be aware of, to take into consideration. Is it the will of the Committee?

**Floor Comment:** Leave is denied.

**Madam Chairperson:** Leave is denied.

Before we proceed to the next speaker, with regard to the written submission from Mr. Richard Howard, does the Committee grant its consent to have this written submission appear in the committee transcript for this meeting?  
*[Agreed]*

I will now call upon Dr. W. J. Turnock, from the Manitoba Environmental Council. Do you have written copies?

**Floor Comment:** They have been distributed.

**Madam Chairperson:** Oh, they have been distributed. Please proceed with your presentation.

**Mr. W. J. Turnock (Chair, Manitoba Environmental Council):** Am I on?

**Madam Chairperson:** You are on.

**Mr. Turnock:** Before I start, I just received last night a copy of an article, which you have appended to my talk, by Mr. Sidney Green. This article was published in 1989, and describes the background and functions of the Manitoba Environmental Council up till then. I think it would be well worth your reading, particularly the part on the second page, which is actually labelled page 4, which starts out, it is circled in pen, "I am a firm believer that governmental authority has to be under constant pressure from an enlightened citizenship. Therefore, we started an Environmental Council." Incidentally, the Environmental Council that exists in Manitoba is unique in this country.

I will not take any further time on that, but, as you might guess for those of you who knew Mr. Green, it starts with a lawyer's joke and ends with something similar.

Now, then, we have for years urged government action in legislation to ensure that current policies and developments do not compromise the future. What I am speaking to here is our current functions and some of the problems that we foresee related to the Bill in front of us.

Recently, we advocated revisions to The Environment Act and completion of The Sustainable Development Act to provide the policies and guidelines for future development. The task is difficult, as Ms. Common-Singh has indicated. In addition, Manitoba will be breaking new ground as it progresses in this area. Developing these new approaches will require careful consideration and wide consultation.

The COSDI report is a significant beginning, but not the end of the road. Unfortunately, Bill 43 does not reflect the level of consideration that the task demands. Others will speak from different aspects, so I will limit my comments to a description of the mandate and activities of MEC and the failure of Bill 43 to transfer important aspects of this mandate to a reconstituted round table.

Under The Environment Act, the MEC is appointed by the Minister, and I quote from section 8(1): "to provide advice and recommendations on environmental matters, promote environmental awareness, and provide assistance in the development and presentation of environmental education..." To fulfil this mandate, section 8(4): "The council may on its own volition conduct an investigation into any environmental matter, except a matter involving the gathering of evidence to determine whether . . . a specific proponent is complying with the provisions of this Act and the regulations, and advise and make recommendations . . . to the minister."

These provisions have not significantly changed since the MEC was legislated into existence in 1972. Currently, the MEC, with the knowledge and at least tacit approval of many ministers, has interpreted the mandate to promote environmental awareness to include openness to the public about the information and recommendations given to the Minister.

In the last decade, each minister, including the Honourable Mr. Lathlin, has agreed to the following statements about the relationship between the Minister and MEC: (1) Statements by the Minister to MEC shall be kept confidential by the members unless the Minister specifically says they are public; (2) information and recommendations provided by MEC to the Minister will be regarded as public; however, all such communications shall be given to the Minister before it is made available to the public.

Such arrangements are essential to ensure the continued activity of the members who are willing to volunteer their expertise and time. These members have extensive contacts in the scientific and environmental communities, and these contacts would be much less willing to provide information if they thought it was to remain confidential.

I have a list of the members of the Council at the present time. We are short a few at the moment. It is hard to have all the contacts that you would like to have unless you have a few more members. They are a nice interdisciplinary mixture of technical expertise and community concerns.

As to Bill 43, in a letter from the Minister to myself dated July 5, 2000, and this is appended, the Minister stated: legislation is being tabled which will expand the role of the Round Table to include the important role the MEC has played for many years. Bill 43 does not transfer to the Round Table all of the important aspects of the role of MEC. These aspects have been crucial in enabling this group to fulfill its functions.

Firstly, there is not a statement of the intents and purposes of Bill 43, nor a full statement of the revised mandate of the Round Table. The mere addition of the advisory functions of MEC to the existing ones of the Round Table will not sufficiently expand its role. In particular, the absence of any mandate "to promote public awareness" will limit such activities to those approved by the cohort of cabinet ministers on the Round Table. We recognize the need of governments for confidential advice, but they and the public should also have access to information, advice, and recommendations that are independent of government.

\* (11:30)

Secondly, a major component of the important role the MEC has played for many years has been its independence. This has enabled it to initiate inquiries and provide information advice on any matter within section 8(1) on the basis of a decision by MEC members independent of ministerial or government approval. Our investigations have led to inputs that have included helpful information and to comments either supporting or criticizing aspects of policy and process. Our advice usually emphasizes the need for open, consistent and fair treatment of the proponent and the public within the laws and regulations and with consideration of sustainability. Without independence the advisory body loses its credibility with two important consequences. One, as an arm of government its actions are regarded with public skepticism. Secondly, persons with necessary expertise and contacts will be reluctant to participate. A good advisory body should not be politically connected.

The Round Table proposed in Bill 43, although it has a similar mandate to conduct studies and investigations, would not be able to

do so independent of government. The inclusion of at least five cabinet ministers in the round table membership will strongly bias the selection of topics for investigation to those approved by government.

A final recommendation, since Bill 43 is premature in changing existing agencies before setting the framework in which they will work, we believe that action on this bill should be delayed until the new framework for sustainability has been developed.

*Mr. Vice-Chairperson in the Chair*

We believe that an independent group advising the Minister and the public will be necessary to work with the policy-making and regulatory agencies and commissions that will bring sustainability to Manitoba.

With regard to getting rid of things before you are ready to move on, I believe all of you living in Manitoba are familiar with the actions with relation to hospital beds in Manitoba of some years back where a large number of beds were closed before the facilities to hold the perennially ill in convalescent homes were ready to take them. I think that is a fair analogy with this bill. Thank you very much.

**Mr. Vice-Chairperson:** Thank you, Doctor Turnock. Are there any questions of the committee members for the presenter?

**Mr. Gerrard:** Thank you for your presentation. I would ask specifically about clause 2(2) in this bill, which provides or transfers from the Manitoba Environmental Council to the Round Table the powers to conduct studies and investigations and advise and make recommendations to the Minister on matters related to sustainable development.

Now, in that clause it goes on and has a specific exclusion. That specific exclusion is for other than matters involved in the gathering of evidence to determine whether or not specific persons or bodies are complying with the provisions of this act and the regulations. I would ask for your comment as to whether that may significantly hamper the ability of the Round Table to look at a variety of

environmental matters since The Sustainable Development Act contains a fairly broad representation of dealing with environmental matters.

**Mr. Turnock:** I would almost have to consult my lawyer on that one, but as I interpret that the use of the term "evidence" is in the legal manner. In other words agents of the former Department of Environment and now Department of Conservation have certain powers under various acts to gather evidence that may well be used in court cases regarding proponents' actions. I at least have regarded that particular formulation, which occurs also in the previous act, in The Environment Act, and is being transferred over as meaning, well, bluntly, the group should stay out of the legal process.

**Mr. Gerrard:** It would be a significant concern if it applied more broadly, would it not?

**Mr. Turnock:** Yes, I believe it would. The line sometime might be somewhat difficult to see. In other words, does bringing to the Minister's and public's attention a complaint from a neighbour about an infraction of one of the acts, does that mean that you are gathering evidence under this exclusion? The point has never arisen.

**Mr. Gerrard:** I would like to have you comment, as well, on the submission by Barrie Webster that eliminating the Manitoba Environmental Council is, at best, short-sighted and combining it with the Round Table would demonstrate a lack of understanding of the requirements of current legislation and the need for strong environmental leadership in Manitoba. Your presentation would appear to be in general agreement with that statement, would it?

**Mr. Turnock:** Yes. You have already heard from Ms. Common-Singh who is very familiar with both groups, and Barrie Webster incidentally has been a member of the Clean Environment Commission for a number of years and is on the newly reconstituted one and is equally familiar. There have been various proposals that could have been available to the Minister as to ways in which the structures of all three of these bodies, which have some interlocking but still very different functions, might be more rational. The combination of

MEC and the Round Table, as it stands at the moment, is not—it just does not seem to work too well. Their mandates just are not similar enough.

**Mr. Gerrard:** It is not clear to many of us why the Government would eliminate the Manitoba Environmental Council and try to put it under the Round Table or within the Round Table, and you have provided rationale for why it should not occur. There is no rationale in this act. It is a surprising move by this government. It would seem to stifle, as it were, the ability to promote public awareness, and it would, at the same time, stifle public criticism of government would be essentially some of your comments or the implications. Is that correct?

**Mr. Turnock:** I am always very careful about dealing with anybody's motives, since I sometimes have trouble with my own. I have no idea what the rationale for this bill is. The Council was not consulted prior to or on any aspects of it. No, I think you have to look at the evidence that has been provided by various people and draw your own conclusions.

**Mr. Jim Penner (Steinbach):** Doctor Turnock, thank you for the information, and it is just most helpful going into the meetings in Steinbach today. I would like to say to you that I recognize the fact that you would not discuss the rationale behind this bill, but very often we have found that a bill resulted from some incident or some happening or some concern. Can you help us identify what triggered Bill 43?

**Mr. Turnock:** I am afraid not. We were first apprised of this on, I believe, the 30th of June. This was the first we heard that the Bill was imminent. The Honourable Minister called us in and told us what was going to happen. We did not receive a copy of the Bill until a letter from the Minister to each of the members of the Council dated July 5. So we received it one or two days thereafter, depending on the post. No, I cannot really help you.

\* (11:40)

Just one comment. Over the long history of the Council, various ministers have had, often, very good reasons for being annoyed at the Council. I believe Mr. Green stated it beautifully

at the end of the article that is appended. In it he said: The Council will continue to do crazy things and ministers will continue to do crazy things, so there will inevitably be some conflict between them. One hopes that this conflict does not lead to rash acts.

**Mr. Jim Penner:** I look at the list, Doctor Turnock, of the current members of MEC, and I note their qualifications. Reference was made that it was not necessarily scientific evidence that you were promoting. Would you not suggest that there was adequate scientific evidence provided in your research?

*Madam Chairperson in the Chair*

**Mr. Turnock:** If I might cite just one example that occurred in the last two months, a contact of mine in the water contamination area brought to my attention a rather obscure article on the source of phosphorous in the Red River and its sources. He passed it on to me, knowing that this was for the Minister's use. I provided the Minister with the reference with a statement regarding the fact. I can remember that approximately 50 percent of the phosphorous load of the Red River enters before the Red River reaches the international boundary. I mean, that is one example. It is hard to give a general example on that. There is a good specific one for you.

**Mr. Maguire:** Doctor Turnock, thank you very much for your presentation. You have indicated the present members, and there are all these present members. Have they been ratified? I mean, these were the members of the Environmental Council now. Have any of them been reappointed to the Round Table or amalgamated into that round table process?

**Mr. Turnock:** I have received, as chair, no official indication that any or all of us have been appointed to the Round Table.

**Madam Chairperson:** Mr. Maguire. One minute, please.

**Mr. Maguire:** So your last, I believe, earlier if I did not catch it—have you as a Manitoba Environmental Council then met with the Minister?

**Mr. Turnock:** We have not met with the Minister since, I believe, the 30th of June when he announced to us that this amendment was coming in. We did not discuss this at any length because we had not yet seen the amendment, and no, we have had no formal contact with the Minister since then.

**Mr. Loewen:** I also thank you, Doctor Turnock, for your presentation. I noticed in Ms. Common-Singh's presentation that she talked about creating independent watchdogs. I am wondering if that is something that your council has discussed or if there has been any attempt to look at the number of positions that would be required and whether you saw those as positions that would be funded by government through the Council or just if you had any thoughts on that process.

**Madam Chairperson:** The time for questions has expired. Is there leave for Mr. Turnock to finish the answer? *[Agreed]*

**Mr. Turnock:** I shall be brief. We have never really thought of ourselves as watchdogs. Our mandate is to advise the Minister and public on matters of environmental concern. It turns out in some cases these matters of environmental concern can be interpreted as a watchdog function. As to how one would change our mandate so that we were able to do the functions of watchdog, ombudsman or whatever, I really am not competent to comment. It is quite a different function. Your focus then changes.

**Madam Chairperson:** Thank you very much, Doctor Turnock.

I call now upon Peter Miller. Please proceed with your presentation.

**Mr. Peter Miller (Private Citizen):** Thank you very much. I am speaking as a member of MEC, but it is a personal brief. I have not discussed this with colleagues. I have not discussed it with anyone, really. I only heard about the committee meetings on Friday and had other obligations between then and now and just like other presenters have rather hastily put this together.

The first two points in my outline, the objectives of the Bill and the context, are

essentially from the legislation and a covering letter that were received. The only point that I emphasize there is that in doing away with the Sustainable Development Co-ordination Unit and MEC, all the responsibilities of the SDCU are transferred to Manitoba Conservation. I do not have any reason to object to that, assuming that some kind of an apparatus is in place to do that. However, it says that only some of the responsibilities of MEC are transferred. Then the question is: What is missing? Some of my colleagues who have spoken previously have underscored some of those functions that until now have not been characteristic of the Round Table. Structurally there may be problems given the presence of government members on the Round Table.

Just to look at this in a bit of historic perspective, my involvement began just five or six years ago with the new MEC. I think that environmental and sustainable development initiatives in Manitoba have had broad bipartisan support. I think they are part of Manitoba's philosophy and ideals. I think that both governments can take credit for contributing to that legacy. MEC and the CEC, I believe The Environment Act was created under the NDP previous regime, with the CEC having the more formal function of reviewing proposals, development proposals, and MEC having an advisory, educational, research role to raise the awareness of issues both within government and with the public.

That division of labour is indicated in a clause that was just discussed. The clause in The Environment Act puts an exception to the research that MEC would do, except a matter involving the gathering of evidence to determine whether or not a specific proponent is complying with provisions of this act and regulations. I agree with Bill Turnock's interpretation that that sounds like stay out of the judicial type or quasi-judicial types of proceedings. The CEC is a quasi-judicial body, so that is perhaps more its responsibilities. So there is a division of labour then established.

Now, the Filmon government, the P.C. government, established the Round Table and the co-ordinating unit and developed an extensive array of policies and, towards the end,

The Sustainable Development Act. That, too, is a very important legacy. You could argue that sustainable development is intended to encompass environmental concerns and add a variety of social concerns as well to the mix. Therefore, you could argue that there is an overlap in these concerns, MEC and CEC as explicitly environmental, although recent CEC hearings have had as their criteria for assessment all the social principles under the sustainable development policy as well.

\* (11:50)

There are problems that arise though as to whether it just sort of subsumes environmental concerns. One common interpretation of sustainable development, when it came to on-the-ground practice, was that, well, we have to consider the economy along with environment, and very often this was interpreted as some kind of a saw-off. We have to take environmental risks such as siting landfills over fresh water aquifers and the like in order to permit certain forms of economic development. Another interpretation of sustainable development, though, is not the saw-off view that we have a judicious mix of environmental risks but that we change the nature of our economy, that the environmental integrity is fundamental, and then within that constraint we see what forms of economic development are compatible with it. That is the interpretation that I prefer of sustainable development.

Whichever interpretation you use, you have to be aware of what the environmental risks are. You have to be aware of what ecological capacity there is for various developments. Whether you are just creating a saw-off, assuming certain environmental risks for economical development, or whether you are building on sound environmental constraints, in either case you have to be aware of the environmental risks and hazards. So I think it is absolutely important to have a continuing system in which issues can be flagged and investigated and raised. These can be specific issues related to particular industries or industrial developments or issues of the way government in society works or policy and structural sorts of issues. It seems to me that that is what the Environmental Council has been doing.

I do not see that role as duplicated by the Round Table, because the Round Table has so far stuck with the formulation of policies, general principles, and guidelines without testing them out in terms of performance, what actually happens. So I think there is a real danger of a credibility gap if you no longer have an issue-oriented approach in which you can flag items of concern, raise them to government, raise them to the public.

In the glory days, MEC had up to a hundred members, and I have, attached to my brief, a handout which indicates some of the provisions under the by-laws of MEC. It had, I count, nine technical committees in different areas. It was intended to be broadly representative around the province. It was intended to establish a broader network even than the up to a hundred members so that many of these subcommittees, then, would be functioning with other experts who were not on MEC. In other words, it brought to bear a wealth of background concern and expertise and systematically pursued issues in a variety of areas.

Now, unfortunately, another bipartisan aspect of sustainable development policy is that MEC has twice been slapped down, and this grand vision of MEC, not vision but the way it was actually operating, was defunded and MEC folded and was greatly reduced in size to a few volunteers without any independent capacity or support resources for research.

Some of the issues that have been developed just since I have been on MEC, landfill policies, the Akjuit spaceport, they are listed there, sustainable development legislation, lagoons and so on. We have either independently looked at these issues or been part of other committees or whatever that have been looking at these issues and have actively engaged them all. You can see from the range of technical committees and the range of issues how very much on the ground MEC's concerns and investigations have been.

I do not think you can see anything comparable from the Round Table. What you can see from the Round Table is a series of policy documents and guidelines, and I think that is a significant achievement. As I see it, the critical issue is will the new round table be

window dressing to legitimize a failure to implement environmental and sustainable development principles or will it be effective in form and public in its deliberations, much more public than up to now, and move beyond platitudes to address issues and solve problems?

I was just given by one of the Minister's assistants a document indicating that the Minister sees implementation as a priority. I think there is general agreement that we have a range of policies, but there is this tremendous gap in credibility between the ideals and the guidelines and what actually happens, and implementation will be key.

Now that requires problem identification and characterization, find out what the best practices are in other jurisdictions, creating best practices here, issue-oriented working groups, investigating things and talking to people, enlistment of expertise in different segments of the public, support for research and publicity to promote public awareness of issues and the principles of sustainable development and possible solutions, and all in all credible discourse and credible information.

Now the revised act broadens that juridical limitation. It is not a duplication of the previous one. It broadens it from not investigating particular proponents to the gathering of evidence to determine whether or not specific persons or bodies are complying with provisions of the Act and the regulations.

So this means we cannot look at boards or other bodies which are making decisions, landfill decisions, whatever, and see have they totally ignored principles of sustainable development or not. So I think this was the point that Doctor Gerrard was raising earlier. Although it sounds somewhat like the previous provision, it is extensively broadened. My question is, if your concern is for implementation and you cannot look at the performance of any bodies, how can you identify the problems and come up with solutions?

\* (12:00)

**Madam Chairperson:** Order, please. As it is 12 noon, is it the will of the Committee to proceed? The current speaker has six minutes left.

**Ms. Marianne Cerilli (Radisson):** Just for clarification, Madam Chairperson, is that six minutes to the completion of his twenty minutes?

**Madam Chairperson:** Yes.

**Ms. Cerilli:** So then there would not be any time for questions, just to let you know. We will, I think, have leave to finish this presentation past twelve, and then we will deal with a few other matters.

**Mr. Loewen:** I am not sure about the process here. So you are saying we are just going to finish up with this presentation. We are agreed to sitting here to finish the presentation, but I think that is all we want to deal with today.

**Hon. Jean Friesen (Minister of Intergovernmental Affairs):** Yes, Madam Chair, I think we had an agreement earlier dealing with the presentation of the Association of Manitoba Municipalities. I just wanted to inform the Committee that I have heard from them and that they have faxed their presentation, which we can leave with the Committee at this stage, when this part of the session is finished.

**Madam Chairperson:** Mr. Miller, please continue.

**Mr. Miller:** All right. Well, let me be very brief in finishing up. We need our own power to investigate, whatever successor to MEC needs that power. Otherwise, it cannot do its job. I worry that the limitation is too broad, opens itself to very broad construals which would prevent investigating performance of public bodies in achieving principles of sustainable development.

I think the idea of being more open and transparent is characteristic of MEC, not necessarily characteristic of the Round Table. I would agree with my colleagues that the amendment is premature until these various different functions, different roles, different capacities, and different public presence of MEC have been dealt with satisfactorily. Whether that can be done in an integrated fashion, I do not know. I have not had enough time to think about it. Thank you.



**Madam Chairperson:** Any questions of the presenter?

**Mr. Gerrard:** You have clearly articulated the need for an environmental watchdog. I should say thank you for an eloquent presentation. Maybe you could explain a little bit more why the Clean Environment Commission could not be that watchdog as an adjunct to what you have already told us as to why the Sustainable Development Round Table would either have to be changed or altered if it were to function in a watchdog way.

**Mr. Miller:** Well, I think you have to look at both what is provided in regulation and law and what has actually been done in practice. In practice, although I think the CEC does have some independent ability to conduct inquiries, I do not think it has ever done it. In other words, it has only dealt with matters referred by government under the sections of The Environment Act dealing with major developments.

**Mr. Gerrard:** One of the areas that you looked at were federal initiatives like CEPA and national park proposals. This is a rather interesting role of the Manitoba Environmental Council, to comment or provide advice to citizens and to the Government of Manitoba about what is happening at the federal level. Do you want to comment on that, whether the Round Table, as it is constituted, could cover that role.

**Mr. Miller:** Well, I guess advice can be given to anyone. What response is made to it is another question, but we have taken, as our area of concern, any environmental matters pertaining to Manitoba which might pertain to things that occur on the Manitoba landscape or to more global things like the global warming issues.

**Mr. Gerrard:** Just a final question deals with your reference to the global warming issue and to what extent you see that the Sustainable Development Round Table versus the Manitoba Environmental Council could provide important perspectives on this issue.

**Mr. Miller:** Well, I suppose the Round Table has worked through subcommittees. Now these

have been more central policy subcommittees rather than related to particular issues. I am a little vague on the operations of the Round Table because they are not well publicized except for the—that is, the inner workings are not well publicized, just the conclusions that come in the form of these policy documents. So I do not know if the Round Table has looked at things like harmonization, has looked at global warming, has looked at protection of ecosystems other than at the general statement level.

**Madam Chairperson:** Any other questions? Thank you for your presentation, Mr. Miller.

With regard to the written submission from the Association of Manitoba Municipalities—

**Mr. Loewen:** Madam Chairperson, we are past the time, here. I would suggest this committee adjourn. We can deal with any other issues, as we are going to have to come back together again.

**Madam Chairperson:** Does the Committee grant its consent to have this written submission appear in the committee transcript for this meeting? We also have another presenter just registered. What is the will of the Committee?

**Ms. Cerilli:** Just a question. That presenter is on which bill?

**Madam Chairperson:** Bill 43. What is the will of the Committee?

**Ms. Cerilli:** We had agreed to revisit this question, if we thought we could hear all the presentations today, we would do that. It is not even 10 past 12. I think there is likely time to hear that final presentation, so I think that, rather than have people come back again another day, we could just carry on.

**An Honourable Member:** Agreed.

**Mr. Loewen:** Well, we have imposed upon AMM because they would have rather been here to present. Due to lack of communication, they were not given the opportunity. So we are well past 12. When we talked about an earlier agreement, it was to allow someone to finish off. We have done that past 12. We should adjourn

now and have the Committee reconvene at an appropriate time.

**Madam Chairperson:** What is the will of the Committee?

**Ms. Cerilli:** Madam Chairperson, we did not agree to adjourn. We agreed to revisit it and decide if we could finish the presenters by the end of today, and I think we could do that by 12:30 if we started now, and we would still have plenty of time before the House reconvenes at 1:30. So, rather than making people come back again another day when they are already here. I would recommend that we carry on with the presentation.

**Madam Chairperson:** Is it the will of the Committee to hear the presenter?

**An Honourable Member:** No.

**Ms. Cerilli:** Yes, and just in response to the comment made by Mr. Tweed, we can also agree that this will be the last presenter, and that we will not have anyone else walk onto the list now. We already agreed to have the AMM presentation read into the records. So that one is taken care of. So let us accommodate the members of the public that have come here today, and already sat in this steaming room once, and let us hear the presentation.

**Madam Chairperson:** There appears to be no consensus. We need a motion.

**Ms. Cerilli:** I move that public presentations on Bills 43 and 35 be concluded by this committee, today, after hearing one last presenter.

**Mr. Tweed:** I guess then, the Member is saying that if another person comes in during this presentation, he will not be allowed to present, cutting off debate.

\*(12:10)

**Madam Chairperson:** The motion is in order. Is the Committee ready for the question?

**Mr. Loewen:** Just on that motion, and just to put the comments on the record, we agreed to allow any presenter that was here, close to noon, to

finish off. We have heard earlier this morning and we have allowed that. It is now well past twelve o'clock. We have heard from AMM, that they were notified of the wrong date, and would prefer to be here tomorrow morning or the next time this committee could be reconvened. It seems to me it would be easy for us to accommodate that. We have also heard from a number of presenters that have given very excellent presentations, but have commented that they were not given very much notification that this committee would sit, and that there were others, given more notification and more opportunity, that would be willing and glad to come before this committee and give some presentations.

So I am at a loss to understand, other than for obvious political reasons, why the members opposite are so bent on ensuring that this is a last presenter. Certainly, there is no need for this committee to shut down debate, and not allow other people who want to come here. Even AMM—who we have previously agreed, we would accept a faxed copy, I am sure, from discussions with our House leader—have stated, they would prefer to be here. There are other presenters that have not received much notification, that would prefer to be here. If the objective of the members opposite is simply to hear out this presenter, today, for that presenter's convenience, I do not have any objection for that. But it is obvious that that is not their intention; that their intention is to close debate, and to shut down the opportunity for anybody else to present before this committee. Again, the only thing I can think of is this committee is going to have to reconvene at any point to deal with this bill. The only purpose that is served by shutting down the opportunity for other people to present is for the convenience of the members opposite.

So I would suggest that we amend that motion to reflect that we will stay and listen for the presentation of the presenters that have identified themselves, and give opportunity for others to come to the next committee meeting and to speak to issues they may have with either of these bills.

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

**Mr. Harry Enns (Lakeside):** Madam Chair, I simply want to support the comments just put on the record by my colleague Mr. Loewen. I apologize that I was occupied earlier this morning and was not here for all of these sessions, but I am well aware that on Bill 35 there is considerable further interest in the matter and several of the individuals who I thought would be making presentations are not here today. I also understand, just from talking very briefly with my colleagues since arriving at the Committee, that there has been a mix-up and a jumble about the date. Some presenters were given wrong information as to when—

### Point of Order

**Ms. Cerilli:** On a point of order, Madam Chairman. I just want to clarify a few things for the Committee. The way that we run these committee hearings has been the same practice for a number of years, the 10 years that I have been here and certainly the maybe 30 years that the Member opposite has been here. The Committee is called at the discretion and agreement of the House leaders. All members of the Committee for the caucuses were notified. It is unfortunate often that members of the public are not given the kind of notice that they would like, but that has not changed since the Member opposite speaking was a minister. The members agreed that this would be the time for hearing the presentations.

Further, on the point of order, at the beginning of these hearings, the members agreed that we would complete all the presentations and if possible even get into the clause by clause today, so we now are dealing with a motion before the Committee that would see us hear one more presentation and then adjourn for the day. We will then hear clause by clause in a subsequent meeting. I do not know what has changed since the beginning of this meeting, but that is what the members opposite agreed to at the outset at ten o'clock this morning.

**Mr. Enns:** On the same point of order, Madam Chair, with the greatest respect to the respective House leaders both on the Government side and on my side, their job is to schedule the committee meetings. It has been a long tradition, as the Member for Radisson alluded to, that we,

the committee members, decide our own rules. We decide when we sit, we decide when to adjourn. We have decided from time to time to limit presentations. We, in other words, make the rules about how we conduct our affairs at this committee. House leaders have no say in that. They simply schedule the date and time of the Committee, and that is a well-established rule. So I think it is entirely in order for this committee to do as we are right now, discussing, No. 1, an appropriate time for adjournment, and No. 2, to act on that.

**Madam Chairperson:** I thank both the members on the point of order. There is no point of order.

\* \* \*

**Madam Chairperson:** Is the Committee ready for the vote?

**Mr. Enns:** No, Madam Chair. I was interrupted by the raising of a point of order, and I would like to carry on with my comments on the motion for adjournment.

There has been, and I do not fault anybody—we are moving towards the end of a long session and it is high noon in Manitoba as we enter into the August days, and mistakes can be made. Apparently there was a legitimate mistake made in the scheduling and the notification of potential presenters to the bills that we are considering. People thought that this committee was meeting tomorrow. Others were here.

Under these circumstances, I do not think it is unreasonable at all that members of the Opposition are requesting that we adjourn at this stage. The Committee has worked diligently this morning, possibly a few more presenters to be heard, and I want to put it clearly on the record that if the government members choose to shut down the Committee at this stage, they are doing it deliberately so as not to hear from citizens of Manitoba who wish to make presentations to this committee on these bills.

**Madam Chairperson:** Any further comments?

**Mr. Stan Struthers (Dauphin-Roblin):** Madam Chair, the agreement at the outset of this

committee, after our House leaders had decided on which day we were meeting, has been that we would hear the presenters today and possibly even hear clause by clause. I think, Madam Chairperson, my advice would be that we do hear the one remaining presenter and then adjourn. That is just my advice to the Committee.

### Point of Order

**Mr. Enns:** I now do have a very serious point of order. I mean it would be a very, very dangerous precedent to set, that House leaders who are not here to hear presentations, who are not here to hear the general public, are setting down rules about how this committee or any other committee conducts itself. That is entirely uncalled for, and I would be very concerned about that.

**Ms. Cerilli:** To clarify for the member for Lakeside, we are not saying that they are setting the rules, and you know that. All that we have said, and I said when I made my comments a moment ago, was that they set the time, because members opposite were saying that there was some confusion about when the Committee was going to hear, so let us have the question.

\* (12:20)

**Mr. Enns:** I will withdraw and apologize to honourable members opposite, but I understood that I heard from both Ms. Cerilli and Mr. Struthers that there had been some sort of pre-agreement reached by House leaders that we were going to conclude all presentations today and get into the Bill clause by clause.

**An Honourable Member:** No.

**Mr. Enns:** Well, if that is the case then I stand to be corrected and I withdraw my—

**Madam Chairperson:** Order, please. On the point of order, there is no point of order.

\* \* \*

**Madam Chairperson:** Is the Committee—

**Mr. Loewen:** Madam Chairman, just to clarify for the record. At no point did we agree that when we arrived at twelve o'clock we would finish the presenter that was here and make that the final presenter. What we agreed was that for the convenience of the Committee and at that time a number of the presenters were not on the list.

A number of presenters have registered before this committee as they are entitled to do and as we should allow them to do, and what we agreed to at the time was that, for the convenience of a presenter, we would not shut off debate at twelve o'clock. We would continue to work past that allotted time, and I am not sure of the Member for Radisson's words, exact words. We will check that in Hansard, but it was to the effect for a brief period to allow a presenter to not be inconvenienced by being cut off at exactly twelve o'clock and having to come back to complete their presentation. We have allowed the presenter to finish, we have allowed the Committee to question the presenter, and now I believe, according to our agreement, we should adjourn the Committee and reconvene the Committee, hopefully at a time when proper notification can be given and hopefully at a time when AMM, if they so choose, would have the opportunity to come and speak to their presentation, which, as I mentioned earlier and we were told earlier, it was their preference to be here. Unfortunately, they were not, but again, just to reiterate, there was no agreement, and never intended to be any agreement that at twelve o'clock we would cut off presenters, and so I think it is important to clarify that for the record and hopefully this committee would agree to let the House leaders call a committee, reconvene at a time that is convenient both for the Committee and for the presenters and hear the rest of the presenters to this bill and if there are any others for Bill 35, to that bill as well.

**Madam Chairperson:** Is the Committee ready for the question? The question before the Committee is as follows: I move the public presentations on Bill 43 and 35 be concluded by this committee after hearing one last presenter. It was moved by Ms. Cerilli. Shall the motion pass?

**Some Honourable Members:** Yes.

**Some Honourable Members:** No.

**Voice Vote**

**Madam Chairperson:** All those in favour of passing the motion, please say yea.

**Some Honourable Members:** Yea.

**Madam Chairperson:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Madam Chairperson:** In my opinion, the Yeas have it. The motion is accordingly passed.

\* \* \*

**Madam Chairperson:** I now call upon Ken Emberley to present on Bill 43.

**Mr. Ken Emberley (Private Citizen):** Ladies and gentlemen, my sincere appreciation and gratitude for your courtesy.

**Madam Chairperson:** Mr. Emberley, do you have written copies?

**Mr. Emberley:** I do not have written copies. I heard about the meeting five minutes ago when I stepped off the elevator and peeked into the room to see what was going on. When I saw the four speakers, whom I have worked with for 20 years, some of them, I said, I am going to go in and beg on hands and knees, and thank you. I have no written presentation, a verbal one.

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

**Mr. Emberley:** I first became interested in sustainable development when Grant McEwan [phonetic] was our Dean of Agriculture in 1945. He just died recently. I studied in the Canadian Environmental Network since 1981 sustainable development. I went out to John Diefenbaker's lake for the first meeting. I sat with Dr. Andrew McPherson, the Regional Director General of Environment Canada, and Dave Brower, the founder of the Friends of the Earth. I met him four times since in Ottawa, in Managua,

Nicaragua, and at Hecla Island. I have been studying sustainable development for 40 years.

"Sustain" means to nurture. Does any mother know what it means to nurture her family, her child? Does any farmer know what it means to nurture the farmland and the farm? Does any Aboriginal person know what it means to nurture the wild community that can provide him food and a place to live? That is sustainable development.

Every part of the world had sustainable development until we got Christian capitalism. Ten years ago one person in five in the United States lived in poverty. Ten years of Christian capitalism means one person in four lives in poverty. Not one in five, but one in four. It has increased. In Canada ten years ago one child in seven lived in poverty. Ten years of Christian capitalism, in the tenth year of the great depression of 1990, one child in five in Canada lives in poverty, not one child in seven.

Those are the people that have been publishing hate stories on the front page of the *Free Press* for the past two weeks about Gary Doer and Ms. Barrett and her legislation to try and raise the minimum wage of the poorest people in the country. We have had three five-year periods: '85 to '90; '90 to '95; '95 to 2000. First we created 73 000 new millionaires, then 123 000 millionaires, and then 167 000 millionaires. The *Free Press* said we are going to create 225 000 new millionaires in the next five years by the year 2005, provided we can prevent the dirty, rotten, corrupt people from raising the minimum wage. If we can keep the minimum wage low, that is unsustainable development. That is Christian capitalism.

Now, in 1968, Martin Luther King was murdered in the States by the government and the FBI and the police when they took the security guard off his balcony because the next morning he was going to lead a peaceful march to Washington and ask them to raise the minimum wage for poor blacks.

Nelson Mandela, in a prison cell, bullied the white government of South Africa, and they let him out of prison, let him be elected president of

the country, a white country, and five years later he retired still alive, and he is still alive today.

Martin Luther King has been buried with the hate and hate and hate. Think of it. In 1968 the blacks were still semi-slavery in the United States. That is 20 years after we finished burying Adolph Hitler, and the United States was treating blacks in the States exactly the same way that Adolph Hitler treated the Jews. In 1968. That is Christian capitalism and what this crazy government is trying to do is bring a speck of humanity and compassion which we had during the 1960s and '70s. That is sustainable development. You sustain and nurture the community of farmers living on the land.

The Eco-Network has had two farmers' conferences, and at the last one we heard of two old farmers that were persuaded to sell their farm at half price and three organic farming families took over one big farm. The farmer sold it at half price because he was so thrilled that there would be three families living in the emptying countryside, and they said if you will stay on your own farm and your own land, we three new farmers will feed you free if you let us buy your farm at half price. We have a secret, not Monsanto, Monsanto wanting to increase world-wide poverty by genetically engineered food will interfere with every country in the world where the peasants, all the peasants, invented their own foods that suited the stomach, suited the climate, suited the soil. They have 40 varieties of potatoes for 40 levels up the side of the mountains in Peru. Every country in the world can feed themselves with natural foods. There is no problem if they are allowed to own a little speck of three acres of land. Every country in the world can feed themselves.

\* (12:30)

The only thing that prevents that happening is the excessive consumption of energy and the controls of political controls on the farmland that drive farmers off the farmland to be unemployed, union-hating workers in the city. That is what sustained North American industry, every technological advancement in farming in a hundred years pushed farmers off the land, pushed them into the city where they worked for low wages and paid rent, paid taxes, bought

food. They could have lived on a smaller scale on their own land, but they wanted technological advancement.

Our biggest technological advancement was going to build "Star Wars" or we are going to fly to the moon, we have space rockets and we are poisoning our whole countryside. Do you not know what that means? Have you never gone out and sat and talked to a farmer? Have you ever seen on Prairie Public Television the stories of people talking about how they love the land and care for the land?

The farmers in Manitoba buy fertilizers, herbicides, pesticides, insecticides and on page 55 of the new *Alive* magazine is a story that there were five times as many germs invented last year that are resistant to every antibiotic, five times as many germs have developed this year as five years ago, and our whole agricultural system is based on feeding dead animals to animals, going around the world outbidding poor peasants to buy protein to feed the animals. We used to raise them on grain. An Indian peasant walking his ox on three acres of land, when he harvests his rice, the rice has inside it five times as much calories of energy as he and the ox spent to produce the rice crop. That is sustainable.

In the United States high technology industry it takes one calorie of energy to manufacture one calorie of energy in the harvest. When you take all the crops in the whole of the United States, it is the most energy-intense agriculture in the whole world, and they can only feed 5 percent of the rich people in the world.

Thank you so much. I beg of you, think about what that means. You do not need high technology to nurture the community and the people. That is all it is.

Charles Caccia is a friend of mine. When he had his last meeting here five years ago, he asked me to sit between him and Arthur Hanson while he heard all the environmentalists in Canada come and present their concerns.

We want the Aboriginal people to have a chance to own some of their own land. How many times in the last 30 years has the

Government of Manitoba offered to pay the interest on the money the Aboriginals are owed. All the northern flood committee people—imagine every year if they had received a cash payment of the interest they were owed because the Government of Manitoba kept the cash and spent 10 years, 20 years bargaining with them to give them a settlement of no substance. Just think if every single year the Manitoba government had to pay interest on the money they owed the Indians. Now, that would have sustained the Indians, and you would not have the same number of diabetes and obesity.

If you want to see advertising, go and stand somewhere and see a giant Coke machine and a giant Pepsi machine outside the building. To produce slim men and women; sugar and soft drinks makes people slim. Calories and junk food make people slim. Did you not know that? Well, something is wrong somewhere. Just think how many millions of those giant soft drink containers suddenly appear all over the whole of North America. That is unsustainable development. Thank you, thank you, thank you for your courtesy.

**Madam Chairperson:** Mr. Emberley, could I just clarify the name of the company, organization?

**Mr. Emberley:** The organization to which I belong? I belong to the Canadian Environmental Eco-Network, which is the organization that Wayne Neilly asked me to join in 1980.

**Madam Chairperson:** Did any of the members have any questions?

**Mr. Emberley:** It was funded for seven years by the federal government, and then they said: You dirty rats do not deserve any money because you oppose every policy, and they cancelled our funding.

**Madam Chairperson:** Mr. Gerrard has a question of you, Mr. Emberley.

**Mr. Gerrard:** The Bill that we are looking at would terminate the Manitoba Environmental Council. Did you say you support or you oppose this bill?

**Mr. Emberley:** I served on the Manitoba Environmental Council for 10 years. I am in favour of a Manitoba environment council that is allowed to have a little bit of democratic concern with the environment. I watched the Environmental Council be crippled. On the 10th anniversary of its founding, the greatest environmentalist in western Canada that held the MacKenzie Valley pipeline hearings was our guest of honour.

Gary Filmon shut the Manitoba Environmental Council down because they disagreed with his policies. We disagreed with the NDP, and they hated us so much they waited two years late in publishing our minutes one of our years, because they could not spare a secretary to type up our minutes. The NDP hated us so much 15 years ago that we were two years late publishing our annual meeting. But they allowed the Manitoba Environmental Council to exist. Gary Filmon destroyed it on its 20th anniversary.

I would like to see a Manitoba Environmental Council that has a speck of independence where the citizens can try to lobby the Government to nurture some of the people and some of the institutions. Many of you have never met a civil servant. I had two brothers; one was a civil servant and one was a civil civil servant. What do you think of that?

**Madam Chairperson:** Are there any further questions? Thank you for your presentation, Mr. Emberley.

That concludes public presentations on Bills 35 and 43, and it concludes the business before the Committee.

**Ms. Friesen:** Madam Chair, does it need to be noted that all members of the Committee have received a copy of the AMM's presentation and that that has been assumed to be in the record? *[interjection]* Thank you.

**Madam Chairperson:** Committee rise.

**COMMITTEE ROSE AT: 12:38 p.m.**

**WRITTEN SUBMISSIONS PRESENTED  
BUT NOT READ**

Re: Bill 35—The Planning Amendment Act

On behalf of the Association of Manitoba Municipalities (AMM), I am pleased to present our Association's position with respect to Bill 35, The Planning Amendment Act. As many of you are aware, the AMM was created on January 1, 1999 as a result of a merger between the former Union of Manitoba Municipalities and the Manitoba Association of Urban Municipalities. The AMM now represents all 201 municipalities throughout Manitoba and this allows us to speak with one unified and strong voice on behalf of municipalities.

I would like to begin by reaffirming our association's support for the expansion of the livestock industry in Manitoba while at the same time ensuring that environmental concerns are addressed. We believe that these amendments to The Planning Act and the Discussion Paper on the Livestock Stewardship Initiative lay the groundwork to ensure that sufficient environmental safeguards are put in place so that the livestock industry can continue to expand in Manitoba.

The livestock industry has played an important role in the economic development of rural Manitoba throughout this province's history, and we believe that this industry will continue to present a significant economic opportunity in the next few years. To put this in context, Manitoba's farmers and rural communities have been hard hit by the combination of the loss of the Crow rate subsidy and low commodity prices. Our rural communities have been forced to look at ways of diversifying our rural economy to ensure that our communities remain viable in the 21st century. The expansion of the livestock industry has provided significant economic benefits to both farmers and rural communities. As our member municipalities are quick to point out, the economic activity generated by this industry has also increased the tax base of municipalities and allows municipalities to provide important services to rural Manitobans.

Another positive outcome from the increase in livestock production is the revitalization of

Manitoba's pork processing industry. This has resulted in many new jobs and other economic spin-offs in our urban centres.

For these reasons, the livestock industry forms an integral part of Manitoba's economy and we must ensure that this industry can continue to play an important role in our province's economic growth.

At the same time, the AMM recognizes that legitimate concerns have been raised about the environmental and social consequences of the expansion of the livestock industry. These concerns include fears over contamination of our groundwater and surface water supplies, the effects of the over-application of manure to our soils, and the odour generated by livestock operations. We realize that public concerns about these issues must be addressed if the livestock industry is to be sustainable in the long term. The AMM welcomes the opportunity to work with the Province, the Keystone Agricultural Producers, and other organizations to develop solutions that will make the livestock industry both economically and environmentally sustainable in the long term.

To this end, the AMM has been working with the government on this legislation and the Livestock Stewardship Initiative. We appreciate the consultation the Province has undertaken with our association on both of these matters. We are supportive of the tone and substance of the Livestock Stewardship Initiative as well as the public discussion paper released for those consultations.

The AMM believes that the proposed amendments to The Planning Act are consistent with the aims of the Livestock Stewardship Initiative and we offer our support for this legislation today. We believe that these initiatives recognize that the livestock industry contributes significantly to rural communities and the economy of Manitoba and provides for a cooperative approach to ensure that the industry grows in a responsible and sustainable manner.

Land use planning is an important component in making the livestock industry sustainable in the long term. The AMM recognizes the importance of municipalities



developing land use plans and joining planning districts.

Eighty-three percent of municipalities are represented by local planning authorities, while the other 35 municipalities have no local or district plan in place. We are encouraged that as part of the Livestock Stewardship Initiative the Province has undertaken to consult with and assist municipalities that currently do not have land use plans to adopt development plans and zoning by-laws, and join planning districts. The AMM has been working with the Department of Intergovernmental Affairs to encourage those municipalities that are not in a planning district to join a planning district and encourage municipalities that are in a planning district to update their existing planning by-laws. We are pleased that the Province will provide financial assistance to assist municipalities in updating existing planning by-laws and help municipalities that currently do not have land use plans adopt development plans.

While the AMM has appreciated the government's commitment to municipal planning, a matter of ongoing concern to our members is the delay on the part of the Province in responding to new and amended development plan proposals. The Planning Act currently does not oblige the Province to take action on a development plan proposal within a specific time frame. Delays in this process can make it difficult for a municipality to undertake development and respond to development proposals on a timely basis. We would therefore encourage the government to respond to development plan proposals within 90 days so that we can reap the benefits of increased municipal land planning.

With the increased emphasis on encouraging municipalities to join planning districts and updating existing planning by-laws, the AMM would like to make the Province aware of the need to increase the number of planning staff within the Department of Intergovernmental Affairs to help municipalities implement these measures. This is also a necessary component as we work to take advantage of the opportunities created by the increased emphasis on planning.

In terms of the process used to approve livestock applications, the AMM supports the

letter sent out to all municipalities by the Department of Intergovernmental Affairs advising municipalities on the need to twin the two processes of municipal approvals for livestock operations and the Department of Conservation approval of the manure management plan of the operation. We were pleased that these amendments to The Planning Act will prohibit construction of large livestock operations before the required provincial approvals are in place.

The AMM supports the use of provincial technical review committees to provide advice to municipalities on livestock proposals and we agree that the role of these committees should be expanded to include the evaluation of the local cumulative impact of the livestock industry. We agree that a review by a technical review committee should be a requirement on all livestock operations in excess of 400 animal units and should be available as a resource to councils for applications involving less than 400 animal units, although technical review committees should not be required if less than 400 animal units are involved. We believe the technical review committee reports will provide councils with clear, scientific information which can be used by councils to make proper and informed decisions on livestock operations. If the proposal is not feasible, the technical review committees should provide this information to councils in their reports in a clear and concise manner.

We also believe that the final decision on applications for livestock operations needs to rest with council. Although some organizations have argued that some type of mechanism should be put in place to allow for a third party review of council decisions on applications for livestock operations, we believe that locally elected municipal representatives need to have the final say in land use planning in their jurisdictions.

In conclusion, the AMM believes that the expansion of the livestock industry in Manitoba can be done in a way that is both economically and environmentally sustainable. Through effective environmental monitoring, land use planning and quality assurance, the AMM believes that the livestock industry can continue

to provide economic benefits for Manitobans while the quality of our water and soil is protected. The AMM looks forward to working in a constructive way with all stakeholders to ensure that the livestock industry continues to have a positive impact on the quality of life in Manitoba and we are pleased today to offer our support for Bill 35. Thank you.

Brad Kirbyson – Association of Manitoba Municipalities

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Re: Bill 43–The Sustainable Development Amendment and Consequential Amendments Act

I am a past-chairman of the MEC. I was pleased, also, to have its perspective on resource policy and environmental protection during my time with the Government of Manitoba.

The usefulness of the MEC—a group of volunteers—and its enthusiasm was directly related to the demands made upon it by the minister of the day. Sometimes, it was a fearless source of constructive criticism and a forum used by Manitoba scientists to find common ground on the environmental issues either presented to it or derived from their own observations. I suspect all legislative bodies need to seek formally prepared criticism of their activities.

I am concerned that the legislative action in Bill 43 will not be seen as directly connected with the several changes to the sustainable development strategies which we heard about on June 29, 2000. We will hear that the Government is taking pains to submerge criticism. To offset this, the overarching Environment Stewardship Division in Manitoba Conservation—which presumably takes over the Sustainable Development Co-ordination Unit—must gather the strength to boldly insert itself into the affairs of other relevant line departments as the COSDI recommendations are implemented. This is a pretty tough task, not even done well by other central agencies with overview mandates. In turn, if the Round Table simply simmers along despite its additional

duties, we will be worse off than we were when the MEC was active.

I appreciate that you will have scientist and scientific advice in the R/T. For assessment purposes if nothing else, the CEC will also enlist their help, but there is not yet the feeling on the part of the public that the R/T's views are sufficiently arm's length from government to be wholly objective. Useful though it may be when overall policy direction is examined, ministerial presence in its membership submerges opinion on the day-to-day events and crises in the environmental field.

I suggest a less vigorous approach to this matter would be to amend 8(1) of The Environment Act to read the Minister "may" instead of "shall," without further alteration in the Act, thereby leaving future possible changes to be guided by experience. The additions to The Sustainable Development Act could stand. We need to test the relative roles of the Round Table and Manitoba Conservation, their acceptance and effectiveness, before we throw out a mechanism which has been known to work well when set to its task by a dedicated minister.

Nick Carter – Private Citizen

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Bill 43: Sustainable Development Act amendment - Comments for the legislative hearings following second reading.

July 30, 2000

1. Bill 43 seeks to amend The Sustainable Development Act, but it also contains an attempt to amend The Environment Act. The round table was made part of The Sustainable Development Act, but the Manitoba Environmental Council is defined in The Environment Act. Can an amendment to The Sustainable Development Act amend another act?
2. Most pieces of legislation begin with a preamble setting the stage for the legislation. Bill 43 has no such preamble so its intent appears ill defined; its only apparent purpose appears to be to get rid of the Manitoba

Environmental Council and thus to effectively silence criticism from the informed environmental community.

3. The Manitoba Environmental Council (MEC) was originally put together in 1972 under the then-minister of Natural Resources and Environmental Management (MNREM), Sid Green. The MEC is a free and independent interdisciplinary body and consisted originally of approximately 100 members, half of whom were environmental experts and citizens with a dedicated interest in promoting respect for the environment. The other half of the membership was made up of representatives of Manitoba rural municipalities, professional and industrial associations, and trade unions. As formulated, the MEC was a watchdog organization, independent of the government except for the fact that it had infrastructure support from MNREM to cover the costs of an executive secretary and the publication of reports. Support was gradually withdrawn from the MEC by subsequent governmental ministers of both the NDP and the PCs, particularly during the 1980s.
4. As resources dwindled, it became difficult for rural members to attend the annual meetings. In the meantime, the MEC business was addressed more and more by the urban membership. The urban membership consisted to a large extent of scientifically qualified experts whose involvement resulted from their dedicated interest in the environmental integrity of Manitoba. This expertise was given free of charge and represented scientific excellence derived largely from the universities, consulting firms, and federal government laboratories. Often, the MEC provided access for the Minister to expertise unavailable through official channels. The MEC also was mandated to act as an advisory body to the public of Manitoba.
5. In the mid-1990s, the MEC was reformulated and drastically downsized removing its regional representative role and excluding the bulk of devoted members of the public whose dedicated service had helped the MEC carry out its job. It remained an advisory body with scientific expertise and wisdom and was advisory to the minister of Environment, but no longer had any infrastructure support. The MEC could still act independently and remained a watchdog agency; however, a number of the original membership refused to serve on the new MEC because of the way in which it had been reduced in stature. Manitoba did, however, remain consistent with other provinces in that it had an environmental council that was advisory to the provincial government.
6. The reformulated MEC also was required to interact with the Clean Environment Commission (CEC) annually. An annual joint meeting has been useful over the past few years, and MEC has been working with CEC to help bring the CEC and the way it conducts its business and hearings into compliance with The Sustainable Development Act. Members of the MEC could now also be added as required to the CEC at the discretion of the chair of the CEC for specific hearings.
7. The round table (RT) was largely the child of former Premier Gary Filmon who became an advocate of sustainable development in the late 1980s following the recommendations of the Niagara Institute and the publication of the report of the National Task Force on Environment and the Economy. While the MEC was a watchdog advisory body with scientific expertise, the RT was dominated by members of the Executive Council of the provincial government and chaired by the premier. There were several other members as mandated by The Sustainable Development Act, members who worked with dedication, but there was little scientific expertise; the RT was thus a cross-sectoral body that needed scientific guidance. It had political content and influence, but seldom asked the MEC for input.
8. The RT operates on a per diem basis and has an operational budget in contrast to the MEC which has no budget at all.
9. The RT was obliged by The Sustainable Development Act to update its strategy

document by July 1, 2000. Since it has not, the Department of Conservation is currently in breach of the Act.

Manitoba needs an independent environmental watchdog agency such as the MEC. Enabling the MEC to build bridges with the RT and CEC would strengthen the policy base badly needed by the new NDP Government in the Conservation area. On the other hand, if current trends continue, the new NDP Government of Manitoba is in danger of losing the respect of the environmental community in Manitoba, many of whom are experts who have been recognized nationally and internationally for their work in a broad range of disciplines. Eliminating the MEC is at best short sighted. Combining it with the RT would demonstrate a lack of understanding of the requirements of current legislation and the need for strong environmental leadership in Manitoba. As it stands, retention of the MEC would cost nothing; its usefulness to the Minister of Conservation could on the other hand be substantially enhanced by giving it infrastructure support.

Amendments to The Sustainable Development Act are needed. Alternatively, it could be repealed and the principles simply incorporated into government policy. There is in any case little if any benefit to be derived from Bill 43 as it stands.

Barrie Webster, Ph.D., F.C.I.C., P.Ag., C.Chem., C.A.C.

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I regret that I will miss this morning's hearing. A conflicting doctor's appointment made four months ago got priority when I met him at the Beausejour hospital this a.m. while on security detail with the RCMP and he stated: "Biopsy today, or autopsy too soon!"

After twenty-five years on the Board of Manitoba Environmental Council as a rural representative, my contribution is succinct:

Of the more than 500 dedicated individual members who have devoted over 250 000 hours to deal competently and effectively with the environmental issues referred to them by the succession of Environment ministers, 40 percent were from rural regions. They created a grass-roots, province-wide bonding fabric and focussed their multidisciplined expertise and common sense on the matters at issue. It has been a privilege and an honour to know and work with them. When I look at the cost from 1972 to 1981 of \$50,000 a year and compare it to the vast amount of productivity at a high professional standard, it is my fervent hope that the new round table will incorporate a broad enough selection and wide enough principles within the mandate to recreate and sustainably nurture that family-type network commitment for Manitoba's sake for the future.

It would be deeply appreciated if your office could arrange to get this info to the Committee this morning and express my deep regrets due to the circumstances. Thank you very much.

Richard D. Howard – Private Citizen

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